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**Alternative Report  
on the Russian Federation's Implementation of the  
International Covenant on Economic, Social and Cultural Rights  
in Connection with the Consideration of the Sixth Periodic State Report  
(2016)  
by the UN Committee on Economic, Social and Cultural Rights**

For the 62<sup>nd</sup> session of the CESCR,  
September 19 – October 6, 2017

**The Russian Federation:**  
**Violation of the Economic and Social Rights of Vulnerable Groups**  
violation of the socioeconomic and cultural rights of indigenous peoples;  
structural discrimination against Roma people;  
discrimination against and violation of the socioeconomic and cultural rights of ethnic  
minorities in territories controlled by the RF;  
discrimination against stateless persons;  
employment discrimination against vulnerable groups;  
the situation of migrant workers;  
the situation of disabled people in closed institutions

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## PREAMBLE

Russia is a sprawling country with a population of 146.5 million people spread unevenly across its territory (in the European part (21 percent of the country's total territory) population density is 27 people/m<sup>2</sup>, while in the Asian part (79 percent of the total territory), this figure stands at 3 people/m<sup>2</sup>). The climatic conditions in many regions are unfavorable, and the economic situation of Russians in general is quite difficult: almost five million people receive a salary that is below the set minimum wage (RUR 7,500, or USD 125),<sup>1</sup> while the living wage amounts to RUR 9,889 (about USD 165). The poverty level has grown in recent years, including among the working population. This is connected with the global economic crisis, the sanctions imposed on the RF in connection with the annexation of Crimea in 2014 and the military conflict between Russia and Ukraine, and the counter sanctions imposed by the RF on other countries, which have all resulted in sharp rise in inflation and a general worsening in the country's economic situation.

Russia is a recipient country of a huge flow of labor migration: by various estimates, there are from five to 10 million foreign workers in Russia. These are mainly migrants from former Soviet countries in Central Asia (Uzbekistan, Tajikistan, Kyrgyzstan), Europe (Belarus, Moldova, Ukraine, and, in the region of the Caucasus - Armenia and Georgia). Migrant workers are a vulnerable group from the standpoint of economic and social well-being: their incomes are even lower than those of permanent poor residents of Russia, since they send the main part of their earnings home.

Other vulnerable groups in terms of economic and social rights are ethnic minorities like Roma and indigenous peoples living in the harsh climatic conditions of the North, Siberia, and the Far East, who regularly come up against the predatory policies of mining and oil and gas companies, which have been able to reach the most remote areas of Russia thanks to developments in technology. RF law, which guarantees the rights of indigenous peoples, is not being implemented. According to media reports, the November 2016 report of the Human Rights Council under the RF President stated that 50 indigenous minorities and their languages and cultures are in danger of disappearing.<sup>2</sup>

The strategy of the Russian Federation's national policy for the period up until 2025 and its practical expression – the Federal Targeted Program “Strengthening Russian National Unity and the Ethnocultural Development of the Peoples of Russia (2014–2020)” has the goal of forming a so-called “civic nation”: a shift in the self-identification of Russian residents from ethnic to civic (“Russian citizenship”). Much of the financing from the Federal Targeted Program is directed towards achieving this goal. Much less money has been allocated to supporting the culture of ethnic minorities, and the Program devotes no attention whatsoever to resolving systemic problems like structural discrimination against Roma people. There is reason to fear that government efforts to create a “united nation” will end in the infringement of the rights of ethnic minorities.

Vulnerable groups face employment discrimination in Russia: women are banned from working in over 450 specializations; there is evidence that people have been persecuted and fired on the basis of sexual orientation and gender identity; and discrimination against migrant workers is a tremendous problem.

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<sup>1</sup> Speech by Deputy Prime Minister Olga Golodets at the Gaidar Forum in January 2017.

<sup>2</sup> [http://www.ng.ru/politics/2016-11-29/1\\_6871\\_etnos.html](http://www.ng.ru/politics/2016-11-29/1_6871_etnos.html)

## VIOLATION OF THE ECONOMIC AND SOCIAL RIGHTS OF INDIGENOUS PEOPLES

**The Committee's questions 3-5 regarding the right freely dispose of natural wealth and resources (Article 1.2 of the Covenant); question 35 regarding observance of the cultural rights of indigenous peoples (Article 15 of the Covenant)**

Mining and oil and gas companies have caused irreparable harm to territories where indigenous peoples have traditionally lived and used natural resources. Any protests from residents of territories where the work of oil, gas, and coal companies has caused a real environmental catastrophe and made it impossible to practice ceremonial rituals and traditional activities of indigenous peoples (hunting, fishing, reindeer herding, gathering wild plants) devolve into the persecution of activists and even criminal cases.

Known consequences of conflicts between local residents and drilling and extraction companies, where representatives of indigenous peoples are in an admittedly vulnerable situation, include the persecution of Khanty man Sergey Kechimov resulting from a conflict between the community and Surgutneftegaz (Khanty-Mansi Autonomous Okrug, 2015);<sup>3</sup> and what experts believe to be a fabricated criminal case against Evenki community leader Sergey Nikiforov (Amur Oblast, 2015) connected with protests against gold mining companies. Nikiforov was ultimately sentenced to prison.<sup>4</sup>

The local police applied constant pressure to residents of Kondopoga District in the Republic of Karelia who were protecting the Suna Forest from being cut down and living a tent camp in the forest for 9 months to prevent equipment of Saturn Nordstroy LLC, which intended to develop a sand borrow pit in its place, from entering the forest.<sup>5</sup> The office of the Karelian environmental organization SPOK, which supports local residents in their protest and has documented the violation of their rights, was searched by the FSB in September 2016.<sup>6</sup>

Many defenders of indigenous rights have been forced to leave Russia and seek political asylum in other countries.

The foreign agent law, which entered into force in November 2012, has had an extremely negative effect on the activities of social organizations defending the rights of indigenous peoples. This law has made it more difficult for NGOs to operate, harmed their reputation, and caused a schism within the community. There have even been instances when independent human rights defenders from the indigenous community have faced persecution.

In October 2016, the Center for Support of Indigenous Peoples filed a complaint with the European Court regarding violation of the rights to freedom of association and freedom of expression (the Center was found to be a "foreign agent" in 2015, which greatly impeded its work). On 16 December 2016, members of an informal association of experts from indigenous minorities of the North, Siberia, and the Far East known as Aborigine Forum reported that the Center's director Rodion Sulyandzig had been detained and interrogated and that his apartment had been searched, which was why he

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<sup>3</sup> <http://www.svoboda.org/a/27199956.html>, <http://www.csipn.ru/korennye-narody-i-promyshlennye-kompanii/2843-advokat-yugorskogo-shamana-predlagaet-zakryt-delo>

<sup>4</sup> <http://nazaccent.ru/content/18705-evenkijskomu-lideru-v-blagoveshenske-sokratili-sorok.html>

<sup>5</sup> The early termination of Saturn Nordstroy's license (March 2017, [http://www.gov.karelia.ru/gov/News/2017/03/0320\\_21.html](http://www.gov.karelia.ru/gov/News/2017/03/0320_21.html)) and the end of work at the Yuzhno-Sunskoye field are two of the few known cases where local residents and human rights defenders were victorious in their battle for traditional habitats.

<sup>6</sup> [http://activatica.org/problems/view/id/599/title/vyrubka-pod-karer-sunskogo-bora-v-karelii/version/last\\_approved](http://activatica.org/problems/view/id/599/title/vyrubka-pod-karer-sunskogo-bora-v-karelii/version/last_approved)

was he had not been able to open an educational seminar of the forum.<sup>7</sup> This was not the first time R. Sulyandzig has faced persecution: two years ago, he was not allowed to leave for an international UN conference when border guards spoiled his passport, and he was prosecuted for this.

Amendments to this law proposed by the RF government have failed to eliminate legal deficiencies and have created new risks for ensuring the rights of indigenous peoples. Experts and representatives of indigenous peoples have repeatedly expressed alarm regarding the recent bill “On Amendments to the Federal Law ‘On Territories of Traditional Land Use by Small Indigenous Groups of the North, Siberia, and the Far East of the Russian Federation.’”<sup>8</sup> For example, the Opinion of the Standing Committee of the State Assembly (Il Tumen) of Sakha Republic (Yakutia) recommends rejecting this bill for the following reasons: it is not in line with the provisions of international documents on indigenous rights and the RF Constitution; various provisions of this bill are primarily aimed at protecting the interests of business entities instead of the interests of the population residing in these areas; the participation of representatives of indigenous peoples in the creation and operation of territories of traditional land use has been reduced to a minimum; the distribution of powers between regional and federal authorities during the creation of the territories of traditional land use listed in the bill is not in line with the interests of indigenous peoples; the bill does not regulate the status of existing territories of traditional land use; and the territories of traditional land use are not classified as “specially protected territories,” which lowers the level of protection for the traditional environment in which indigenous peoples live.<sup>9</sup>

#### **Case study: Violations of the rights of Shor and Teleut indigenous peoples living in Kemerovo Oblast; demolition of the Shor settlement Kazas.**<sup>10</sup>

Kazas Settlement in the Myski City District is part of the territories where indigenous peoples of the North, Siberia, and the Far East of the Russian Federation traditionally reside and trade.<sup>11</sup> Earlier, Kazas was a part of Chuvashka National Village Municipality, which was liquidated in December, 2004, according to the decision of the Council of People’s Deputies of Kemerovo Oblast to transfer 167 000 hectares of historically Shor land to the administrative jurisdiction of Novokuznetsk District (this decision contradicts the Article 131.2 of the RF Constitution). The Kazas settlement was basically destroyed in 2013–2014: the coal company Ushuaia, which was operating an open pit coal mine and causing irreparable harm to the environment of this territory, forced residents to sell their plots. Residents report that they faced pressure from coal mine employees, who threatened to set fire to their homes and destroy them with bulldozers.<sup>12</sup>

These threats were realized: from November 2013 to March 2014, the homes of people who did not agree to the sale were set on fire by unknown persons. Criminal cases into the arsons were opened, but the guilty parties were not found, even though the only way to enter the territory

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<sup>7</sup> <http://www.svoboda.org/a/28170017.html>

<sup>8</sup> Published 31 May 2017, <http://regulation.gov.ru/projects#npa=66793>

<sup>9</sup> Opinion of the Standing Committee of the State Assembly (Il Tumen) of the Sakha Republic (Yakutia) on Matters of Small Indigenous Groups of the North and Arctic Affairs regarding the draft of the federal law “On Amendments to the Federal Law ‘On Territories of Traditional Land Use by Small Indigenous Groups of the North, Siberia, and the Far East of the Russian Federation,’” as well as individual legal acts of the Russian Federation, 14 June 2017, <http://yakutiakmns.org/archives/7207>

<sup>10</sup> This part of the Report is prepared in cooperation with activists of Myski Town NGO “Revival of Kazas and Shor People”.

<sup>11</sup> This list was approved by RF Government Order No. 631-r of 8 May 2009.

<sup>12</sup> City residents reported threats from Yuzhnaya CEO I.S. Khalimov in a statement to the public prosecutor’s office recorded on 24 April 2014. Witnesses describe the threats in the documentary film *Tsena* [Price] (2014) <https://www.youtube.com/watch?v=y3WxcXB4c1w>

was through a checkpoint equipped with video cameras, which would have undoubtedly recorded the passage of the arsonists. Residents cannot freely pass through this checkpoint to enter the territory of the village, and free access to the cemetery where their ancestors are buried is closed. The sacred mountain Karagay Lyash was damaged by demolition work. There were even cases when Shor activists were forced to resign from their jobs.

In official responses to letters from Kazas residents, the public prosecutor's office of Kemerovo Oblast reported that public hearings on relocating residents under an agreement with the coal company were conducted with violations and that the decision to demolish the village was not made following the procedures established by law.<sup>13</sup> The relocation of 28 homes from the coal mining zone was a condition for Yuzhnaya to receive a license for coal mining. Moreover, the relocation was to have been completely voluntary under the agreed conditions and following the program approved with the participation of the Kemerovo Oblast Administration, but none of this was ever done. Meanwhile, Yuzhnaya continues to mine coal under a license obtained without meeting the abovementioned obligations.

Members of the Council of People's Deputies of Myski City District discussed moving Kazas Settlement to a more convenient location, but the plot offered for relocation (Turala District) was not suitable for living: it was a swamp and wetland area.

In light of their circumstances, some indigenous Shors from Kazas did not own homes and lived with relatives who owned homes and property and led a traditional way of life (went hunting and fishing, collected wild plants and mushrooms, maintained vegetable gardens). According to the Myski City social organization Rebirth of Kazas and the Shor People, nine of its former residents who did not have property there were left without housing and have been forced to live the life of a drifter.

The coal company Yuzhnaya (which is part of the holding company Sibuglemet) destroyed the territory around Kazas where residents traditionally took advantage of natural resources, thus depriving residents of the chance to eat traditional foods (game, fish, wild crops, fruits and vegetables cultivated in home gardens). According to scientists, changes in dietary intake and environment pollution violate not just the right to health and the right to adequate food, but also the cultural rights of indigenous peoples: "Indigenous peoples are viewing food more and more as a symbol of ethnic background, an element that helps emphasize the connection with the cultural traditions of their people. It is the tremendously important role of traditional food that has helped retain many of its features over decades and centuries even after conditions for existence of the ethnic group have changed."<sup>14</sup>

One of the violations of the cultural rights of Shor people that should be noted in particular is the defilement of places sacred to them: in 2013–2015 explosions near Kazas razed Karagay Lyash, a mountain sacred to the Shor people. Prior to this, 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 Shors. Even though this caused great

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<sup>13</sup> This information was received from activists in Shor social organizations.

<sup>14</sup> Bogoslovskaya, L.S., doctor of Biological Sciences, former head of the Center for the Traditional Culture of Natural Resources Use at the D.S. Likhachev Research Institute for Cultural and National Heritage. *Traditsii pitaniia kak sposob adaptatsii k okruzhaiushchei srede* [Nutrition traditions as a means of adapting to the environment]. // *Korennye narody rossiiskogo Severa v usloviakh klimaticheskikh izmenenii i vozdeistvie promyshlennogo osvoeniia* [Indigenous peoples of the Russian North Facing Climate Change and the Impact of Commercial Exploitation]. Seriya: Biblioteka korennykh narodov Severa. Vyp. No. 16. Moscow, 2015, pp. 41–47.

public outcry,<sup>15</sup> the protests of both the Shor and Russian populations were ignored: the Orthodox cross continues to stand on the sacred mountain where the Shors have performed rituals since the dawn of time. In 1970, the sacred mountain Ene-tag and an ancient cemetery in the settlement of Kurya were blown up (this settlement was part of Myski and does not currently exist). Today an enormous open pit coal mine stands in its place.

There are no schools where Shor children can study in their native language or at least study their native language as a separate subject (for example, the school in the Shor settlement of Chuvaska in Myski was closed). In 2010, the Shor Language Department in the Faculty of Russian Language and Literature at Kuzbass State Pedagogical Academy, which had prepared teachers of the Shor language since 1989, was shuttered.

The Shor are not the only people disturbed by the activities of the open pit coal mines near Myski and the disdain exhibited for the interests of the population: the environmental consequences of open pit coal mining are devastating for the entire population of this territory and include the poisoning of the air and river water by explosions, the destruction of the forest, where residents can no longer collect mushrooms and berries, and the ruining of roads by trucks. Thirty homes in a dacha community near the haul road of the Kiyzassky open pit coal mine recently set on fire, which was reminiscent of the destruction of homes in Kazas.<sup>16</sup> The Shor settlements of Borodino, Toza, and Tetenzы are also in the risk zone.

Traditional habitats of the Teleut—another indigenous people of Kemerovo Oblast with a population of almost 2,500—also face environmental catastrophe (for example, the village of Razyezd 14<sup>th</sup> km, Belovsky District, Kemerovo Oblast suffers from the activities of the Bachatsky open-pit coal mine).<sup>17</sup>

#### Recommendations:

***The Russian Federation must implement its obligations to protect the rights of indigenous peoples, preserve the traditional environment and the ability to use natural resources, ensure socioeconomic rights, the right to participate in political life, the ability to study one's native language and culture, and the right of children to receive an education. In accordance with General Comment No. 24 of the Committee on the obligation of state parties to implement the Covenant's provisions in the context of business activities, effective legislative measures should be adopted and corporations and companies that have violated the rights of indigenous peoples should be held responsible. In the specific case of the violation of the rights of the Shor population of Kemerovo Oblast (Kazas Settlement) people in need of housing should be provided with it, a fair investigation into instances of arson should be ensured, victims of material and emotional damages should be compensated, residents should be ensured free entry to the territory where the land plots that they still own and the cemetery where their relatives are buried are located; the licenses for coal mining should be revoked from the companies Yuzhnaya and Razrez Kiyzassky until the conflict would be resolved.***

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<sup>15</sup> Tatyana Tudegesheva, Shor poet, member of the Russian Writers Union “Krest na svyashchennoy shorskoy gore” [“Cross on the Sacred Shorian Mount”], *Kuznetskiy rabochiy* newspaper, 9 August 2003: <http://www.kuzrab.ru/publics/index.php?ID=1742>

<sup>16</sup> <https://www.youtube.com/watch?v=dYdKAAtAQY>

<sup>17</sup> Report of activists, July 2017.

***In accordance with General Comment No. 24 of the Committee, the persecution of activists protecting territories where natural resources are traditionally used by indigenous peoples must be stopped. The “foreign agent” law must be rescinded and independent organizations protecting indigenous rights must be allowed to conduct meaningful work.***

## **STRUCTURAL DISCRIMINATION AGAINST ROMA PEOPLE**

### **Committee question 11 regarding RF plans to overcome discrimination and socioeconomic discrimination against Roma people (violation of Article 2.2 of the Covenant)**

Russia still lacks a well-articulated state policy on overcoming structural discrimination against the Roma population. The pilot plan “Comprehensive Action Plan for the Socioeconomic and Ethnocultural Development of Roma in the Russian Federation for 2013–2014,” which was cause for fair criticism, has not been continued.

The failure to resolve the problem of the Roma population’s extreme poverty paired with open xenophobia and racism exhibited by government authorities has led to attempts to remove Roma children from their families and place them in orphanages. Documents confirm that in December 2016, Alexander Tygin, head of the administration of Zelenodolsk (Tatarstan) instructed the child welfare department to remove Roma children from families that owed money on their electric bills.<sup>18</sup> Such attempts were made in relation to Roma families beginning in early 2016 and took place against the backdrop of police persecution of Roma women: these women were subjected to groundless arrests and document checks, in the course of which police officers copied the personal information of their children out of their passports. ADC Memorial knows of approximately 15 lawsuits regarding deprivation of the parental rights of Roma parents in the dense settlements of Aysha and Nizhniye Vyazovye. For example, teachers at a local school in Aysha complained that V., a mother of students at the school, sent her children to school unprepared for classes and looking disheveled. Then, after checks initiated by the administration, the parents were accused of failing to observe fire safety rules and sanitary norms. Later, during their trials, the Roma were accused of failing to make utility payments. Attempts to deprive them of their parental rights were made on this ground.

The claimants lost all these cases because they failed to prove these circumstances: the court indicated that utilities arrears and circumstances such as “the absence of a protective iron screen around the stove” could not serve as grounds for the deprivation of parental rights. Representatives of the child welfare agency attempted to appeal these decisions with higher courts, but their appeals were not granted.

### **Committee question 26 regarding the demolition of houses in dense Roma settlements, the eviction of residents, and deprivation of access to resources.**

In recent years, the RF has adopted individual laws establishing a special, streamlined procedure for confiscating land to realize large-scale projects like the Olympic Games in Sochi, the construction of the so-called New Moscow, and so forth. Now, similar amendments have been made to the Land Code, so they apply to all participants in land relations. A new amendment appeared in the RF Land Code on 1 April 2015 stating that federal, regional, and local authorities could adopt a decision to confiscate land not just as their own initiative (which

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<sup>18</sup> Broadsheet newspaper *Vecherniaia Kazan* of 12 January 2017, article by N. Vasileva “V Tatarstane iz semei dolznikov za ‘kommunalku’ izymaiut detei’ [In Tatarstan, children are removed from families for utility debts]. <http://www.evening-kazan.ru/articles/v-tatarstane-iz-semey-dolznikov-za-kommunalku-izymayut-detey.html>

was the case before the amendment), but also at the petition of natural monopolies, subsoil users, and other organizations. Experts believe that this innovation might lead to a shift in the balance of interests from citizens to large companies, which would become the owners of land plots, and impinge on the interests of titleholders.<sup>19</sup>

In 2017, the Federal Guards Service<sup>20</sup> and the Federal Security Service<sup>21</sup> were given the right to confiscate land and the property on it for state needs in accordance with presidential orders. In these conditions, even houses that have been fully legalized are frequently demolished under the pretense of building sports facilities or roads, or for similar “state needs.” In some cases, victims may receive compensation<sup>22</sup> when violations by construction companies are investigated and criminal cases are opened, but in the case of demolitions in Roma settlements, the newly-homeless residents do not have the opportunity to defend their rights.

Most of the Roma population in the RF lives in dense settlements, which sprung up across the country in 1956, when a special law banning the nomadic way of life was adopted. In the years since, existing dense Roma settlements have burgeoned, and new ones have appeared. However, the absolute majority of dwellings do not meet basic household standards, and the houses and land on which these houses are located are not properly registered under current law. Residents of dense settlements have found themselves in a situation of structural discrimination, when one problem leads to another: it is not possible to bring water, electricity, and gas lines into an unregistered house, it is difficult for residents of such a house to apply for registration at place of residence and personal documents, it is not possible to receive mail, there is no access to social payments and medical assistance without a registration at place of residence, and children have trouble enrolling at school, which, in turn, leads to low levels of education, unemployment, and even greater poverty.

Rather than finding a comprehensive solution to this historical problem, the Russian government has taken repressive measures against residents of dense Roma settlements, who are not able to lay water, gas, and electricity lines into their unregistered houses or pay for utilities. Providers shut off gas, water, and electricity supplies into the settlements, frequently during the cold times of the year, which results in fires, since residents start heating their homes with fire-prone stoves. In November 2016, residents of the dense settlement of Maksim Gorky (outskirts of Volgograd) were cut off from utilities – 60 houses were cut off from water supply, and over 30 were cut off from electricity. This problem is also pertinent for the settlement of Zarechye (Lipetsk), where conflicts between Roma and utility companies have been ongoing for years, and gas lines were most recently turned off in March 2016.

Also in March 2016, the gas supply was shut off to the settlement of Plekhanovo in Tula Oblast and protests by residents were suppressed by police special forces. After this, 121 homes found by a court to be illegally built under a lawsuit filed by the administrations of Lenin District and Tula Oblast were demolished. Five to eight people lived in each demolished home, including children; this was their only housing.

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<sup>19</sup> “Iziatie zemel: novyi poryadok – novye problem?” [Land confiscation: do new procedures mean new problems?] 28 April 2015. <http://www.garant.ru/article/621824/#ixzz4o1jOgu1p>

<sup>20</sup> Provision on the RF Federal Guards Service, amendments of 29 March 2017, <http://ivo.garant.ru/#/document/187291/>

<sup>21</sup> Provision on the RF Federal Security Service, additions of 16 May 2017, <http://base.garant.ru/12132066/#ixzz4o1fbp7az>

<sup>22</sup> For example, a criminal case was opened when a private home in Krasnoyarsk (together with the residents’ property inside) was demolished, and material damages were awarded (May 2017). <https://www.kommersant.ru/doc/3351472>

*“When they cut off the gas in the tabor in March, everyone started to panic. Women came out on the streets. People from the administration came and started talking about demolition. We asked them to help us register our houses, but they refused and said would allow the land to be registered only after they took down the homes. I was personally rejected three times. The first conflicts with the administration started in March, and by summer, by June, they started demolition. They tore down my house on Sverdlov Street on July 6. The demolition continued until August. They tore down over 120 homes during that time. It was a nightmare. Adults and children were left without a roof over their heads.”<sup>23</sup>*

According to local residents, the police officers and OMON troops, who provided armed support during the demolition, acted extremely harshly and applied force against the local population. Several video reports published in the media serve to confirm their words.

*“They came early in the morning, when everyone was still sleeping, and gave residents one hour to pack. Then they threw everyone out of the house, cordoned the house off with a living wall, started up their equipment, and began the demolition. The atmosphere in the tabor was terrible on those days. The women were screaming, the children were crying. They wouldn’t even allow us to go back to the demolished houses, to take whatever was still intact. They loaded everything into dump trucks and drove away. They didn’t allow us to take anything—not planks, not bricks, nothing. They hauled it all away.”<sup>24</sup>*

The families whose homes were demolished were not given any compensation or suitable temporary housing. They all had to move in with neighbors and relatives. People who couldn’t find a place in a home just built sheds from whatever materials they could find on the spots where their old homes stood. Some people still live in these sheds.

*“Fifteen people lived in our house for several months after the demolition, because they had nowhere to go. There wasn’t enough space for everyone, so some people lived right on the street and slept by a fire. Anyone who could went to relatives in other cities. At that time, they said on television that everyone whose home had been demolished had been placed in temporary housing, that our children were being given food and water. Journalists from the main national TV stations came here, filmed the houses that were still standing, and then said on television that we were all fine. But they didn’t show the crowd of hungry, homeless children who had nowhere to go from the rain.”<sup>25</sup>*

As the cold set in, people felt the absence of gas heating more strongly. Every shed built by the Roma on the spots of their demolished homes has makeshift heating stoves, but it is very hard to keep the sheds warm because of the thin walls and uninsulated cracks.

These makeshift stoves have caused several of these sheds to burn down. There was not enough material to build proper stoves, so the chimneys on some of them led out of windows instead of the roof. This meant that sparks flew right into the structures, which then caught fire. Five of these structures have burned down since October 2016, when the cold season started.

The local school also lost its gas supply at this time. According to teachers, the local administration did not consider their request to provide separate gas heating for the school building and bought several electric steam boilers instead. The substation that feeds that settlement cannot withstand the high electricity usage of these boilers, so failures happen

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<sup>23</sup> Interview with Z., a resident of Plekhanovo, 30 January 2017.

<sup>24</sup> Interview with A., a resident of Plekhanovo, 30 January 2017.

<sup>25</sup> Interview with P., a resident of Plekhanovo. 30 January 2017.

several times a day and the entire settlement loses electricity. Thus, the installation of these boilers failed to solve the heating problem and affected the supply of electricity to the school and the entire settlement.

The demolition of homes in Plekhanovo took place under the supervision of the police special forces, who were prepared to suppress the protests at any minute. This demolition was taken by residents not just as the destruction of their only homes, but also as an act of intimidation – just as these actions were understood by residents of other dense settlements throughout the country, since the conflict in Plekhanovo was widely reported on in the media.

In July-August, 2017, 5 homes were demolished in Aysha Roma settlement (Zelenodolsk District, Tatarstan), also under the supervision of the special police troops. Before, the inhabitants of Aysha and neighboring Nizhniye Vyazovye settlements were targeted by the local administration who has organized a persistent campaign of harassment against the Roma population. The city court received a claim from the local executive committee, which stated that 17 of the 20 Roma homes violated city planning laws and that the government wanted to evict the residents and demolish the buildings. One reason the administration decided on demolition was the *“regular signs of outrage from Aysha residents, who are angry that the Roma people are violating not just the laws of Russia, but also of good neighborly relations.”*<sup>26</sup>

The Roma asked if they could buy the land next to Aysha, but their request was denied; they connect this with discrimination:

*“First, they tried to take our children away from us because we supposedly weren’t able to create conditions for their lives and development, and now they want to take away our homes. Where’s the protection of the rights of the child that the child welfare department cited when they tried to deprive us of our parental rights? And why isn’t this agency now protecting their rights when they will soon end up on the street?”*<sup>27</sup>

A similar problem exists at the Nizhniye Vyazovye settlement on the other side of the Volga River. In late summer 2016, representatives of the local and district administrations came to the tabor and informed the local population that they would file a claim with the court regarding four homes if the residents did not agree to dismantle these homes themselves. The Roma complied. However, in the fall, the village mayor Foat Shamsiev pronounced an ultimatum: tabor residents had until August 2017 to register their unregistered homes or the administration would file a lawsuit to have the houses demolished and their residents evicted from the tabor.

Residents of Nizhniye Vyazovye also made several attempts to obtain permission to build houses and asked for land to be allocated to them for this purpose, but the district administration never even tried to meet them halfway. Tabor residents believe that it is very possible that the administration will adopt a decision on demolition in the future.

The risk of demolition and eviction is a reality for thousands of Roma throughout the country, since the problem of legalizing already existing homes has not been resolved system wide. In October 2012, five Roma homes in the Topki settlement of Kemerovo Oblast were demolished, which meant that 35 people, including young children, were left without housing right before the onset of the Siberian winter. Another 18 homes in this settlement were under the threat of demolition. In September 2014, 22 houses were demolished in the microrayon of Chapayevsky (Perm); OMON officers arrived at the tabor after midnight, woke the residents up, and threw them out of their homes and onto the street. The demolition continued until lunchtime the following day. Tatyana Margolina, the human rights ombudsman for Perm Krai, attempted to

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<sup>26</sup> From the website idelreal.org of 20 February 2017, article by V. Meshcheriakov “Za tsygan otvetil.” Available here: <http://www.idelreal.org/a/28320141.html>

<sup>27</sup> Interview with V., a resident of the Aysha settlement.

dispute the legality of the administration's actions at the prosecutor's office, but she was not successful. The demolition of a Roma homes in Perm was reported again in 2016. This process may be continued in 2017.<sup>28</sup>

Threats to demolish Roma homes were made by members of the local administrations in Ryazan (village of Dyagilevo, 2012), Volgograd (village of Verkhnyaya Elshanka, 2012), Obninsk (Kaluga Oblast, 2014), Ekaterinburg (2014), and Irkutsk (2015). In October 2016, lawsuits to find Roma homes illegal were filed against residents of the village of Kosaya Gora (Tula Oblast) by the administration of this village; in 2017 several houses were destroyed.

Around the same time, demolitions took place in a Roma settlement in neighboring Orel Oblast. Of the 16 homes located in the Northern District of Orel, eight were torn down between July and August 2016. They all housed large families. Part of the settlement was bought by a Belgorod construction company to build a multistory residential complex, only some victims of the demolition received compensation. Right now, four of these families are living with relatives or in rented apartments, since they do not have the ability to start the process of registering and building their own homes.

In the 2000s, a wave of demolitions of Roma settlements swept across the country, leaving thousands homeless. ADC Memorial described this problem in a special report entitled "Forced Evictions and the Right of Roma to Housing in Russia" (2008),<sup>29</sup> in the update to this report, which was submitted to the CESCR (48th session, 2011),<sup>30</sup> and in reports to CERD (2014). At the time, legal work and advocacy campaigns helped to suspend the demolitions and save residents of several settlements from eviction.

However, the practice of demolishing Roma settlements has unfortunately returned in recent years, even though international institutions have found this to be a violation of human rights. On 11 October 2016, the European Court for Human Rights issued a judgement in the case "Bagdonavicius and Others v. Russia (case No. 19841/06)"<sup>31</sup> in favor of 33 Roma residents of the Dorozhnoye settlement in the Guryevsk district of Kaliningrad Oblast who were victims of forced eviction and demolition of their homes in 2006, finding this a violation of Article 8 (right to respect for private and family life) of the European Convention. The court noted that the Roma homes in Dorozhnoye were built during Soviet times, and that their recognition by a Russian court as being illegal buildings was based only on the fact that they lacked a current title to these houses, which was not a substantial ground for claiming that the land had been occupied illegally. National courts had not taken into account the long-term residence of Roma dwellers in these houses and the fact that the government did not give them the opportunity to legalize their construction, nor did it offer any options for resettlement. The Court ruled that Russia must pay the applicants compensation of material losses and emotional damages.

### **Committee question 34 regarding the segregation of Roma children in RF schools**

Contrary to assertions by the RF government that no cases of the segregation of Roma children have been recorded (paragraph 348 of the state report), separate instruction for children in so-called "Roma classes" and even "Roma schools" remains a widespread practice in dozens of schools through the country and in cities and rural localities. ADC Memorial addressed this

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<sup>28</sup> Report from the news channel Ural-Inform Perm. [https://www.youtube.com/watch?v=xvBIY4\\_uBUk](https://www.youtube.com/watch?v=xvBIY4_uBUk)

<sup>29</sup> <http://adcmemorial.org/wp-content/uploads/Romrussie501russe2008.pdf>

<sup>30</sup> <http://adcmemorial.org/www/publications/forced-evictions-and-the-right-to-housing-of-roma-in-russia-2011?lang=en>

<sup>31</sup> <http://adcmemorial.org/www/12199.html?lang=en>

problem in a thematic report (2009)<sup>32</sup> and submitted an updated report for the 48<sup>th</sup> session of the CESCR in 2011.<sup>33</sup> The situation has not changed in recent years – efforts to overcome segregation and introduce an integrative approach have only been seen in isolated schools, while the majority of schools attended by large numbers of Roma children continue to instruct these children separately from others. When homes are demolished and families evicted, children are deprived of their access to education – child services and education agencies have no interest in where evicted children will attend school, and the right of children to education is never considered by courts issuing a decision on demolition or eviction.

Evidence of segregation has also been confirmed by the results of checks conducted by state authorities. Moreover, officials responsible for protecting children from education discrimination did not find anything illegal in the segregation of Roma children. For example, parents of students at School No. 28 in Tula complained of violations committed by the school's principal, including the application of "double standards" in the education of Roma children: not all the subjects envisaged in the program were taught, there was no work outside of class, and separate "Roma classes" were created during the afternoon session. The Tula Oblast Ministry of Education conducted a check and commented on the results in the following manner: "No violations in the activities of the principal of School No. 28 were uncovered... Children of the Roma nationality aged six-and-a-half to 10 attend class with other elementary school students, while separate classes have been arranged for Roma children aged 10-13."<sup>34</sup> The absence of any Roma students over the age of 13 in school (in other words, children drop out of school at this age) was also not found to be a violation.

Segregation in Russian schools takes on many forms: for example, a disproportionate number of Roma children are placed in special remedial classes for children with limited intellectual and other capacities. This is done on the basis of tests that are mainly taken by Roma people. However, all the children are given the same diagnoses, which are generally "social deprivation" and "bilingualism" (with all the absurdity of classifying bilingualism as a defect in a child's development). They are also frequently subjected to segregation outside classrooms. For example, they are not allowed to use common play yards or cafeterias, and they are not allowed to participate in school holidays. Also, there have been cases where children were transferred to distance learning. Finally, statements made by teachers in the segregated education system make it patently clear that these teachers expect less success from Roma students or don't believe that they can learn at all. Therefore, they have low requirements for these children.

Below are examples of the segregation of Roma children in seven schools visited by ADC Memorial experts in 2017.

**The Plekhanovo elementary school**, which was created specifically for instructing Roma children, is located directly on the territory of the tabor. It currently has 160 students from grades 1 to 4. Children of other nationalities do not attend this school, which means that children later have trouble moving to middle school, where they are faced with an unfamiliar and seemingly hostile environment.

After completing grade 4 in the Plekhanovo school, children must move to **school No. 28 (former No. 17)** for further study. This school is located several kilometers from the tabor. However, many children simply stop their studies and stay home because they fear being

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<sup>32</sup> <http://adcmemorial.org/www/publications/problem-of-discrimination-and-violation-of-the-rights-of-roma-children-at-russian-schools-2009?lang=en>

<sup>33</sup> <http://adcmemorial.org/www/publications/problem-of-discrimination-and-violation-of-the-rights-of-roma-children-at-russian-schools-2011?lang=en>

<sup>34</sup> The letter from parents and comments from the Tula Oblast Ministry of Education were published in the media on 9 June 2017 <https://www.tula.kp.ru/daily/26690.7/3713594/>

among unknown children on the one hand and facing the open disdain of the teachers on the other. As mentioned above, five to seven Roma classes have been organized in School No. 28 (17). As one student at School No. 17 said that their classes start after lunch and last until four or five in the afternoon. Three or four teachers work with them, and one of the teachers is the homeroom teacher. Roma children rarely see Russian children and do not even know them, since they attend class separately. When he was asked why he wasn't in school, he said that he didn't want to go there because he was afraid that he would be beaten up.

According to Roma parents, decisions on segregation and distance learning are made at the start of each school year during a meeting between school officials and tabor residents. Parents generally always agree to have their children study separately from others. However, surveys have shown that parents are extremely unhappy with their children's low level of education: after several years of schooling, many children remain illiterate and have no command of elementary skills. Parents are also unhappy that school holidays (like New Year's) are held separately.<sup>35</sup>

**At a school in the village of Aysha, Zelenodolsk District, Republic of Tatarstan**, a special first grade class known as "ts" (from the word Tsigane) which is only for Roma children, has existed for several years. It currently has eight students. Another few children attend grades 2, 3, and 4. *In grade 5, all of them are transferred to homeschooling. In the 2016-2017 school year, there were seven remote students in grade 5, three in grade 6, and two each in grades 7 and 8. As a teacher of the school said, not one Roma student has completed nine grades over the entire course of her time there.*<sup>36</sup> Local residents say that teachers make decisions to separate students or put them in distance learning in conjunction with parents at the start of every school year. Parents generally always agree for their children to attend classes separately from the other students. However, surveys have shown that they are very concerned about the level of knowledge their children attain in the local school. They believe that it is extremely low: even after several years of schooling, many children are illiterate and have no command over the very basic skills that children acquire in elementary school. They are also not satisfied with separate school events (for example, New Year party).<sup>37</sup>

In March 2016, the prosecutor's office issued a recommendation to the head of the executive committee of Zelenodolsk District in connection with the existence of class "ts" at the middle school in Aysha. The actions of the school principal were found illegal, and an order was given to dissolve class "ts." However, the prosecutor was not interested in evidence of discrimination due to the existence of a separate "Roma class," but in the fact that this class only had five students. This is a violation of the federal law "On Education in the RF" and SanPiN 2.4.2.2821-10 "Sanitary and Epidemiological Requirements for the Conditions and Organization of Instruction in General Education Schools," under which classes in village schools must have at least 14 students.

The anti-Roma campaign that was promoted by the local government after epidemics of hepatitis and tuberculosis in the village of Aysha also affected the tabor in Nizhniye Vyazovye. The local school did not show any signs of segregation. However, because the tabor faced scrutiny from the sanitary and epidemiological service in the new academic year, many children were not allowed to attend class because they did not have the required vaccinations.<sup>38</sup>

The school in Nizhniye Vyazovye is only one of two schools where we noted that administrators and teachers are making efforts to overcome segregation and implement an integrative

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<sup>35</sup> Interview with Roma parents in Aysha. 2017 г.

<sup>36</sup> Interview with a teacher at a school in Aysha. 2017.

<sup>37</sup> Interview with Roma parents, Aysha. 2017.

<sup>38</sup> Interview with M., a resident of Nizhniye Vyazovye. 2017.

approach. At the second school (Middle School No. 9 in Penza), children from the neighboring tabor have been integrated with the other children for many years. There are currently 150 Roma students in grades 1 to 11 at this school. Over the past 10 years, the school has graduated nine to 13 Roma students annually. This school is also known for the Russian-Roma football team it created, which has had success at annual district competitions.

The **S.E. Kuznetsov school, which is located in the village of Chemodanovka, Bessonovksy District, Penza Oblast**, educates fifty-three children from a tabor of Wallachian Roma. The parents of children who attend this school very much want their children to be placed in classes with everyone else, but instead they are placed in separate “Roma classes” because of their low level of preparation. Nominally, this relates to grades 1 and 2, but these classes also include children whose parents enrolled their children after they turned eight, i.e. children who missed the deadline for enrolling in first grade. Thus, children who are nine, 10, and 11 are in these classes as well.

About 40 Roma students attend **School No. 140 in the village named after Maksim Gorky (Volgograd)**. They started enrolling in first grade just three years ago. Now there are three separate “Roma classes”. Sixteen to 17 children are in grades 1 and 2, while five are in grade 3. The school administration forms these “Roma classes” illegally and without approval from anyone. Aside from “Roma classes,” school administrators also arranged for a special “Roma table” in the school’s cafeteria, where Roma children use tableware intended only for them. The school’s principal does not conceal her disdain for Roma students:

*“You can’t do anything with Roma children. They’re very poor students. They’re not interested, and, indeed, what’s the point of attending school if they’re going to leave after grade 6 anyway? In March, our children from nine classes took a practice test that they will have to take at the end of the year. Over 50 percent got twos [on a scale of 1 to 5 with 5 being the highest – Trans.] And these aren’t Roma children. They’re the children who have been here the whole time, who we have cultivated since first grade, to whom we have given several years of our lives. And what will happen with the Roma children? They’ll never pass this exam in their lives.”<sup>39</sup>*

In the **school No. 15 of the same village named after Maksim Gorky (Volgograd)**, 59 Roma children are all taught in separate “remedial” classes. They are placed in these classes after being processed by a special medical-pedagogical commission, which “diagnoses” all Roma children with delays in psychological development. There are eight of these classes, eight people are listed as students in grade 8, but only three students actually attend class. As in School No. 140, children here eat separately from Russian children in the cafeteria and, on top of this, they are scheduled to eat at a different time.

Roma at **Ovsyannikovo Secondary School in Orel** are also taught separately. There are currently two “Roma classes” in the school—in grade 2, which has 16 children, and grade 3, which has 12 children. The administration was not able to enroll enough students for a first-grade class, and no one has made it to fourth grade. In 2017 there will be one first-grade class opened, which will have 16 Roma students. It is obvious that teachers in this school treat Roma students with bias:

*“All the Roma children at our school study separately from the others, because their level is, how should I put it, lower than the level of other children. Not one Roma child has completed even nine grades for the entire time I’ve worked at this school. The*

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<sup>39</sup> Interview with E.L. Gordiyash, principal of School No. 140.

*highest grade they've reached is sixth grade. But that's extremely rare. They mainly complete four grades and then their parents marry them off or move to another city.*"<sup>40</sup>

The assertion made in the state report (paragraph 348) that a parental decision may be a ground for segregation is totally unsupported, since no one, including parents, can violate the rights of a child. References to a "nomadic way of life" and "national traditions" as grounds for segregated instruction is striking for its inaccuracy, since Roma in Russia have not led a nomadic way of life in over 70 years, have adopted a settled lifestyle, and have never "traditionally" received an education. As both global experience and the experience of schools that have tried to reject segregation<sup>41</sup> show, segregation is not "the speediest way to overcome the gap in mastering academic programs and the subsequent transfer to regular classes," which is what the state report says, but actually means that children will only attain a low level of education and are not at all prepared to move to regular classes, at least after elementary school, resulting in their withdrawal from school altogether after spending several senseless years there.

ADC Memorial is familiar with the cases of "distance and on-site and off-site schooling" mentioned in the state report (paragraph 349), where children go to schools for several hours a day only two to three times a week at times when other students are not present and cases of so-called "home schooling," when a teacher comes to a child's home for several hours a week. These cases are a profanation of education and technically serve to cover up violations of children's rights.

Finally, no educational opportunities have been created for adult Roma who dropped out of school for various reasons but would like to continue studying or start over from scratch.

**Recommendations:**

***A state program of comprehensive support for Russia's Roma population aimed at overcoming structural discrimination that includes positive measures on documentation and the exercise of rights to housing, a high-quality education, employment, and access to medical and social assistance must be adopted and implemented.***

***Homes and land in existing dense Roma settlements must be legalized and plots must be allocated to needy families with many children in accordance with current laws. Roma settlements must be safely and legally provided with resources. It must be possible for Roma to register at their place of residence, even in cases when their homes are not registered, to give them the opportunity to take advantage of economic, social, and cultural rights, including access to education, healthcare, and employment.***

***Police operations to disconnect Roma settlements from gas and other resources must be ended. The media must stop stoking hatred of Roma people.***

***There must be an immediate end to the practice of forced evictions. If resettlement is unavoidable, alternate housing equipped with modern conveniences must be provided as quickly as possible and compensation must be made for losses and emotional damages.***

***The practice of segregating Roma children in schools must be ended. Opportunities for the preschool preparation of Roma children must be created, and additional Russian***

<sup>40</sup> From an interview with M.A. Frolova, principal of Ovsyannikovo Middle School.

<sup>41</sup> At school No. 9 in Penza, several children from a nearby Roma settlement have been studying in integrated classes for the past few years. The school currently has 150 Roma students in grades 1 to 11, and nine to 13 Roma students graduate every year. An integrated Russian-Roma soccer team has been successfully participating in sports competitions.

***language classes must be organized. The Roma language must be included to at least some degree in the school program; and opportunities for adults who did not receive an education on time must be created.***

## **DISCRIMINATION AGAINST ETHNIC MINORITIES IN TERRITORIES UNDER RF CONTROL: the situation of Crimean Tatars and Ukrainians**

### **Committee question 10 (Article 2.2 of the Covenant)<sup>42</sup>**

Annexation of Crimea and introduction of the Russian system of government and Russian laws has resulted in systematic violations of human rights, including racial discrimination against Crimean Tatars and ethnic Ukrainians.

Discrimination against Crimean Tatars is expressed in the restrictions on the operation of national institutions: on 29 September 2016, the RF Supreme Court banned the Mejlis of the Crimean Tatar people after finding it an extremist organization. Twenty-three regional Mejlis working in Crimea as local government bodies and the Qurultay (the national congress of the Crimean Tatar people).

Discrimination exists in the area of employment: various pretexts are being used to squeeze Crimean Tatars out of spheres of services mainly offered to Crimean Tatars and replace them with workers from Russia. In these cases, Russians generally have significantly higher salaries than Crimean Tatars. This kind of masked discrimination is also manifested in the creation of obstacles for selling food products produced by Crimean Tatar farms. For example, agricultural oversight agencies and services have banned the sale of products on contrived grounds. Cases of ethnic profiling in dismissals have also been recorded: in November 2016 eight dentists who were Crimean Tatars were fired from Belogorsky Central District Hospital, even though they had all been trained and certified in accordance with Russian laws. The doctors were notified of their dismissals on 1 November 2016, with the administration officially citing termination order No. 250, which had been issued much earlier on 6 October 2015. The doctors themselves connect their dismissals with the fact that even though they were summoned to work on 18 May 2016 so that they could not attend a meeting in memory of the deportation of 1944, they attended that meeting and only returned to work on May 19.<sup>43</sup>

### **Education discrimination, restrictions on the right to use the Crimean Tatar and Ukrainian languages, discrimination against Muslims**

National media outlets such as the TV stations ATR and Lyale, the QHA news agency, radio Meidan, and the news websites Qirim-Vilayeti.org and qirimtatar.org have stopped functioning because their applications for registration were rejected. Currently only about five periodicals in the Crimean Tatar language are being published; two of these are run by the de facto Foreign Relations Committee. The de facto government regularly refuses to allow mass and public events of a socio-political and cultural nature in Crimea. Crimean Tatars who participate in cultural events in mainland Ukraine face the risk of repressions against themselves and their families. At the same time, the de facto government is trying to create the illusion that it is realizing the cultural rights of Crimean Tatars. For example, government agencies have

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<sup>42</sup> This section was prepared jointly by ADC Memorial and KrymSOS using material from a joint report by ADC Memorial, KrymSOS, the Sova Center for Information and Analysis, and FIDH titled "Racism, Discrimination, and the Fight Against Extremism in Contemporary Russia and Territories under its Control" (2017). Materials on the situation of Crimean Tatars and Ukrainians were collected during a KrymSOS-ADC Memorial field mission in 2017.

<sup>43</sup> <http://krymsos.com/news/u-bilogirsku-zvilnili-8-likariv-krimskikh-tatar/>

organized a celebration for Khydyrlez for several years that state workers must participate in, even though Crimean Tatars do not attend this event.

National clothes, Ukrainian music, and even the combination of colors of the Ukrainian flag on clothing or in public are condemned, because most people try to avoid demonstrating what may be regarded as a manifestation of “pro-Ukrainianism.” There have also been numerous negative reactions to demonstrations of features of Ukrainian culture. An entire installation illustrating Ukrainian culture was destroyed at a Ukrainian gymnasium in Simferopol, and the director of a children’s Ukrainian club had to close it under threat of repressions. To avoid unpleasantness with the government, educational institutions prefer not to arrange events with Ukrainian acts, songs, costumes, and symbols. It has also become much more difficult to hold Ukrainian-themed cultural events in Crimea. Workers at the Ukrainian Cultural Center in Crimea, which is one of the few centers that continues to promote Ukrainian culture, have experienced so much pressure from the government that people who are interested in the culture of the Ukrainian people are afraid to participate in events.

People engaged in promoting Ukrainian culture in Russia have also experienced repressions. For example, after books by Dmytro Korchinsky, who was declared an extremist by Russia, were found during a search of the Library of Ukrainian Literature in Moscow on 28 October 2015, a criminal charge was lodged against the library’s director Natalya Sharina for distributing extremist material and supporting “anti-Russian propaganda” using other printed materials.<sup>44</sup> Sharina has been under house arrest since October 2015. She received a five-year suspended sentence in June 2017, after the library was closed in January 2017. Human rights defenders have declared her a political prisoner.

In accordance with current de facto law, the official languages in Crimea are Russian, Ukrainian, and Crimean Tatar.<sup>45</sup> The law also specifies the ability to receive preschool, elementary, and high school education in one’s native language,<sup>46</sup> the teaching and study of Russian, Ukrainian, and Crimean Tatar languages in state educational institutions,<sup>47</sup> and the right to choose elective academic subjects and courses.<sup>48</sup>

In reality, children throughout the rest of the peninsula’s territory also frequently find that it is impossible to study the Ukrainian language, contrary to the demagogic statements of government representatives. Although students may officially select from several curricula, including curricula developed for regions where Russian is not the native language for a large

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<sup>44</sup> *Radio svoboda* online articles of 23 March 2017 “ESPCh zaregistroval zhalobu bibliotekaria Natal’i Sharinoi” <https://www.svoboda.org/a/28386603.html> and of 6 October 2016 “Utverzhdeno obvinenie direktoru Biblioteki ukrainskoi literatury”. Available here: <https://www.svoboda.org/a/28035784.html>

<sup>45</sup> Part 1 of Article 10 of the current de facto Constitution of the Republic of Crimea: <http://rk.gov.ru/rus/info.php?id=623228>

<sup>46</sup> Paragraph 4 of Article 14 of RF Federal Law “On Education” of 29 December 2012 No. 273 FZ. Available here: <http://zakon-ob-obrazovanii.ru/34.html>

Part 2 of Article 11 of the current de facto law “On Education in the Republic of Crimea” No. 131-ZRK/2015 of 17 June 2015. Available here: [http://mirnoe.com/respublika\\_krym/zakonodatelsvo\\_rk/2868-zakon-respubliki-krym-ob-obrazovanii-v-respublike-krym.html](http://mirnoe.com/respublika_krym/zakonodatelsvo_rk/2868-zakon-respubliki-krym-ob-obrazovanii-v-respublike-krym.html)

Part 3 of Article 11 of the current de facto law “On Education in the Republic of Crimea” No. 131-ZRK/2015 of 17 June 2015. Available here: [http://mirnoe.com/respublika\\_krym/zakonodatelsvo\\_rk/2868-zakon-respubliki-krym-ob-obrazovanii-v-respublike-krym.html](http://mirnoe.com/respublika_krym/zakonodatelsvo_rk/2868-zakon-respubliki-krym-ob-obrazovanii-v-respublike-krym.html)

<sup>47</sup> Law “On Education in the Republic of Crimea” No. 131-ZRK/2015 of 17 June 2015. Available here: [http://mirnoe.com/respublika\\_krym/zakonodatelsvo\\_rk/2868-zakon-respubliki-krym-ob-obrazovanii-v-respublike-krym.html](http://mirnoe.com/respublika_krym/zakonodatelsvo_rk/2868-zakon-respubliki-krym-ob-obrazovanii-v-respublike-krym.html)

<sup>48</sup> Paragraph 5 of Part 1 of Article 34 of RF Federal Law “On Education” of 29 December 2012 No. 273-FZ. Available here: <http://zakon-ob-obrazovanii.ru/34.html>

part of the population,<sup>49</sup> according to data from the “Ministry of Education of Crimea,” the predominate curriculum in Crimean schools envisages the mandatory study of Russian and permits only elective study of the two other official languages of Crimea.<sup>50</sup>

Over the past three years, instruction in the languages of national minorities and the study of these languages in Crimea has plummeted.<sup>51</sup> According to information provided by the de facto government, the number of schoolchildren studying the Crimean Tatar language fell from 5,500 in 2013–2014 to 4,835 in 2014–2015, but then rose to 5,083 in 2015–2016 (2.76 percent of schoolchildren in Crimea).<sup>52</sup> Meanwhile, a census conducted by Russia shows that 29,140 children of school age in Crimea identify as Crimean Tatars.<sup>53</sup> In 2013, 13,589 students in the Autonomous Republic of Crimea were taught in Ukrainian, but this figure dropped to 371 in 2016. Thus, the number of classes offering instruction in Ukrainian plunged by a factor of 31.<sup>54</sup>

According to norms established by the de facto government, instruction in the Ukrainian and Crimean Tatar languages is possible at the request of parents until grade 9, while children in grades 10 and 11 only receive instruction in Russian.<sup>55</sup>

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<sup>49</sup> One option envisages mandatory study of a region’s second official language and the literature in this language. Another option was developed specially for Crimea. Explanatory note to the framework curriculum and model curricula for educational institutions in the RF. [https://help.dnevnik.ru/hc/ru/article\\_attachments/200929598/01.02.2012.pdf](https://help.dnevnik.ru/hc/ru/article_attachments/200929598/01.02.2012.pdf)  
Letter of 7 August 2015 No. 08-1228. Available here: [http://monm.rk.gov.ru/file/Методические\\_рекомендации\\_по\\_вопросам\\_введения\\_ФГОС\\_ООО.pdf](http://monm.rk.gov.ru/file/Методические_рекомендации_по_вопросам_введения_ФГОС_ООО.pdf)

<sup>50</sup> *EurAsiaDaily* online article “Shpil’ka Tatarstany: vlasti Kryma – protiv obyazatel’nogo izucheniia ukrainskogo i krymsko-tatarskogo iazykov” of 18 April 2016. Available here: <https://eadaily.com/ru/news/2016/04/18/shpilka-tatarstanu-vlasti-kryma-protiv-obyazatel'nogo-izucheniya-ukrainskogo-i-krymsko-tatarskogo-yazykov>

<sup>51</sup> According to information received by the Crimean field mission from the de facto Ministry of Education, Science, and Youth of the Republic of Crimea, from 2013 to 2016 the number of students receiving instruction in Ukrainian fell from 13,589 to 371 (with a total of 188,517 students in Crimea in 2016); by the fall of 2014, only one out of 532 schools in Crimea provided instruction in Ukrainian. Analytics of the Crimea Human Rights Group. <http://crimeahrg.org/situatsiya-s-dostupom-k-obrazovaniyu-na-rodnom-yazyike-v-kryimu/>

Meanwhile, according to data from the RF Federal Statistics Service, in 2014 Ukrainians made up the second largest nationality group in Crimea (344,515 people, or 15.08 percent of Crimea’s total population), of which 18,706 children of school age identified themselves as Ukrainians. This data was collected in October 2014 by the RF Federal Statistics Service in the digest “Results of the Census in the Crimean Federal District. Available here: [http://www.gks.ru/free\\_doc/new\\_site/population/demo/perepis\\_krim/KRUM\\_2015.pdf](http://www.gks.ru/free_doc/new_site/population/demo/perepis_krim/KRUM_2015.pdf), [www.gks.ru/free\\_doc/new\\_site/population/demo/perepis\\_krim/perepis\\_krim.html](http://www.gks.ru/free_doc/new_site/population/demo/perepis_krim/perepis_krim.html)

Analytics of the Crimean Human Rights Group available here: <http://crimeahrg.org/situatsiya-s-dostupom-k-obrazovaniyu-na-rodnom-yazyike-v-kryimu/>

<sup>52</sup> <http://qha.com.ua/ru/politika/krimskim-tataram-i-ukraintsam-vse-slojnee-sohranit-samobitnost/171970/>

<sup>53</sup> [http://www.gks.ru/free\\_doc/new\\_site/population/demo/perepis\\_krim/tab-krim/pub-04-07.xlsx](http://www.gks.ru/free_doc/new_site/population/demo/perepis_krim/tab-krim/pub-04-07.xlsx)

<sup>54</sup> <http://crimeahrg.org/v-kryimu-kolichestvo-ukrainskih-klassov-sokratilos-v-31-raz-za-dva-goda-infografika/>

<sup>55</sup> In April 2016, Minister of Education of Crimea Natalya Goncharov announced that “at the request of parents and on the basis of their applications, classes offering instruction in the Ukrainian and Crimean Tatar languages will be formed. But this is only for grades 1 to 9. In grades 10 and 11, so-called high school, Russia will be the only language of instruction.” Article “Shpil’ka Tatarstany: vlasti Kryma – protiv obyazatel’nogo isucheniia ukrainskogol krymsko-tatarskogo iazykov” of 18 April 2016, *EurAsiaDaily* online media outlet available here: <https://eadaily.com/ru/news/2016/04/18/shpilka-tatarstanu-vlasti-kryma-protiv-obyazatel'nogo-izucheniya-ukrainskogo-i-krymsko-tatarskogo-yazykov>

A Crimean woman said that in schools where instruction in Ukrainian is possible, instruction in the last two years (grades 10 and 11) is only given in Russian. She believes that children “do not have the chance to really know and learn the Ukrainian language.” (Interview with N. - 6 May 2017)

Most subjects are now taught in Russian even at the Ukrainian gymnasium in Simferopol. A former teacher at a Crimean school reported that the principal of this school told teachers about the 2014 order of the “Ministry of Education of Crimea” requiring teachers to speak with the parents of students from Ukrainian classes in order to force them to sign an application to have their children transferred to Russian language instruction, which most parents did over the objections of their children. Some of the Ukrainian classes were disbanded, which meant that children from these classes were unable to continue their studies in their native language and found themselves in a difficult situation when other students started to view the use of the Ukrainian language in school in a negative light. According to a Crimean philologist, the virtual lack of access to education in the Ukrainian language and the overall political de-Ukrainization of the population means that in several years children will no longer have a command of their native language.<sup>56</sup>

School principals frequently even prevent the creation of elective groups for studying Ukrainian. Pressure on teachers of Ukrainian, students, and their parents has meant that people are increasingly scared to study Ukrainian because of possible negative consequences, while school principals prefer not to introduce instruction in Ukrainian to avoid possible problems with the de facto government. Many teachers of Ukrainian have been forced to take courses to qualify for teaching Russian language and literature under threat of dismissal. Pronounced aggression and negative reactions to the use of Ukrainian in public have meant that many people try to avoid speaking their native language and replace it with Russian.

School administrations regularly refuse to open classes with instruction in the Crimean Tatar language and eliminate classes that were previously taught in the Crimean Tatar language. In particular, the administrations of educational institutions create barriers to submitting applications for instruction in the Crimean Tatar language under various pretexts, force parents to turn down instruction in the Crimean Tatar language, or cut back on the hours for studying the Crimean Tatar language and literature. Attempts by parents to achieve the realization of the right to education in court have not met with success.<sup>57</sup> There is also a shortage of instructional materials in the Crimean Tatar language, even at Crimean Tatar national schools. Instruction in the Crimean Tatar language has also been cut significantly at universities. Moreover, state authorities refuse to provide services in the Crimean Tatar language or to provide an interpreter. In particular, during trials courts have refused the right to conduct a trial in a native language and to provide an interpreter from the Crimean Tatar language. Prisoners cannot correspond in Crimean Tatar, and they are subjected to punishment if they do so.<sup>58</sup> This attitude has also spread to the private sphere, as some employers ban Crimean Tatars from using the Crimean Tatar language at work.<sup>59</sup>

There have been cases where observant Crimean Tatars were not hired because of wearing a hijab or following other requirements of Islam of Crimean Tatars who practice religious

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<sup>56</sup> According to materials of field studies, 2017.

<sup>57</sup> In 2015, the father of a student in Krasnoperekopsky District filed an application with a court in response to the refusal of a local school principal to open a Crimean Tatar class. This trial lasted for several months, but the claimant was never able to ensure that his child would be able to study in his native language. Find more information here: [https://lb.ua/news/2016/10/17/347908\\_krimskie\\_tatari\\_rossiyskie.html](https://lb.ua/news/2016/10/17/347908_krimskie_tatari_rossiyskie.html); <https://15minut.org/news/149751-problemy-izucheniya-krymskotatarskogo-yazyka-v-krymu-doshli-do-suda-video>

<sup>58</sup> On 23 March 2017, Teimur Abdullaev, a person of interest in the Simferopol case of Hizb ut-Tahrir, was placed in solitary confinement for writing a letter in the Crimean Tatar language. More information from defense attorney here: <http://krymsos.com/ru/news/teimura-abdullayeva-z-simferopolskoyi--spravi-khizb-uttahrir--vidpravili-v-kartser/>.

<sup>59</sup> A worker at a Simferopol hairdresser was fired for speaking the Crimean Tatar language: <https://15minut.org/news/135618-razgovarivaj-zdes-na-russkom-yazyke-video>.

observances face bias both at work and in their daily interactions. At educational institutions, there have been numerous instances when women face degrading treatment for wearing a hijab. In a number of cases, parents are forced to transfer their children to a different school. Along with these repressions at schools themselves, there have also been instances of pressure at madrassahs and cultural centers.<sup>60</sup>

Crimean Tatars also face restrictions on access to religious sites and the problem of freely performing religious ceremonies. Since 2014, the video cameras has been installed in mosques, tracked people who attend mosques, regular searches take place by entering mosques, interrupting prayers, and detaining many of the worshippers. Local authorities have also attempted to ban traditional religious practices like Adhan (call to prayer), or *surbets* (discussions of pressing everyday, political and other problems within the Muslim community), or the celebration of religious holidays. Requests to hold burials have been rejected, and Muslim graves and other cultural and religious heritage sites have been defiled as local authorities fail to take action.

### **Discrimination on the basis of citizenship and forced adoption of Russian citizenship**

In accordance with Article 5 of the Treaty between the Russian Federation and the Republic of Crimea on the admission of the Republic of Crimea into the Russian Federation, all Ukrainian citizens and stateless persons permanently residing on the territory of Crimea at the time of its annexation were recognized as RF citizens, with the exception of people who stated their wish to retain their current citizenship within one month. The filing of a statement refusing Russian citizenship automatically meant that the person filing this statement was given the status of a foreigner with the accompanying restrictions and needed to obtain an RF residence permit. In this period, 3,500 people rejected Russian citizenship.<sup>61</sup>

Meanwhile, the number of people who did not file statements rejecting Russian citizenship or requesting it remains unknown. According to various estimates, there may be anywhere from 100,000 to 300,000 such people. For example, the de facto government stated that it had issued 1.56 million Russian passports<sup>62</sup> out of the 2.2 million residents of Crimea. A census conducted by this government in 2014 showed that 46,700 people stated they had only Ukrainian citizenship.<sup>63</sup>

These residents of Crimea suddenly found themselves “foreigners” in their own country and were deprived of proper access to social and economic rights, unlike in the usual situation, when foreigners knowingly move to a foreign country and agree to the corresponding restrictions.<sup>64</sup> Discrimination on the basis of citizenship in the sphere of realizing socioeconomic rights in Crimea has been taken to the level of state policy and is being implemented systematically.

### **Ukrainian citizens in Crimea have been deprived of access to free medical assistance.**

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<sup>60</sup> On 24 June 2014, an Islamic school (masdrassah) in Kolchugino was searched. More information here: <https://15minut.org/news/40608-v-krymu-ljudi-v-maskah-obyskali-medrese-foto-2014-06-24-12-40-51>. On 27 August 2014, a search was conducted of a madrassah in Dzhankoy. By November 2014, the occupying government had searched eight of 10 Tatar religious schools. In the winter of 2016 two unplanned searches were conducted of the children’s Crimean Tatar center Elif in Dzhankoy, and the center’s director and several caregivers were taken into the prosecutor’s office for a “conversation.” This all occurred right in front of small children.

<sup>61</sup> Report of the Human Rights Ombudsman in the Russian Federation for 2014, pg. 99, <http://ombudsmanrf.org/www/upload/files/docs/appeals/doklad2014.pdf> (accessed 1 November 2016).

<sup>62</sup> [https://ria.ru/crimea\\_today/20141219/1039147488.html](https://ria.ru/crimea_today/20141219/1039147488.html)

<sup>63</sup> [http://crimea.gks.ru/wps/wcm/connect/rosstat\\_ts/crimea/resources/eb615c80498558668be0eb2d12c3261e/pub-04-13.pdf](http://crimea.gks.ru/wps/wcm/connect/rosstat_ts/crimea/resources/eb615c80498558668be0eb2d12c3261e/pub-04-13.pdf)  
[http://sevastopol.gks.ru/wps/wcm/connect/rosstat\\_ts/sevastopol/resources/ee394000499b00a69d3bfd2d12c3261e/pub-04-13.pdf](http://sevastopol.gks.ru/wps/wcm/connect/rosstat_ts/sevastopol/resources/ee394000499b00a69d3bfd2d12c3261e/pub-04-13.pdf)

<sup>64</sup> [https://helsinki.org.ua/wp-content/uploads/2016/04/Vyp3fin\\_rus.pdf](https://helsinki.org.ua/wp-content/uploads/2016/04/Vyp3fin_rus.pdf)

The mandatory medical insurance policy required to receive free medical services at both in-patient and high-tech state medical facilities in Crimea is issued to Crimeans at no cost only if they have Russian citizenship. Citizens of other countries may receive medical treatment only by paying for it at private medical facilities, which are not accessible to most Crimeans because of their high cost. Therefore, many people have been forced to treat themselves and suffer through serious illnesses at home. Women requiring medical care during pregnancy are in an especially critical situation. Small children also require regular medical attention.<sup>65</sup>

In December 2015, a Crimean woman with Ukrainian citizenship died because of a failure to provide medical assistance. Even though she was critically ill, emergency medical technicians refused to provide her with emergency assistance, citing the fact that she was not an RF citizen. Moreover, they told her that she would only be able to access medical treatment for an amount of money that she most likely did not have.<sup>66</sup>

**Access to education has been complicated for Ukrainian citizens:** according to reports from victims, school administrations require a Russian passport from one of the parents to enroll a child in school.<sup>67</sup>

**Discrimination on the basis of citizenship also affects labor rights.** People who did not become Russian citizens after the annexation of Crimea must obtain a work permit for any official employment. The process of obtaining a permit is expensive and complicated: permit applications must be filed no later than 30 days from the date of entry into Crimea, and significant funds are required for the mandatory exam on knowledge of the Russian language, Russian history, and the fundamentals of Russian law, medical check-ups, and medical insurance policies. These documents take a long time to process, so people have trouble gathering them within the established timeframe, which, in turn, results in an administrative fine. The permit itself also costs money, and a monthly fee must be paid in advance to extend the permit, which can be cancelled if payment is even one day late.<sup>68</sup> People who fall under this procedure include those who attempted to obtain their permits after the annexation, as well as those who had jobs at the time of the annexation. The result of this state policy has been that many Crimeans have been deprived of the opportunity to work and, consequently, deprived of funds to support themselves.

In some cases, employers do not want to hire people who do not have Russian citizenship. This reluctance is aggravated by legislative requirements for employers hiring foreign citizens. In particular, employers must notify migration authorities when they enter into a contract with a foreign citizen following the established procedure. Employers face administrative prosecution for violations: for example, the Kerch dockyard Fregat was fined 250,000 rubles because Ukrainian citizens worked there without a work permit.<sup>69</sup> Administrative proceedings were

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<sup>65</sup> *Ukrainskaia Pravda* "Ukraintsy v Krymu: 6 nakazanii za otkaz ot rossiiskogo pasporta" ["Ukrainians in Crimea: Six Punishments for Refusing a Russian Passport"] of 9 February 2017, <https://life.pravda.com.ua/society/2017/02/9/222536/>

<sup>66</sup> KrymSOS website "V Krymy umerla ukrainka iz-za otkaza v medpomoshchi" ["Ukrainian Woman Dies due to Refusal of Medical Assistance"] of 18 December 2015, <http://krymsos.com/news/u-krimu-pomerla-ukrayinka-cherez-vidmovu-u-nadanni-medpomogi/>

<sup>67</sup> "Fokus: Kak zhivut grazhdane Ukrainy v Krymu" ["Focus: How Ukrainian Citizens are Managing in Crimea"]. Interview with a Crimean woman with no Russian passport. 25 December 2015, <https://focus.ua/society/342601/>

<sup>68</sup> "MK v Krymu: Trudovye migrant Donbassa: kak rabotat' v Krymu" ["MK in Crimea: Migrant workers from Donbass: How to Work in Crimea"], 23 October 2015, <http://crimea.mk.ru/articles/2015/10/23/trudovye-migranty-donbassa-kak-rabotat-v-krymu.html>

<sup>69</sup> Prosecutor General of the Republic of Crimea: Businesses in Kerch fined 250,000 Rubles for Illegal Use of Migrant Labor, 18 April 2016. <http://rkproc.ru/ru/news/v-kerchi-po-postanovleniyu-prokuratury-predpriyatie-za-nezakonnoe-ispolzovanie-truda-migranta>

opened against the general director of VOYAZHKRYM LLC (Simferopol) because the company did not notify the migration service that it was hiring Ukrainian citizens.<sup>70</sup>

On 8 August 2016, candidate of biological sciences Gury Kornilev and another two staff members were fired from Nikitsky Botanical Garden (Yalta) for refusing RF citizenship. Prior to this, management had forced Kornilev to rescind his refusal several times.<sup>71</sup> The director defended this dismissal by stating that he needed to report to senior management about why a foreign citizen was on staff.<sup>72</sup>

**Ukrainian citizens face discrimination in the sphere of banking services:** (it is impossible to receive banking services or, consequently, perform any financial transactions without a Russian residence permit); the lack of Russian citizenship makes it impossible to receive any form of social payment and makes it difficult to register vehicles and realize rights to housing (obtaining land plots, reregistering property).

**Recommendation: All forms of persecution and discrimination of Crimean Tatars and Ukrainians must end and their socioeconomic and cultural rights must be ensured, without discrimination on the ground of ethnicity, religion, or citizenship.**

## STATELESS PERSONS

### **Committee question 10 regarding regulating the status of unregistered persons, including stateless persons (Article 2.2 of the Covenant)**

The RF lacks any effective procedure for legalizing stateless person, and laws on citizenship are extremely strict. It has not been possible to overcome the problem of statelessness, which became relevant after the breakup of the Soviet Union, even though 25 years have passed since this time: the number of stateless people in the RF remains high (a minimum of 178,000—data from the 2010 census).

Some ethnic groups can't get the legal status for decades. Thus, Ahiska Turks (known also as Meskhetian Turks) who appeared in South Russia after collapse of the Soviet Union, face troubles in obtaining documents giving the right to live and work legally in Russia. Around 80 000-100 000 Ahiska live in Rostov Oblast, Kabardino-Balkaria, Karachaevo-Cherkesia, Kalmykia and other parts of the South Federal Okrug of Russia. Being stateless, Ahiska are systematically discriminated: they can't be employed legally, can't buy a house or a piece of land or a car, can't register marriage, they don't receive social benefits and pensions, don't have access to medical care. Children above 14 years old can't study in upper classes of secondary schools, in professional colleges, in universities. The situation is aggravated with interethnic tensions, xenophobia, aggression from the side of Kozak nationalists organizations. There are documented facts of segregation of Ahiska children at schools, as well as cases of obstacles for practicing religion (Ahiska are Sunni Muslims) by local administration, special services and

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<sup>70</sup> Prosecutor General's Office of the Republic of Crimea: Prosecutor General uncovers violations during hiring of migrants at the Kerch Dockyard, 8 April 2016. <http://rkproc.ru/ru/news/prokuratura-vyyavila-narushenie-pri-privlechenii-migranta-k-rabote-na-predpriyatii>

<sup>71</sup> Human Rights Information Center: Yalta Academic Fired for Refusing Russian Citizenship, 20 September 2016. [https://humanrights.org.ua/ru/material/u\\_jalti\\_zvilnili\\_z\\_roboti\\_vchenogo\\_za\\_vidmovu\\_vid\\_rossijskogo\\_gromadjanstva\\_\\_pravoz\\_ahisniki](https://humanrights.org.ua/ru/material/u_jalti_zvilnili_z_roboti_vchenogo_za_vidmovu_vid_rossijskogo_gromadjanstva__pravoz_ahisniki)

<sup>72</sup> *Ukrainskaia Pravda*: "Ukraintsy v Krymu: 6 nakazanii za otkas ot rossiiskogo pasporta" ["Ukrainians in Crimea: Six Punishments for Refusing a Russian Passport"] of 9 February 2017, <https://life.pravda.com.ua/society/2017/02/9/222536/>

Kozak organizations. Civil and Human Rights NGOs and activists who try to defend the rights of Ahiska are persecuted by the state.<sup>73</sup>

Contrary to assertions made by the Russian government (responses to Committee questions, paragraph 10), it is virtually impossible for a stateless person to gain legal status or the right to live and work legally in the RF. Even clients of ADC Memorial who won cases in Russian and international courts have not been able to obtain these documents (temporary or permanent residence permits). For example, Roman Kim, a stateless person, remains undocumented even though the European Court issued a judgment in his case in 2014. Without valid documents, stateless persons cannot enjoy their socioeconomic rights (including the right to work, housing, and education); they are also frequently deprived of their freedom without ever having committed any crime.

Stateless persons are considered a part of the group “foreign nationals” in laws, as well as articles regulating expulsion/deportation from the RF. Since stateless persons are considered to be “illegally located in the RF” from the standpoint of the law and practice, expulsion/deportation rulings are issued in relation to them, even though there is nowhere to deport them.

In four Russian regions (Moscow, Moscow Oblast, Saint Petersburg, and Leningrad Oblast), the law prescribes a fine and mandatory expulsion for violations of the migration regime, while in other regions, judges may limit this to a fine, although such cases are rare).

To ensure expulsion, stateless persons are confined in specialized institutions without a specific term of detention using the phrase “until expulsion.” There is no opportunity for judicial control over the term or the advisability of confinement (even though courts regularly have control over pretrial restrictions for suspects in criminal cases).

The law allots two years for executing an expulsion ruling. Stateless persons spend this extended period (which can be even longer in practice) in conditions that the European Court found inhuman and degrading and that are in many ways worse than prison conditions (for example, people cannot use their own money and there are no stores, doctors, gyms, libraries, or places for extended visits). Free legal assistance is not provided to SITDFN prisoners, even though a public defender is appointed for people suspected of criminal offenses.

At the end of the confinement period of up to two years, stateless persons are released from the SITDFN, but are not issued any documents that would allow them to live legally in the RF. Therefore, many stateless persons end up confined in a SITDFN again for “violating the migration regime.”

With the support of ADC Memorial, the strategic case “Kim v. Russia” was won in the European Court in 2014. The applicant in this case was Uzbekistan-born Roman Kim—a person with no valid citizenship (former USSR citizen) who spent over two years in a SITDFN “until expulsion,” which was obviously impossible. The ECtHR issued a judgment in Kim’s case finding the Russian Federation guilty of violating Article 3 (inhuman detention conditions), part 1 of Article 5 (extended detention without the prospect of expulsion, lack of periodic judicial oversight of detention terms), and part 4 of Article 5 (violation of the right of SITDFN prisoners to appeal and to judicial oversight over the legitimacy and length of detention) of the European Convention on Human Rights. The ECtHR obligated Russia to adopt measures of a general nature to correct this situation in order to prevent similar violations in the future.

Such measures should have included amending laws to eliminate violations of the rights of people held in SITDFNs (ensuring oversight of terms and the legitimacy of placement in a

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<sup>73</sup> The Life without Right: The situation of Akhyska Turks in the South Russia in 2015. Report by Moscow Helsinki Group and SOVA Center for Information and Analysis (2015). [http://mhg-main.org/sites/default/files/files/akhyska\\_report\\_2015.pdf](http://mhg-main.org/sites/default/files/files/akhyska_report_2015.pdf)

SITDFN, improving detention conditions) and preventing stateless persons from ending up in these facilities (creating an effective procedure for providing legal status to stateless persons, including persons who have not been able to acquire legal status over the course of decades (generally former citizens of the USSR)).

Unfortunately, the Russian government has not yet adopted any general measures to implement the ECtHR judgment in relation to stateless persons and other prisoners in SITDFNs. It has not made any systemic changes to laws or enforcement practices, while certain positive changes have turned out to be temporary and inconsequential.

In 2017, ADC Memorial won a case in the RF Constitutional Court which found legal norms on administrative violations preventing stateless persons from appealing the grounds of their detention in specialized institutions for the purposes of administrative deportation under any circumstances unconstitutional (decision in the case of Noé Mskhiladze, hearing on 18 April 2017).

The Constitutional Court ruled that “Federal legislators should amend the Code of Administrative Offences so that it ensures reasonable judicial control over the timeframes of the detention of stateless persons subject to forced expulsion in specialized institutions.”<sup>74</sup> The RF government has made assurances that amendments to the Code of Administrative Offenses intended to regulate the terms and procedures for appealing placement in a SITDFN will be submitted to the State Duma in December 2017.<sup>75</sup>

This story of the fight for the rights of stateless persons in courts is evidence that the RF government is being extremely slow to take general measures to correct the situation. It was a hard-won battle for human rights defenders to attain promised amendments to laws that would prevent stateless persons from being imprisoned solely due to their status, but this victory is not sufficient for the full realization of their socioeconomic rights.

#### **Recommendations:**

***Laws must be amended to spare stateless persons the risk of repressions and the violation of their rights connected with their unregulated status. A fast and effective procedure should be created to legalize stateless persons and issue them IDs that would allow them to live and work legally in the RF and exercise their socioeconomic and cultural rights.***

***In the particular case of Ahiska (or Meskhetian Turks), immediately stop discrimination on the ground of citizenship towards this vulnerable group; take urgent measures for provision personal documents permitting them to live and work legally in Russia.***

## **EMPLOYMENT DISCRIMINATION OF VULNERABLE GROUPS**

### **Committee question 15 regarding the list of professions banned for women.**

The matter of choosing a profession and employment in the RF continues to retain an open form of discrimination against women, which finds its expression in the existence of a list of professions banned for women. This list contains 456 types of employment in 38 spheres where

<sup>74</sup> Decision in the case to check the constitutionality of the provisions of articles 31.7 and 31.9 of the RF Code of Administrative Offences. 23 May 2017. <http://www.ksrf.ru/ru/News/Pages/ViewItem.aspx?ParamId=3337>

<sup>75</sup> Communication from Russian Federation concerning the case of KIM v. Russian Federation (Application No. 44260/13), 11.04.2017, )

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680708107>

restricted access was introduced under Article 253 of the RF Labor Code and RF Government Resolution No. 162 of 25 February 2002 “On the Approval of the List of Arduous, Dangerous, and Harmful Occupations Banned for Women.” This ban on a number of interesting and prestigious professions is professed to be a positive measure for protecting women and caring for their reproductive health (see paragraph 29 of the RF’s 6<sup>th</sup> Report to the CESCR).

In 2013, ADC Memorial experts and the attorney Dmitry Bartenev prepared a complaint for CEDAW on behalf of the complainant, ship navigation officer Svetlana Medvedeva, who was never able to complete her practical training in her specialization of helmsperson-motorist or complete her education, since all types of deck and machinery duties on a ship are on the list of profession banned for women. On 16 March 2016, CEDAW published a decision in the case of Svetlana Medvedeva,<sup>76</sup> where it stated that a blanket prohibition regarding all women in the RF regardless of age, marital status, and ability or desire to have children is a violation of women’s rights to have the same opportunities as men for employment and choice of profession. The Committee also noted that the ban on an enormous number of professions for women was solely connected with supposed harm to a woman’s reproductive health. This speaks to the still dominant stereotypical notion in Russia that women are primarily mothers and are only professionals to a lesser extent. The CEDAW decision also notes that the existence of banned professions for women violates the principle of equality of the sexes, which is guaranteed by both the Convention on the Elimination of all Forms of Discrimination Against Women and the RF Constitution, given the absence of similar restrictions for men, even though it is obvious that many types of work can be harmful to men’s health, and, in particular, their reproductive functions.

ADC Memorial raised the matter of banned professions in its alternative report the CEDAW (2015),<sup>77</sup> and based on its review of this report, the Committee recommended canceling this discriminatory list. During the meeting (62<sup>nd</sup> session, 17 October 2015), members of the delegation promised that this would be done.

In the specific case of Svetlana Medvedeva, some progress was achieved only by appealing to the RF Supreme Court. On 11 August 2016, a Samara court refused to reconsider her case due to new evidence (the CEDAW decision), citing the fact that the CEDAW decision was of an advisory nature. The court of appeals upheld this ruling in October 2016. Having found the CEDAW decision to be a new circumstance of the case, the RF Supreme Court cancelled all the previous decisions of Russia courts in the case of Svetlana Medvedeva and returned the case to the Samara District Court for new consideration on 24 July 2017.

In response to the Committee’s question, the RF reported that it planned to review the list of professions banned for women (in accordance with paragraph 32 of the Action Plan to Implement the RF Demographic Policy Framework for the Period until 2025 in 2016–2020 (approved by order of the RF Government No. 669-r of 14 April 2016), as well as the National Action Strategy for Women for 2017–2022).

It appears, however, that a simple review and updating of this list is insufficient. Instead, the list itself and the article of the Labor Code approving its introduction should be completely cancelled.

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[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/63/D/60/2013&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/63/D/60/2013&Lang=en)

<sup>77</sup> <http://adcmemorial.org/www/publications/different-forms-of-gender-discrimination-in-russia-from-the-professions-forbidd-en-for-women-by-the-state-to-harmful-traditional-practices?lang=en>

**Recommendation: *the list of professions banned for women must be cancelled, thereby implementing the decisions and recommendations of international bodies; violations of the rights of women must be eliminated in specific cases (like the case of navigation officer Svetlana Medvedeva).***

### **Employment discrimination against LGBTI people**

#### **Committee question 12 regarding discrimination against LGBTI people in the areas of employment, medicine, and education**

In the years since the adoption of the “gay propaganda” law (No. 135-FZ, June 2013), there has been an atmosphere of harassment of LGBTI people, including teachers and professors at institutes of higher education. Homophobic activists, including followers of the Orthodox religion, scrutinize information on the social network pages of teachers for sympathetic statements addressed to LGBTI children, notes expressing tolerance of LGBTI people, speeches in favor of LGBTI rights, or personal photographs (of two women holding hands, for example) and send denunciations of these teachers to schools, education agencies, and local government bodies.<sup>78</sup> Dozens of teachers and professors throughout the entire country have been harassed, fired, or forced to resign “by choice.”

Court protection for victims of firings has not been successful: for example, courts of several instances (2015) found that the firing of a gay female teacher in Saint Petersburg who was let go for “an indecent act” was legal.<sup>79</sup>

Homophobia, which was effectively legalized by corresponding laws, has made it easier to harass people who are not LGBTI themselves but who sympathize with this community. For example, students from a Moscow university wrote a complaint demanding that a teacher who mentioned discrimination against gays in Chechnya in her lecture be fired.<sup>80</sup>

**Recommendations: *rescind homophobic law No. 135 FZ; immediately stop the practice of firing teachers on the basis of SOGI or their activities to protect LGBTI rights; investigate the illegal activities of so-called activists who initiate hate campaigns against LGBTI teachers and prosecute these activists.***

### **Persecution of teachers and staff members of preschools based on their religious affiliation**

In December 2016, teachers at a school in the village of Belozerye (Romodanovsky District, Mordovia), where the absolute majority of the population is made up of Tartars professing Islam, faced harassment. At a specially convened meeting of the teacher’s collective, staff members from the Ministry of Education of Mordovia demanded in harsh tones that teachers stop wearing Muslim headscarves; people who did not do this were threatened with dismissal. The principal issued an order amending internal school regulations to ban headscarves in school and to impose a cash fine for this. Some teachers were forced to resign right away. Later, teachers who did not follow this requirement were written up and still face the threat of dismissal.<sup>81</sup>

<sup>78</sup> <https://www.hrw.org/report/2014/12/15/license-harm/violence-and-harassment-against-lgbt-people-and-activists-russia>

<sup>79</sup> [http://comingoutspb.com/news/gorodskoy-sud-sankt-peterburga-poschital-zakonnym-uvolnenie-iz-za-seksualnoy-orientatsii/?sphrase\\_id=327](http://comingoutspb.com/news/gorodskoy-sud-sankt-peterburga-poschital-zakonnym-uvolnenie-iz-za-seksualnoy-orientatsii/?sphrase_id=327)

<sup>80</sup> Media report, 22 April 2017 <https://meduza.io/news/2017/04/22/otkrytaya-rossiya-prepodavatelya-ranhigs-uvolili-posle-zhaloby-studentov-na-upominaniya-navalnogo-i-presledovaniya-geev-v-chechne>

<sup>81</sup> [http://kavpolit.com/articles/glava\\_mordovii\\_skazal\\_chetko\\_esli\\_ne\\_snimajut\\_plat-31051/](http://kavpolit.com/articles/glava_mordovii_skazal_chetko_esli_ne_snimajut_plat-31051/)

In January 2017, police officers from the anti-extremism unit committed numerous procedural violations when they organized a search of two kindergartens in Makhachkala (Dagestan) and announced that these preschools would be closed. The reason for this search and the threat of closure was the fact that the owner of the preschools was allegedly on a watchlist of religious extremists. The owner and her staff were taken to the police precinct, interrogated, and asked for information on the children's parents. At least eight people are at risk of becoming unemployed.<sup>82</sup>

**Recommendations: *Immediately stop persecuting teachers and staff members at preschools under the pretext of "fighting religious extremism"; return people fired for this reason to their jobs and compensate them for emotional damages.***

## **SITUATION OF MIGRANT WORKERS IN THE RF**

### **Committee question 19 regarding work conditions for migrant workers**

One of the consequences of the dissolution of the Soviet Union (1991) has been mass labor migration from less economically developed former Soviet countries to better off countries, primarily Russia. Even though Russia receives a tremendous amount of revenue from labor migration (not just tax withholdings from migrants' salaries, but also revenue from the entire infrastructure of industry that has risen around labor migration – fees for permits, Russian language exams, medical exams, and so forth), the Russian government does not feel obligated to create normal work conditions for migrants, provide migrants and members of their families with access to medical care and education, or meet their cultural needs. Russia's overall policy on migrant workers is extremely harsh, which is demonstrated in the practices of anti-migrant raids by the police and other law enforcement agencies, mass expulsions for minor violations of migration rules, inadequate responses to instances of arbitrary treatment by the police, and fraud committed by employers.

The membership of several former Soviet countries (Russia, Kazakhstan, Belarus, Armenia, Kyrgyzstan) in the Eurasian Economic Union (EAEU) is technically supposed to improve the situation for migrant workers from these countries: the Union proclaims their right to work in any EAEU country on equal footing with citizens of these countries and without obtaining additional permits and to receive services as part of health and social insurance, the right of their family members to be legally located in the country of employment during the term of the migrant worker's labor or civil contract, and the right of their children to receive an education in the country of the migrant's employment.

However, provisions of the EAEU Treaty proclaiming the right to freedom of labor for migrants in member countries contravenes labor laws of the individual countries and other bi- and multi-lateral agreements between former Soviet countries, which proclaim the principle of priority for national labor resources. Additionally, there are plans to deprive the family members of migrant workers of the right to take advantage of mandatory medical insurance (stated in a letter written by Deputy Minister of Health D. Kostennikov of 21 November 2016, the Ministry of Health has not voiced any objections to this proposal (response from Deputy Minister of Labor A. Cherkasov of 27 December 2016)).<sup>83</sup>

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<sup>82</sup> <http://chernovik.net/content/lenta-novostey/sotrudniki-cpe-dagestana-obyskali-odin-iz-detskih-sadov-mahachkaly>

<sup>83</sup>

[https://life.ru/t/%D0%B7%D0%B4%D0%BE%D1%80%D0%BE%D0%B2%D1%8C%D0%B5/956419/minzdrav\\_radi\\_ekonomii\\_ochistit\\_sistemu\\_oms\\_ot\\_lishnikh\\_patsientov](https://life.ru/t/%D0%B7%D0%B4%D0%BE%D1%80%D0%BE%D0%B2%D1%8C%D0%B5/956419/minzdrav_radi_ekonomii_ochistit_sistemu_oms_ot_lishnikh_patsientov)

In practice, on the whole more migrants are not becoming legalized due to the simplification of employment procedures. According to our sources, the most common practice of finding employment is by entering into fictitious minimum wage agreements and registering at the location of a fictitious employer while working for a completely different employer with no social guarantees and without income actually leaving the shadow economy (a number of interviews, 2016).

The abovementioned privileges do not extend to migrants from non-EAEU countries whose citizens arrive in Russia in the millions to earn money (Tajikistan, Uzbekistan, Ukraine, Moldova, Georgia): these migrants must apply for a work license, they do not receive social guarantees, they can only receive medical care (except for emergency medical care) for payment, their family members can only live with them for a limited period of time, and their children only have limited educational opportunities.

Regardless of whether or not a country is a member of an intergovernmental union, the following problems are pertinent for migrant workers from former Soviet countries:

State monitoring of employers' observance of the rights of migrant workers is insufficient, especially given the widespread harsh exploitation of migrants forced to work many hours a day without a break and salary fraud. Mass violations were seen in the construction of Olympic sites in Sochi, which attracted migrant workers.<sup>84</sup> Law enforcement and other state agencies have looked the other way in cases of the enslavement of migrants. Moreover, it is impossible to secure a fair investigation of these crimes in Russia: in December 2016, a complaint was filed with the European Court on behalf of four female victims of years of slavery – citizens of Kazakhstan and Uzbekistan who spent from two to five years in slavery in Moscow, were subjected to exploitation and cruel treatment, and were impregnated as the result of sexual violence.<sup>85</sup>

RF monitoring agencies do not devote sufficient attention to compliance with workplace safety for migrants. There have been frequent cases of migrants' deaths on the job (falling from heights, gas poisoning, fire). On 27 August 26, there was a fire at the Pechatny Express Printing House on Altufevsy Shosse in Moscow. Seventeen women, 14 of whom were migrant workers from Kyrgyzstan, including one minor and one pregnant woman, died from smoke inhalation and carbon monoxide poisoning. Many of them left small children in Kyrgyzstan.<sup>86</sup>

The living conditions of migrant workers are also not monitored. A widespread practice in Russia is for migrant workers and their families to live at their places of work (in portable trailers at construction sites, utility rooms, and production facilities). In January 2016, twelve people, including three children, living in a sewing workshop in Moscow (Stromynka) perished after a nighttime fire. Eight of the victims were Kyrgyz citizens, two were people of Kyrgyz origin with Russian citizenship, and they were all from the regions of Osh or Batken. The two remaining victims were citizens of Uzbekistan.<sup>87</sup>

Access to school education for migrant children is also impeded: many children are denied enrollment in school because they do not have a registration or other document that principals may request from children and parents and without which they cannot accept a child, even if

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<sup>84</sup> <https://www.hrw.org/ru/report/2013/02/06/256403>

<sup>85</sup> <http://www.rbc.ru/society/06/12/2016/584683929a7947109f91b94e>

<sup>86</sup> <http://www.mz.gov.kg/news/view/95>

<sup>87</sup> <https://ria.ru/incidents/20160202/1368787087.html>

they want to (because of strict monitoring by education administration bodies). Human rights defenders from the NGO Civic Assistance took the group's appeal of Ministry of Education and Science Order No. 32 of 22 January 2014 all the way up to the Supreme Court. This order requires that parents provide confirmation of their legal status when enrolling their children at school. This requirement violates one of the most fundamental rights of the child – the right to elementary and secondary education, which is guaranteed by both the Russian Constitution, the UN Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights. The Supreme Court rejected this appeal in August 2015.<sup>88</sup>

**Recommendations: *The RF Government must implement its obligations to protect the economic, social, and cultural rights of migrants, which are enshrined in the ICESCR, intergovernmental agreements within the framework of the Commonwealth of Independent States and the Eurasian Economic Union; harmonize national labor laws with the EAEU Treaty in terms of ensuring equal rights of migrants and permanent residents to labor; reject plans to exclude the family members of migrants from mandatory health insurance; provide effective state monitoring of compliance with workplace conditions for migrants; accept the children of foreign citizens in Russian schools regardless of their status or whether or not their parents have a registration.***

## **SITUATION OF DISABLED PERSONS IN CLOSED INSTITUTIONS**

**Committee question 22 regarding persons with disabilities who have been placed in specialized institutions, the prevention of violence and harsh treatment in relation to these people**

The economic crisis of recent years has led to sharp reductions in regional budgets and, as a result, to an enormous gap in financing and so-called ‘optimization’ (i.e., consolidation) of social, medical, and educational institutions that depend on regional budgets.

An example of the harm the crisis has caused to the situation of disabled children and foster children is the catastrophic situation in Irkutsk Oblast, which became widely known after the Investigative Committee investigated the deaths of children at a neuropsychiatric care facility and a number of other criminal cases at social and educational institutions in the oblast.

Due to financing cuts at the Cheremkhovsk Neuropsychiatric Care Facility, caregiver assistants (who earned 18,000 rubles per month) were replaced with orderlies (earning 8,000 rubles per month), even though the actual job remained the same. The number of children in the facility increased by a factor of slightly more than three, while staff at the facility increased by only 24 percent and wages fell by a factor of two to three. Over 100 children were moved into one room that had previously held only 30 children—the children were stuffed in by pushing beds together. There were one pediatrician and two nurses for over 100 critically ill children. These nurses also had to handle the feeding tubes for many children. The facility was not allocated any funds for diapers, the necessary liquid medicines for children (tablets for adults were used instead), special protein nutrition, special beds, special equipment for bathing, or regular maintenance. Other institutions in the oblast within the purview of the Ministry of Social Protection and the Ministry of Education have experienced the same situation with financing

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<sup>88</sup> <http://grani.ru/blogs/free/entries/243912.html>

cuts. Member of the Investigative Committee General A. Bunev, who was responsible for investigating the above criminal cases, connected this systemic lack of funding with the deaths of children at the neuropsychiatric care facility from kidney infections, the fact that Irkutsk Oblast has the highest level of child suicides in the country, the high involvement of children in criminal activities, and the hiring of people lacking the appropriate education and qualifications or having criminal records<sup>89</sup> as social and pedagogical workers at care facilities, which makes children especially vulnerable to all kinds of violence.

According to experts in the rights of disabled people, even the more economically successful regions do not ensure the rights of disabled persons to education to the proper extent.

The very existence of a broken system of closed care facilities for disabled people requiring constant care and assistance, who have been placed in these facilities by their relatives, speaks to the fact that the country does not provide enough support for the families of disabled people and that humane forms for ensuring a comfortable life for these people (for example, living in halfway houses under the care of social workers) are not being developed.

Another continual problem is that disabled persons held in care facilities are found incompetent, which makes them completely dependent on their guardians. Even people whose diagnoses and, therefore, incompetence, come under scrutiny by independent experts frequently end up in closed neuropsychiatric care facilities.

***Recommendations: The system of closed neuropsychiatric care facilities must be reformed. Alternative closed neuropsychiatric care facilities must be developed to care for disabled persons who cannot live independently. An individual approach to determining the competency of persons with disabilities is needed.***

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<sup>89</sup> Andrey Bunev, general, RF Investigative Committee. Speech at a session of Legislative Assembly of Irkutsk Oblast, 16 December 2016. Transcript [in Russian] <https://www.miloserdie.ru/news/skr-deti-invalidy-v-sotsuchrezhdeniyah-umirayut-potomu-chto-net-deneg/>