

Additional and Updated Information

Violations of the civil and political rights of minorities, including ethnic groups, migrants, and LGBTI activists; vulnerable women and children; and unlawful limitations on the right to express a critical opinion.

Anti-Discrimination Centre Memorial

With support from the International Federation for Human Rights

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Preamble

The annexation of Crimea by Russia and the ensuing military conflict in southeastern Ukraine have shaped Russia's civic and political climate over the past year. The Russian media is waging a massive military propaganda campaign, the presence of Russian military personnel fighting on the side of the self-proclaimed Donetsk and Lugansk People's Republics in eastern Ukraine is a more or less open secret, and Russian politicians are openly supporting the separatists. Xenophobia and hostility toward "Western values" are being cultivated in the public, and demonstrations of nationalism are essentially being encouraged. New laws are being adopted that enable the suppression of critical voices and independent civic organizations. Protests against Russian military aggression are being brutally suppressed, and any protests or expressions of critical opinions meet with a harsh reaction from the authorities.

The Problem: Increased repression of peaceful citizens who criticize official policy Violation of Articles 5, 10, 14, and 20

Public criticism of members of the government is increasingly leading to repression. Environmental activists, participants in peaceful demonstrations, and bloggers are being subjected to criminal prosecution and imprisonment.

The environmentalists Yevgeny Vitishko and Suren Gazaryan were convicted of "hooliganism" under Article 213 of Russia's Criminal Code and given three-year suspended prison sentences for a protest staged 13 November 2013 against illegal construction on the Black Sea coast (specifically, the walled-in ten-hectare site of the vacation residence of the governor of Krasnodar Kray, which blocked access to water resources). Subsequently, Yevgeny Vitishko's suspended sentence was changed to an actual prison term, and he was taken into custody on 3 February 2014 and transported to prison on 24 February 2014. Vitishko's colleagues attribute the environmentalist's isolation in the lead-up to the Olympic Games in Sochi to his professional activities preparing statements on environmental impact of Olympics-related construction.

Antiwar demonstrations held in March 2014 in many cities of Russia were met by attempts to disrupt them by provocateurs and ended with many of the demonstrators being taken into custody for up to 24 hours (in St. Petersburg approximately 30 people were detained; in Moscow more than 350 people were detained on 2 March alone, and the Moscow courts only very rarely acquitted them). In January 2015 amendments to the

Law on Meetings, Rallies, Demonstrations, Processions, and Pickets that were adopted during the summer of 2014 were put to use. First, violations of the rules governing the holding or organization of public events now are punished with administrative arrest up to 30 days (in accordance with changes to Articles 20.2 and 20.2.2 of the Code of Administrative Offenses). Second, now those who have been convicted under administrative law for participating in a protest more than two times in 180 days can be criminally prosecuted (Article 212.1 of the Criminal Code provides for a fine of from 600,000 to one million rubles or an amount equal to the convict's two-to-three-year salary or other income, or up to 480 hours of compulsory work, or correctional labor for from one to two years, or compulsory work up to five years). In January 2015 the activists Mark Galperin and Vladimir Ionov (a 75 year-old pensioner) were criminally charged, as over the past six months they had repeatedly faced administrative charges for taking part in peaceful protests, this time for carrying a single sign with the French words, "Je suis Charlie").¹ Galperin was charged with both administrative and criminal offenses for the very same violation, which means a violation of Article 50 of the Russian Federation Constitution.

Dmitry Shipilov, a blogger from the city of Kemerovo, has been charged under Article 319 of the Criminal Code (publicly insulting a government representative in the performance of his official duties or in connection with their performance) for two satirical publications in September 2013 on the *Novyi Kuzbass* website that criticized the local governor, Aman Tuleyev. This is the second time that Shipilov has been prosecuted: on 3 April 2012 he was convicted by the Kemerovo Municipal Court under the same article and sentenced to 11 months of community service and the withholding of 10 percent of his salary by the state. Later, the sentence was changed to a three-month term in a general regime penal colony. The court found two satirical reports on Shipilov's blog to be "insulting" to the governor, although the charge is absurd: when a blog or article is published on the Internet, there is no real communication between the "insulter" and the "insulted" government representative who is performing his duties at the time. The commentary to this article of the Criminal Code states that "a crime is considered completed at the moment the words of an insulting nature are uttered or other actions. In essence, the consequences ensuing as a result of the insult rest outside the bounds of this corpus delicti."

On 22 January 2015, the Leninsky court in Rostov-na-Donu found journalist Sergei Reznik guilty under Criminal Code Articles 306 (false denunciation) and 319 (insulting a government representative). The court found Reznik's writings on *Live Journal* to be "insulting" to several members of security agencies. The blogger was sentenced to three years in a general regime penal colony. Reznik had already served a previous sentence; this persecution was tied to the journalist's anti-corruption investigations and his criticism of the government. An attack on Reznik in 2013 by unknown assailants was never investigated.

In January 2015, Svetlana Davydova of Vyazma in Smolensk Oblast, mother of seven, the youngest of whom was under three-months old; was arrested and placed in the Lefortovo pre-trial detention center in Moscow. She was charged under Criminal Code Article 275 (treason, a charge entailing 12 to 20 years in prison) for making a phone call

¹<http://top.rbc.ru/politics/16/01/2015/54b974a59a794748a0224e6a>; <https://ovdinfo.org/express-news/2015/01/21/stali-izvestny-epizody-vmenyaemye-marku-galperinu>

in April 2014 to the Ukrainian Embassy to report that military personnel from a unit near her home were evidently being sent to the Donbass area of Ukraine. The purpose of the phone call, as Davydova explained it, was to prevent possible casualties. Prior to her arrest, Davydova's apartment was raided on 21 January 2015. A group of people in black camouflage conducted a search lasting hours and ending in the confiscation of a computer, laptop, and notebooks. In pronouncing the measures of restraint – that Davydova be arrested before 19 March 2015 – the Lefortovo District judge Yelena Galikhanova, did not take into consideration the fact that Davydova has seven small children. As a result of immense public pressure Davydova was allowed to go home but the criminal case against her was not closed, she is still at high risk of many years detention.

The Problem: Repression of independent nonprofit organizations by charging them with “serving as a foreign agent,” conducting procuratorial inspections, trials, and forced closure.

Violations of Articles 19, 21, and 22

As of early 2015, the register of nonprofits NGOs “performing the tasks of foreign agents” contained more than 30 organizations (only two of which registered voluntarily); many of them are in the process of appealing the Ministry of Justice's decision.

Some of the nonprofits placed in the register, have announced that they will disband unless they manage, through the courts, to be removed from the register (such as the Committee against Torture).

The Duma is considering several draft laws that would limit the operations of nonprofits. One of them, the so-called Law on Undesirable Organizations, was adopted at first reading in January 2015.² The law applies the term “undesirable” to foreign and international organizations whose activities threaten the defenses or security of the state, the public order, the public health, the foundations of the constitutional order, morality, and the rights and legitimate interests of other individuals. The decision to categorize an organization as undesirable will be made by the procurator in coordination with the ministries of foreign and internal affairs, the Federal Security Bureau, and other agencies of the executive branch. Collaboration with undesirable organizations would be punishable through administrative and – in the case of repeat violations – criminal penalties (huge fines and prison terms up to eight years).

In the spring of 2015 a draft law will be considered that limits Russia-based activities of private individuals and legal entities registered in “aggressor countries (countries that have put in place sanctions against Russia), whether they are Russian legal entities affiliated with foreign companies or citizens of “aggressor countries.”³ This primarily relates to auditing, legal and consulting services, but the law provides for expanding the list of banned activities.

²<http://asozd.duma.gov.ru/main.nsf/%28Spravka%29?OpenAgent&RN=662902-6>

³<http://asozd.duma.gov.ru/main.nsf/%28Spravka%29?OpenAgent&RN=667782-6>

Problem: Violations of the rights of LGBT: the adoption of discriminatory laws that essentially legalize homophobia and the persecution of members of the LGBT community and their civic organizations by the state and various homophobes.

Violations of Articles 2, 18, 19, 21, 22, 24, and 26

The “Rakurs” civic organization, which offers socio-psychological and legal assistance to LGBTs in Arkhangelsk, and its activists have been subjected to persecution. Under the pretext of “verifying the activities of a nonprofit organization,” in the spring of 2014, the Arkhangelsk Municipal Procuracy sent the Northern (Arctic) Federal University (SAFU) several demands to take disciplinary action against “inconvenient” teachers who had taken part in Rakurs activities and openly stood up for LGBT rights. That summer, Oleg Klyuenkov, a SAFU philosophy professor, was fired. His colleague, senior researcher Olga Pospelova, was issued a reprimand. The official reason for these disciplinary actions was “violations of labor law.” The director of Rakurs, SAFU professor Tatyana Vinnichenko, was also threatened with termination of her contract if she did not cease her civic activities. In early December 2014, after a scheduled inspection, the Russian Ministry of Justice added Rakurs to the register of foreign agents. The organization is now planning to disband.

Persecution against the Deti-404 mutual-assistance group for LGBT minors continues. The first administrative case launched against journalist Yelena Klimova, who organized the group through social networking, was dismissed in February 2014, however based on a denunciation submitted to Roskomnadzor (the federal agency in charge of information technology and mass communication) by I. S. Podsevatkin, the head of Media Guard (a special branch of the Young Guard of United Russia, a pro-Kremlin youth organization), a new administrative case has been initiated. On 23 January 2015 the court of first instance (judicial sector No. 2 of the Dzerzhinsky District of Nizhny Tagil) found Yelena Klimova guilty of violating Paragraph 2 of Article 6.21 of the Russian Administrative Code (“propaganda of non-traditional sexual relations among minors”) and fined 50,000 rubles.

The adoption of the law banning “homosexual propaganda among minors” has untied the hands of homophobes, who consider themselves “champions of morality” and has enabled a real witch hunt against members of the LGBT community, in particular those who work in education. In late December 2014, the director of School No. 216 in St. Petersburg received a denunciation of teacher Maxim Ivantsov demanding that he be fired for speaking out against anti-LGBT discrimination. The director suggested that Ivantsov submit his resignation, but he refused. Also in December 2014 the administration of School No. 565, a St. Petersburg school for children with disabilities, received an anonymous denunciation claiming that a female music teacher was an LGBT-activist and therefore should not be allowed near children. The director asked the teacher to resign, and when she refused he fired her “for amoral conduct.” She is filing suit in court.

The Problem: Laws discriminating against foreigners and dual citizens

Violations of Articles 2 and 26

On 4 August 2014 a new law came into effect: On Amending Articles 6 and 30 of the Federal Law on Citizenship of the Russian Federation and Individual Legislative Acts of the Russian Federation. According to this law, Russians with dual citizenship or who have been granted permanent residence in another country were required to report this fact to the Federal Migration Service within 60 days (i.e., before 4 October 2014). Going forward, anyone who acquires a second citizenship or permanent residence is required to also report it within 60 days. The same requirement applies to parents of children who, by right of birth (whether born to Russian citizens or citizens of other countries) have two or more citizenships. Failure to report entails a criminal penalty (a fine of up to 200,000 rubles or compulsory work up to 400 hours), which also applies to parents for failure to report their children's dual citizenship. At the same time, the new law prohibits those with dual citizenship or who have been granted permanent residence in another country to hold government posts in the security agencies (Ministry of Internal Affairs, the procuracy, the FSB, among others), as well as elected office. No restrictions are placed on service in the army, including the border troops, which comes under the FSB. In September 2014, the Duma adopted amendments to the Law on the Media at first reading (it goes into effect at the start of 2016). Under this law, dual citizens cannot own more than a 20 percent share in a Russian media company. Certain restrictions on foreign citizens participating in nonprofit organizations are also included in the current law on nonprofits.

In the past as well, dual citizenship or the right to permanent residence in a foreign country was also tracked by the government, for example through applications for international passports. The additional tracking of dual citizens through a special register and the criminal penalties for non-compliance with the new law are discriminatory measures toward these people analogous to the foreign agents law adopted earlier that targets nonprofit organizations. It violates the principle of equal rights regardless of whether someone has citizenship in a second country that is enshrined in the Russian constitution. Having dual citizenship in and of itself causes no harm and poses no threat, so the criminalization of this status has no basis. The law makes it possible to stigmatize those "potentially disloyal" toward Russia and at any moment could be used as the basis for repressive measures against them.

In early December 2014, FSB deputy director Yekaterina Yegorova informed members of the Duma that more than 43,000 Russians had been charged under administrative law for failing to report their dual citizenship.⁴ Late 2014 saw the first case of criminal prosecution: a resident of Leningrad Oblast who had not informed the migration service that he had permanent resident status in Estonia was detained while crossing the Russian-Estonian border. His case is being investigated under Criminal Code Article 330 (failure by a citizen of the Russian Federation to fulfill the obligation of reporting possession of a residence permit or other current document conferring the right to permanent residence in a foreign state).

As a reaction to sanctions, in late December 2014 a draft law was placed before the Duma "On Undesirable Foreigners" that amended the existing law "On Rules for Exit from the Russian Federation and Entry into the Russian Federation."⁵ The "undesirability" of a foreigner's presence in the Russian Federation carries the threat of a

4 <http://www.rosbalt.ru/main/2014/12/04/1345122.html>

5 <http://asozd.duma.gov.ru/main.nsf/%28Spravka%29?OpenAgent&RN=663671-6>

ban on his entry into the country and pre-expulsion placement into a detention center for foreign citizens and the deprivation of the right to reside permanently or temporarily in the country, for those who possessed such a right. According to the draft law, The Federal Assembly's chamber deems "undesirable" any "foreign citizen or stateless person who has committed an action threatening the national interests of the Russian Federation or impinging on the interests of a person, community, or state or national, historical, spiritual, cultural, or other social values that are generally recognized in the Russian Federation."

Clearly, the application of this law, should it be adopted, will be arbitrary and repressive in nature given the vagueness and absurdity of such grounds as "impinging on generally accepted values," especially the vague category of "other" social values.

**The Problem: Violation of the rights of foreign citizens and stateless persons placed in detention centers for foreign citizens subject to deportation (expulsion)
Violations of Articles 2, 10, 12, and 26**

Russia is using "the violation of the rights of Ukraine's Russian-speaking population" and the need to defend the "Russian" authorities to justify the annexation of Crimea and the unimpeded entry of Russian "volunteers" into the Donbas conflict zone.⁶ However, despite these declarations, Russia's Federal Migration Service has so far been extremely reluctant to grant refugee status to Ukrainian citizens. According to official figures published on the ministry's site, between 1 January and 10 September 2014, only 115 out of the 5,500 people applying for refugee status were granted it. There are also cases when even temporary asylum has not been provided: according to a statement by migration service head Konstantin Romodanovsky at a meeting of government experts and members of the Shanghai Cooperation Organization, during 2014, 225,000 of the 250,000 Ukrainian citizens applying for temporary asylum were able to obtain it.

Under current immigration rules, anyone in the Russian Federation without proper permission is subject to fines and deportation (Administrative Code Article 18.8, Paragraph 3). Even those foreign citizens and stateless persons with Russian children, wives, parents, or other family ties who commit some formal violation of immigration law (the lack of a health insurance policy, failure to leave the country at the conclusion of a 90-day period), despite humanitarian considerations and families, can be placed in a pre-expulsion Foreign Citizen Detention Center for as long as two years with no periodic judicial oversight.

In May 2014, the migration service office in Voronezh Oblast used Article 5 of the federal law "On the Legal Standing of Foreign Citizens in the RF" to begin administrative proceedings against Igor Ashcheulov, a severely-disabled Ukrainian citizen of Russian descent. On 29 May, with no regard for his physical disabilities and the fact that he had no family or home in Ukraine, Voronezh Oblast's Ertilsky District court fined Ashcheulov 2,500 rubles and ordered that he be expelled from the RF. Despite Ashcheulov's lack of physical mobility, the local migration service office demanded that he travel to the Ukrainian consulate in Moscow to legalize his status in Russia. After a

⁶ For example, the 1 March 2014 statement by Valentina Matvienko, speaker of the Federation Council, after a special session of the chamber to consider using Russia's armed forces on the territory of Ukraine.

lawyer for the Migration and Law network filed an appeal of this ruling and an application for temporary asylum, Igor was placed in a SUVSIG (Special Facility for the Temporary Detention of Foreign Citizens) and on 15 October 2014 he was deported to Lugansk Oblast in Ukraine, where a military conflict was underway. Only a media campaign managed to achieve a reversal of the deportation decision and the return of Ashcheulov to the RF.⁷

A. A. Nikanorov, a stateless person who arrived in the Russian Federation from Crimea, was held in a St. Petersburg SUVSIG for more than a year (beginning 12 September 2013) after a court ruled to deport him. On 10 January 2014, word came from the Ukrainian consulate that it could not confirm that Nikanorov was a Ukrainian citizen, but he nevertheless continued to be held another 11 months with no term or purpose, despite the impossibility of deporting him and the utter absurdity of the very idea of deporting a resident of Crimea, who by then was in any case had become a resident of the RF, like everyone else who resided in the annexed peninsula. While detained, Nikanorov's health deteriorated: he had repeated strokes that impaired his speech and memory, he developed bed sores, and his legs became paralyzed. The facility provided him none of the medical care he required. Only through the efforts of human rights activists and a lawyer, the deportation decision based on Article 18.8, Paragraph 1 of the Administrative Code was lifted on 24 November 2014.

Ukrainian Citizen A. was charged with violating immigration rules (Administrative Code Article 18.8, Paragraph 3), and on 4 May 2014 a district court fined him 7,000 rubles and ruled that he should be placed in a SUVSIG preliminary to deportation. He spent more than six months in this facility, despite being in the process of applying for temporary asylum in the RF. In December 2014, St. Petersburg's municipal court took into account the events taking place in southeastern Ukraine and voided the district court's decision, arguing further that administrative expulsion "cannot be seen as consistent with the purposes of the penalty and the principles used in determining penalties" and ruled that A. should be released from the SUVSIG.

Clearly, despite repeated statements by highly placed officials affirming special concern for Russian refugees from Ukraine and claims that simplified procedures have been put in place for them to obtain papers, most refugees have had a hard time dealing with the migration service. Meanwhile, ethnic Russian citizens of Ukraine who, for one reason or another, have not been able to legalize their immigration status in Russia, have been subjected to persecution and expulsion for violating immigration rules. Apparently the Russian courts have little concern for the outcome of such cases for people from Ukraine, even Russian speakers and those with a sense of Russian identity.

The Problem: The negative impact felt by ethnic minorities as a result of Russia's annexation of Crimea
Violations of Articles 26, 27 of the Pact

Since Russia's annexation of Crimea, members of a minority repressed in the Soviet times, Crimean Tatars, have been subjected to discrimination and frequent violations of their rights: there have been cases of abduction, illegal searches, failure to

⁷ <http://refugee.ru/news/v-rossiyu-vernuli-nezakonno-vydvorenogo-v-zonu-ato/>

provide a fair trial, violations of freedom of speech, freedom of peaceful assembly, and discrimination based on religion.

Beginning in May 2014, Crimean Tatars have been periodically subjected to illegal raids under the pretext of searches for weapons, drugs, and banned extremist literature. The most prominent and respected members of the Mejlis (the institute of self-government of Crimean Tatars) have been systematically and brutally persecuted – just as their parents were during the era of Soviet repression – for their uncompromising stand on preserving the political rights of Crimean Tatars to their Crimean ancestral land and to their houses and families, (Mustafa Dzhemilev and Refat Chubarov have been prohibited from entering the Russian Federation for five years). On 29 January 2015, Akhtem Chiigoz, the deputy chairman of the Mejlis of the Crimean Tatar People, was imprisoned. He was charged with organizing riots (Criminal Code Article 212) that supposedly broke out in Simferopol on 26 February 2014 during a demonstration against the Crimean parliament's vote to become part of Russia. Two people died and 30 were injured during a clash between adherents and opponents of annexation. Even from the standpoint of Russian law, in February 2014 Crimea was still a part of Ukraine. More than 200 people were charged under administrative law and fined amounts ranging from 5,000 to 40,000 rubles for a protest in support of Mustafa Dzhemilev along the new Russian border on 3 May 2014; five people face charges under Criminal Code Article 318 (the use of violence toward members of the government). The investigation into this criminal case has been fraught with irregularities, suggesting a political motive behind prosecution of Crimean Tatar activists. As Mustafa Dzhemilev has stated, the new authorities in Crimea and “self defense squads” made up of the same pro-Russian militants on whom the Russian military relied during the annexation of Crimea in the spring of 2014 have threatened violence against anyone active in the Crimean Tatar movement.

On 23 January 2015, Sinaver Kadyrov, a member of the Committee for the Protection of Rights of Crimean Tatars, was detained while trying to cross the Russian border into the Ukrainian mainland. Despite having a Ukrainian passport showing he resided in Crimea, he was found guilty of lacking the proper papers for being in the Russian Federation, forced to pay a fine, and expelled from Russia. Nadir Bekir, director of the international Foundation for the Research and Support of Indigenous Peoples, was prevented from leaving Crimea to attend the UN World Conference on Indigenous Peoples: on 18 September 2014 unknown assailants attacked him, took his passport, and ran off. Bekir is well known for his willingness to cooperate with the Russian authorities, making it clear that the problems even he faced are not because of the particular political positions held by ethnic Crimean Tatars, but simply the fact that they belong to that ethnic minority.

On 16 September 2014, Russian police forces surrounded the building of the Mejlis of the Crimean Tatar People in Simferopol, and many Mejlis members were detained, searched, and subjected to other forms of repression. Over the course of the following week, the building of the organization of Crimean Tatars was taken from activists, staff members were forced to resign, and property and money belonging to Crimean Tatar organizations were confiscated by the Russian authorities.

A separate problem is specific to the descendants of Crimean Tatars returning to Crimea from the places to which they were forcibly exiled during Soviet times: attaining legal status in Crimea upon return to their ancestral home. The authorities have refused to

grant them Russian citizenship and expelled them from Russia, since at the time of the “referendum” held 18 March 2014 they did not have residency permits for Crimea. Approximately 4,000 people find themselves in this situation.⁸

The city government of Simferopol prohibited the Committee for the Protection of Rights of Crimean Tatars from holding an annual event commemorating Human Rights Day, 10 December 2014. Unidentified people attempted to disrupt a press conference on the ban, attacking speakers and spattering them with a bright green liquid. On 17 January 2015 unidentified people tried to disrupt the All-Crimea Conference of the Committee for the Protection of Rights of Crimean Tatars, attacking speakers. Neither of these incidents has been investigated by the police.

Since May 2014, at least seven people have been victims of forced disappearance or simply went missing in Crimea – some Crimean Tatars, others, activists from the Ukrainian People’s Home organization.⁹

On 26 January 2015, armed security personnel raided the only Crimean Tatar television station, ATR in Simferopol. As an announcer for the television station reported, the purpose of the raid was to take the server storing video footage of a large rally near the Crimean parliament on 26 February 2014 that captured the standoff between pro-Russian supporters of the takeover of Crimea by Russia and those demonstrating in support of Ukraine (primarily Crimean Tatars).¹⁰

Despite assurances by the Russian president that Crimea would have three official languages (Russian, Ukrainian, and Crimean Tatar), made during what is known as his “Crimean speech” on 18 March 2014, immediately after the “referendum” on Crimea’s entry into Russia, the informational and public space of Crimea has been Russified. All paperwork is being done in Russian, signs in Ukrainian have disappeared, and the only Ukrainian-language newspaper, *Krimskaya svitlitsa*, has been shut down. Crimea’s Minister of Education, Science, and Youth, N. Goncharova, states that there are no first-grade classes being formed that will have instruction in Ukrainian in Crimea (she claimed this was due to a lack of demand). There are no schools in Crimea where instruction at all levels is exclusively in Ukrainian, although 20 schools still have individual classes with such instruction.¹¹ In September 2014, the School of Ukrainian Philology and Ukrainian Area Studies at Vernadsky Taurida National University was transformed – with a significant reduction in the number of teachers and students – into a department in the Faculty of Slavic Philology and Journalism. In Sevastopol, a branch of the Shevchenko Prosvita All-Ukrainian organization has been shut down.

The Problem: The situation of Roma in Russia who have been forced to leave the military conflict zone in Eastern Ukraine Violations of Articles 26 and 27 of the Pact

Those living in Romani settlements in and around Donetsk and Mariupol have left for Russia: most of them joined relatives to live in compact settlements between April and August 2014. Roma who left other towns in eastern Ukraine that have not yet seen

⁸<http://ru.krymr.com/content/article/26746523.html> (citing the Crimean Field Mission).

⁹<http://www.hrw.org/ru/news/2014/10/08/krym-nasilstvennyysheznoveniya>

¹⁰<http://ru.krymr.com/content/article/26813492.html>

¹¹<http://ria.ru/education/20141009/1027621414.html>

armed conflict (such as in Dnepropetrovsk Oblast) found themselves in the same situation.

One of the main problems faced by Roma from Ukraine is obtaining documents legalizing their presence in Russia. Obtaining any sort of government assistance is difficult even for those who have applied for refugee status or for temporary asylum, or have been to federal migration service offices and followed all the proper procedures. The situation for relocated Roma is complicated by the prejudice they face from the local population and local authorities, as well as their low educational level, making it hard for them to navigate migration rules, and a lack of special information and additional measures aimed at the semi-literate. As a result, most of the Roma from Ukraine who have been surveyed have not followed procedures for obtaining refugee or temporary asylum status that would give them the right to remain in Russia for more than 90 days. The migration service, police, and other branches of government simply treat them as migrants from a country for which visas are not required in the same situation as labor migrants from the countries of the former USSR. In order to have the right to legally reside in the Russian Federation, they are supposed to register their place of residence and have a work permit (or a work patent). Migrants lacking these documents are obligated to leave the RF within 90 days and cannot reenter for another 90 days. The immigration rules are constantly being made more restrictive: now violations of these rules by such migrants are punishable by fine and mandatory expulsion, with a ten-year ban on reentry into the RF.

Most Roma from Ukraine are trapped in a legal no-man's-land: they have not applied for refugee or temporary asylum status and therefore have no legal grounds for remaining in Russia, but they cannot return to Ukraine for 90 days before re-entering the RF because of the armed conflict – and this would be the only way for them to obtain new immigration cards. Many Roma are carrying expired 30-day immigration cards. Some means of legalization available to adults (such as applying for a work patent) are not available to children, and for most Roma, who live in extreme poverty, it is not possible to make monthly payments on a work patent.

Roma from Ukraine have encountered unhelpful attitudes from local authorities across Russia. According to those surveyed by the Anti-Discrimination Centre Memorial, Roma refugees are openly told that they will not get any help. This refusal – in Saratov and Moscow Oblasts in particular – is explained, according to the Roma, by the fact that they did not apply for refugee or temporary asylum status and therefore they do not count in the regional quota for resettlement, and that they were never officially told to travel to a particular region. Russian Federation Decree No. 691, which sets out the rules for distributing refugees across the regions of the RF, has given local authorities an excuse for inaction and essentially shifts responsibility for providing assistance on the Roma themselves, along with charitable organizations, which are few and far between.¹²

The migration service actually does have grounds for showing those from Ukraine special treatment: in late June 2014 the service published a special handbook for Ukrainian citizens.¹³ The handbook states that “the offices of the FMS [Federal Migration Service] of Russia has been instructed to freely grant extensions to Ukrainian citizens for the duration of the crisis inside Ukraine” – in other words the 90-day rule temporarily

¹²Anti-Discrimination Centre Memorial field notes.

¹³http://ru-kraina.ru/news/fms_reabilitirovala_ukraincev/2014-06-26-170

ceases to apply to them. The Roma from Ukraine with whom the rights defenders spoke knew nothing of this policy and live in constant fear of repression by the police and migration service. It appears that the regional offices of the migration service are also unaware of these instructions, or if they are aware of them, they have not been following them, or have been applying them arbitrarily. Evidence of this can be seen in instances of repression of people from the Ukrainian conflict zone for violating immigration rules. For example, three Roma from Ukraine living in Moscow Oblast were charged under Administrative Code Article 18.8, Paragraph 3 (violation of residency rules by foreign citizens on the territory of the RF). Admittedly, the municipal court in Moscow Oblast's Sergiev Posad did take into account the danger facing the life and wellbeing of immigrants should they be expelled to Ukraine and merely fined the "violators," despite the fact that the law provided for their mandatory expulsion.¹⁴

Roma from Ukraine endure severe material hardships. Their homes in Donetsk have been destroyed, and they were unable to bring many possessions with them on the train or by bus, or even by car, since they tend to have large families with many children. According to informants, Russian border guards restricted them to bring more than 30 kilograms of baggage across the border. An absolute majority of Roma from Ukraine live in extreme poverty and need assistance obtaining food and daily necessities, clothing, and fuel. Most of those surveyed live in very crowded conditions and sometimes in structures not intended for human habitation. Those Roma who have purchased pieces of land and built houses were forced to borrow money, as were those who built structures without buying land on the edges of existing Romani settlements or on patches of bare land outside such settlements. To the difficulties facing immigrants in general are added extremely poor living conditions in tightly packed settlements: an absolute majority of homes are not in compliance with any safety regulations, lack water and sewer services, gas, and legal and safe access to electricity. Without government and charitable assistance, the Roma from Ukraine have only themselves and their relatives to rely on, and their options are limited.

All Roma mothers surveyed said that it was either utterly impossible to receive government child support payments with the cards used for that purpose and Ukrainian savings bank cards, or they were only able to get a small amount of the usual sum (probably because of fees or other reasons). Expired Ukrainian bank cards cannot be renewed in Russia.

The Problem: Discrimination against Roma and the lack of a real strategy for overcoming discrimination and the adequate implementation of palliative measures and programs adopted by the government
Violations of Articles 24, 26, and 27

September 2014 saw the abolition of the Ministry of Regional Development, which had been charged with developing and implementing a Comprehensive Plan for the Socioeconomic and Ethnocultural Development of Roma in the Russian Federation in 2013-2014. The plan was positioned as a pilot program that would be improved as needed and continued over the long-term. Although human rights activists and experts voiced legitimate criticism of it, its very existence was seen as positive: this was the first

¹⁴<http://adcmemorial.org/www/9976.html/>

government program aimed at improving the difficult situation of the Romani minority in the RF. The problems faced by Roma in the RF could be described as “structural discrimination” that reaches into every facet of civic life (education, health care, access to resources, housing, jobs, etc.). The functions of the Ministry of Regional Development have been divided up among three ministries (construction, economic development, and culture). This basically takes tackling the interconnected problems faced by Roma off the agenda for government agencies, or at least the goal of “protecting the rights of national minorities and indigenous peoples of limited number in the Russian Federation,” which was the purview of the Ministry of Regional Development’s Department of State Policy in the Sphere of Interethnic Relations.

Vulnerable and largely uneducated, Roma often fail to stand up for their rights, fearing the hostility of local authorities. After the Anti-Discrimination Centre Memorial published its alternative report to the UN Committee on the Rights of the Child, which described, among other things, the segregation of Romani children at the Oselkovskaya School (Vsevolozhsk District of Leningrad Oblast), Romani parents were summoned by local officials and warned to stay away from human rights activists. A complaint – which the poorly educated parents would not have been able to read, no less write – was filed with Russia’s procurator general on behalf of Romani parents. The complaint expressed complete agreement with the discriminatory practices applied in educating Romani children. Members of a vulnerable group were thus turned into hostages of the situation, and the rights of children continue to be violated without the appropriate reaction by responsible parties.¹⁵

The Problem: Obstacles put in the way of human rights activists defending the rights of indigenous and limited-number peoples in Siberia, and the North and Far east by the state

Violations of Articles 21, 22, and 27 of the Pact

In June 2013, during the general campaign to identify nonprofit organizations acting as “foreign agents,” a number of Saami civic associations in Murmansk were subjected to procuratorial inspections (Saami are a small, indigenous northern Finno-Ugric people). The organizations had been receiving grants both from Russian and foreign (Norwegian, Swedish, Finnish) foundations to support their historical way of life, preserve their culture and language, provide social and charitable assistance, fund events, and maintain their buildings and vehicles. Although the Saami organizations were not classified as “foreign agents,” the procuracy saw the “prerequisites for including the Saami organizations in the list of foreign agents,” since, according to procuracy staff, the organizations’ charters provided for certain “political goals.”¹⁶

The Russian authorities took steps to prevent delegates from organizations of indigenous and limited-number peoples of Siberia, the North, and the Far East of the Russian Federation from participating in the World Conference on Indigenous Peoples held in New York 22-23 September 2014. On 18 September at Moscow’s Sheremetyevo Airport, border guards intentionally damaged the passport of Rodion Sulyandziga, the director of the Center for the Support of the Indigenous Peoples of the North, and did not

¹⁵<http://adcmemorial.org/www/9254.html/#more-9254>

¹⁶<http://lenta.ru/news/2013/06/07/saam>

allow him to leave the RF, claiming that his document was not valid for international travel. They furthermore accused Sulyandziga of damaging his own passport and charged him with an administrative offense.

Efforts were also made to prevent Valentina Sovkina, a delegate from the Kola Peninsula's Saami parliament, from leaving for the conference. On 20 September 2014 unidentified people slashed the tires of her car, after which the police stopped it several times during her drive to the airport and searched it under the pretext that it could have been stolen. Next, with the connivance of the police, an unidentified person stole Sovkina's purse containing her travel documents and plane tickets. She did manage to depart for New York one day late.

Conflict between indigenous peoples and the authorities, which condone the destruction of their traditional lands, is nothing new. For example, in late 2012 the Ministry of Justice halted activities of the RAIPON Association of Indigenous, Limited-Number Peoples, then headed by Sulyandziga, under the pretext that the organization's statute was not in compliance with the law. The organization resumed its work six months later, but with an entirely new leadership.