

# Report

## International fact-finding mission

### THE ROMA OF RUSSIA: the subject of multiple forms of discrimination



Photograph: Joakim Eskildsen

A Madjary woman in front of her makeshift home

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*"You can tell Gypsies by their faces and their clothes"*  
*Head of the Administration responsible for the implementation of sentences*  
*at the Pskov region Ministry of Justice*

*"People say, 'Gypsies, go back to your country.' But we have no other country, we were born here and we will die here."*

A Romani woman, Leningrad region.

## I. Background

### 1. Aim and organisation of the mission

A joint mission of the FIDH and the Northwest Center for the Legal and Social Protection of Roma (which is associated with Saint Petersburg Memorial) took place from 31 August to 11 September 2004 in northwest Russia.

The FIDH, worried about the position of ethnic minorities in Russia, deemed it necessary to look into the situation of Roma in Russia. While this large minority group is still little known in Russia, the discrimination the Roma face is now being tackled in other European countries<sup>1</sup>.

The FIDH was able to benefit from the experience and the network of contacts built up by the Northwest Center for the Legal and Social Protection of Roma, which for a number of years has undertaken enquiry, education, legal support and humanitarian and medical support work on behalf of these populations of Northwest Russia.

The goal of this mission, then, was to look into the situation of the Roma of Russia and, in particular, to assess :

- their living conditions and possible discrimination in access to employment, housing, school and other services (in terms of social and economic rights);
- possible racial stigmatisation and violence visited upon them.

The mission paid special attention to the situation of the most

vulnerable members of these communities : women and children.

It should be pointed out that the mission did not have the opportunity to enquire into equality in the justice system or cultural rights issues.

The situation described in this report relates specifically to Northwest Russia. Nonetheless, the recommendations framed by the FIDH and the Northwest Center for the Legal and Social Protection of Roma apply throughout the Russian Federation.

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Pauline NARYCHKINA, interpreter

They were joined by Cia Rinne, writer and journalist, and Joakim Eskildsen, photographer, whose extensive knowledge and experience with the Romani communities of various countries was of great help during meetings.

The official mission delegates express their heartfelt thanks to the Northwest Center for the Legal and Social Protection of Roma , which took charge of all of the mission's organisation.

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1. A number of recent European initiatives are particularly relevant : in 1994, a Focal Point on Roma and Sinti was set up within the OSCE Office of Democratic Institutions and Human Rights, followed by the Action Plan designed to improve the lot of the Roma and the Sinti at the December 2003 Maastricht Ministerial Council.

At the beginning of November 2004, the Committee of Ministers of the Council of Europe agreed on provisions for closer cooperation between the Council of Europe and the recently established European Forum of Roma and Travellers. The Forum, - an initiative of the President of Finland, Tarja Halonen, who led a project in Finland and in France - is an independent international organisation managed by Roma and Travellers. The aim is to give them a common voice on The European Policy chapter.

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The mission took place in Northwest Russia, specifically:

- in Saint Petersburg and its immediate suburbs;
- in the region of Leningrad<sup>2</sup> : Peri village (in the Leskovo conglomeration) to the north and the town of Vyritsa to the south;
- in Pskov;
- in the region of Pskov : around the towns of Ostrov (50 km south of Pskov) and Opochka (100 km to the south);
- in Novgorod and its immediate suburbs;
- in the Novgorod region : town of Chudovo.

The mission met more than 300 persons in the places where they live, and took a special interest in 23 family groups. Meetings were also held with members of the Administration. In Saint Petersburg, however, the Deputy Regional Governor G. Bogdanov declined to meet members of the mission.

### 2. Romani communities in Russia

Roma or Gypsies (*tsiganie in Russian*)? Gypsy (*tsiganie*) is the term most commonly used in Russia to describe these groups – by Russians and the group itself. It was the official Soviet term used during a period when Gypsies were considered to be a nationality (taken to mean an ethnic group) like the Russians and hundreds of other populations (Ukrainians, Armenians, etc.).

Nationality appeared as item 5 on Soviet passports, on birth certificates and on many other documents. People who belong to this group themselves often use the term Gypsy (*Tsiganie*), which has no negative connotation. The authorities do not use the word Roma; they are not even familiar with it. It was hardly used among the Roma themselves during the mission, some communities even reject the term (*Madjary, Ljuli* - cf. below).

#### a) General background

It should be remembered that the Soviet authorities distinguished between citizenship (Soviet) and nationality (Russian, Ukrainian, Georgian...), which designated the ethnic origin of the individual and not the territory where he or she lived (it was possible to be a soviet citizen of Georgian nationality living in the Soviet Republic of Ukraine or a soviet citizen of Russian nationality living on the territory of Soviet Belarus, etc.). In today's Russia, this distinction between citizenship (of the Russian Federation) and nationality (Russian, Armenian, Chechen, Gypsy, etc..) has been retained although, after lengthy

debate, it has been removed from passports. Hence, the 2002 census required people merely to state their nationality.

According to this census, which was taxed with gross inaccuracy, there are 183 000 Gypsies in the Russian Federation, which would account for 0.1% of the population (that is a total population of 145 million inhabitants, 115 million of whom are Russians). 176 000, or 96%, reportedly speak Russian (as well as their mother tongue). It may well be that the number of Gypsies has been underestimated : people who fear being stigmatised, may declare another nationality (Russian, Ukrainian, Moldavian etc...). Furthermore, the census workers often avoided far-flung places, not to mention illegal camps and secret places where persons without official identity papers shelter (which is what sometimes happens to some Roma groups).

Marcel Courthiade, a specialist on Roma issues, puts the Romani population living in the ex-USSR at about 600.000, with a large contingent in Siberia and the Central Asian Republics. Some others put the figure at one million.

While there are no precise statistics on the number of Roma living in the northwest region (some estimates stand at 100 000), the Northwest Center for the Legal and Social Protection of Roma puts the figure at 20 000.

The history of Russian Roma is different from that of other European Roma in that they were relatively well accepted. In tsarist times there were no laws that stigmatised Roma, unlike Jews for instance. In Soviet times, Roma, like the rest of the population, suffered from forced collectivisation, and above all from Stalinist terror, during which there were hundreds of thousands of arbitrary arrests. While, unlike the Crimean Tatars, the Ingushs and the Chechens, Soviet Roma were not deported by Stalin during the Second World War, they suffered at the hands of Nazis in the occupied areas. Throughout the whole Soviet period, despite a certain amount of discrimination against them, Roma enjoyed a degree of cultural recognition (Romani theatre, publications in Romani), certainly limited, and which had to reflect its allegiance to Soviet ideology.

In 1956, at a time when part of the Romani population was still nomadic, forced settlement was imposed by law. This sedentary status led to the loss of ways of life and the traditional trades of life on the move and created new tensions between Roma and the populations of villages and towns where they had been

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2. Leningrad - the former name of Saint Petersburg. At the 1991 referendum, the Leningrad region voted to keep its old name while the city itself became Saint Petersburg.

settled. However, forced settlement, widespread throughout Central and Eastern Europe, in some cases achieved some integration.

### **b) The communities encountered**

Among the Roma (*Tsiganie*) communities the mission met, there were three distinct groups :

**The Russian Roma** (*Russka roma*), whose ancestors arrived in Russia in the 18<sup>th</sup> century. By the end of the 19<sup>th</sup> century, a small number of Russian Roma lived in towns while the remainder lived in the country, led a semi-nomadic life and spent the winters in peasant houses. The Russian Roma the mission met during the mission either lived in houses on the outskirts of towns or in the countryside or in flats. They all spoke Russian and most also spoke Romani.

**The Kelderash, or Kotljary**, who are part of a Romani group which is found throughout Europe (Kaldé). The mission met two large *Kotljary* groups: in Peri (Leskovo urban area, Leningrad region), and in Chudovo (a town in the Novgorod region). These communities, which had traditionally been nomadic, have been settled for 15 to 30 years and do not seem to be planning to leave. They all speak Russian and Romani.

**Madjary or Magyars.** This community (estimated to be 2000 strong around Saint Petersburg) were natives of the Carpathians, a region which formerly belonged to Hungary, was annexed by the USSR in 1945 and joined with the Ukrainian Soviet Republic. The community lives in dire poverty in makeshift tents made of wood, plastic and even paper, in the marshlands and fields between industrial wastelands. They have lived in the region for 13 years and summer and winter alike they rely on stoves made out of metal drums for heating. The police regularly drive them away. They all speak Hungarian and some of them speak Ukrainian and Russian.

These three groups are only part of the picture : many other Romani groups live on Russian territory.

The mission was not able to meet the Ljuli (or *Mugaty*), a group which originated in Central Asia and whose Romani origins are debatable. They live on the outskirts of Saint Petersburg in conditions similar to those of the *Madjary*, and they face the same difficulties. They dress in a Central Asian style, speak Tadjiki, are Muslims (unlike the three previous groups who are Orthodox Christians), facts which expose them even more to racism (see below, part III).

All these communities presented themselves as *Tsiganie* to the mission, but they did not claim any special links with the other groups. Most of them felt a strong allegiance to the country of which they are citizens or where they originate like the Russian Federation, Latvia, Ukraine, etc.

## II. Omnipresent violence

### 1. The context : "ambient racism"

#### a) The rise of nationalism and xenophobia in Russia

Since the end of the nineties there has been a significant rise in nationalism and xenophobia all over Russia.

Ultra-nationalist parties appeared on the political stage in the beginning of the nineties, for example, Vladimir Jirinovski's Liberal Democratic Party of Russia (LDPR), which is overtly racist and expansionist and which came first in the December 1993 general elections. Several parties or groups described as "brown-red", which are both nationalist and nostalgic for the USSR's grandeur under communism, have also emerged.

However, a "Russian nation" is not really obvious in a country which differentiates between Russian citizenship (*rossiane*) and Russian nationality (*russkij*); furthermore, it is the first time in history that Russia has decided to construct itself as a nation state. In this way, the Yeltsin period (his presidency ran from 1991 to 1999) strongly featured the quest for a "national concept" which could generate a feeling of unity and belonging in the population of the Russian Federation. They even held a contest in summer 1998 on the "Russian concept".

When Vladimir Putin came to power (caretaker President from January 1999, elected in March 2000 and again in March 2004), he fostered nationalism by drawing on nostalgia for the former USSR. So as to engender a feeling of mutual belonging among the population and to attract political support, he played on the feelings of lost power and humiliation which were prevalent among the Russian Federation's population. The Russians, who had formerly been citizens of one of the world's two super-powers, were very hard hit by economic hardship, but also by humiliations on the international front epitomized by the defeat in the war against Chechnya of 1994 - 1996. Vladimir Putin restored a number of Soviet symbols (the Soviet national anthem with revised lyrics, the USSR flag displayed at military parades) and introduced hard-line policies aimed at restoring the authority of the State.

The rise of State nationalism goes hand in hand with mounting xenophobia, both within the State apparatus and in the population. In these circumstances, the murderous

terrorist attacks which occurred in Moscow and in the south of Russia, mostly attributed, with or without evidence, to the Chechens, have created a veritable psychosis in Moscow. Chechens, and also other Caucasians (Azeris, Armenians...), have been victimized in major Russian cities because of their facial features. The police have had no qualms about fabricating evidence to lock them up.

While xenophobia has been sharpened and highlighted by the Chechen war and the mass migration related to the fall of the USSR, it goes back a long way. In the USSR the so called "natsmen" (a name to designate all the non-Slavic peoples of the USSR), and in particular the native peoples of Central Asia and the Caucasus were looked upon as second class Soviet citizens. The economic crises and the social upheaval that have afflicted Russia have further weakened minorities (people originating in neighbouring republics or national minorities within the Russian Federation), who are often made into scapegoats.

Racial violence has grown hugely and regular reports list people who have been assaulted and beaten up or even killed by nationalists.

This situation is made worse by the absence of laws against discrimination. In June 2003, the UN Committee for the Elimination of Racial Discrimination, when considering Russian compliance, noted the "absence of a definition of racial discrimination in domestic law. Although the legislation offers protection in this area without using the term "discrimination", the Committee encourages the State Party to consider including in the relevant texts an explicit ban on racial discrimination as specified in Article I of the Convention<sup>3</sup>".

The European Commission against Racism and Intolerance (ECRI)<sup>4</sup> also advised, in its general policy recommendation relating to the fight against racism and intolerance against Roma, that "discrimination as such, as well as discriminating practices, should be combated through proper legislation and that care should be taken to introduce specific provisions to this end in civil laws, in particular in the areas of employment, housing and education," and "that any discrimination on the part of the authorities in the discharging of their duties should be made illegal".

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3. CERD/C/62/CO/7, 2 June 2003, Para. 10.

4. ECRI was set up by the first Summit of Heads of State and of Government of the member States of the Council of Europe held in Vienna in October 1993.

Such laws are indeed necessary, and a positive step was recently taken in Saint Petersburg. On September 20, 2004, after the mission had left, a local law was enacted in order to secure "the harmonious development of relations between nationalities". It bans discrimination for racial or religious reasons and fosters the development of the cultural activities of minorities. This law was preceded by a fierce outbreak of racist violence in the city (see below) which gave rise to a civic response. It is, however, early days to assess the effects of this law. Furthermore, there are still no federal laws banning discrimination.

And yet, Article 26 of the International Covenant on Civil and Political Rights, to which the Russian Federation is a party, stipulates : "All persons are equal in law and are entitled without discrimination to the equal protection of the law. In this connection, the law should outlaw any discrimination and guarantee to all persons equal and effective protection devoid of any discrimination, in particular as regards race, colour, gender, language, religion, political opinion or any other opinion, national or social extraction, wealth, birth or any other circumstance". The FIDH and the Northwest Center for the Legal and Social Protection of Roma believe that the Russian Federation does not fulfil its obligations as laid down in this article.

The skinheads in Russia are a particularly dangerous movement which encompasses gangs of idle youths with shaved heads as well as structured and organized paramilitary groups whose ideology is explicitly drawn from Nazism. They demonstrated with a total impunity in major Russian cities on Hitler's birthday and they regularly attack members of the various minorities that live in Russia.

A number of murders have been committed by skinheads in Saint Petersburg in recent years : there was the death of Nanaï (a representative of an indigenous people from northern Russia) at the end of 2003, also a six year old Romani girl was killed in September 2003. In February 2004, a nine years old Tadjik girl was stabbed to death and her father was severely beaten. Most often, these acts are described by judges as acts of "vandalism"(or "hooliganism"). In the case of the young Tadjik the police first came to the conclusion that there was no evidence of racism, but of "vandalism", before the offence was requalified as a "racist murder" after unusual pressure from the media and civil society. Other attacks against non-Slavs - Roma, Armenians, Azeris, Georgians, Afghans, Indians, Africans and others are

common in Russian towns. These violent groups do not only attack minorities, but also those who defend them. On June 19, 2004, Nikolai Girenko was killed in his Saint Petersburg flat. He was a human rights defender, a professor of ethnology and a specialist on matters of racism and discrimination. His attackers shot him through the door of his flat, probably to take revenge on him because of his activities, especially since he had been called as an expert witness at the trial of extreme right-wing activists and had worked to have those crimes requalified as racist and the perpetrators sentenced.<sup>5</sup>

### **b) Roma, victims of ancient prejudice and new hatred**

Where xenophobic violence is concerned, Roma are doubly hit by racism : compounded with the centuries-old prejudice against this minority there is a new racism directed at "blacks" (*chernye*). This vague derogatory term encompasses people from Central Asia and the Caucasus who have a swarthy complexion, speak accented Russian or stand out because of their traditional dress. This form of racism, which is for the most part based on appearance, already existed in Soviet times and has grown greatly since the fall of the USSR. It is directed at minorities from the neighbouring Republics (Tadjiks, Azeris, Armenians) and Russian Federation nationals : various Northern Caucasians, Tatars, *Tsiganie*.

The traditional image of Roma is not solely one of negative stereotypes : there is also the romantic image – of free spirits going from village to village as they please, singing of love and fate – which has lived on from tsarist Russia through the Soviet era ; their musical and artistic talents are greatly recognised and admired.

This gives rise to a widely held, misguided impression in Russia that "in this country, people like Gypsies". However, this image, reflected in particular in literature and the Russian poetic tradition, goes hand in hand with die-hard prejudice : thieves, vagabonds, filthy, saddled with a swarm of kids that they cannot feed... Historical misunderstanding of a little-known lifestyle feeds prejudice, as does the belief in Roma's hidden wealth.

Most Russian newspapers help perpetuate these stereotypes by publishing tendentious articles.

*The Northwest Center for the Legal and Social Protection of Roma invited an Izvestia journalist (one of the major Russian newspapers) to visit a Kotljary school in Peri, in the*

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5. See urgent appeal of the Observatory for the Protection of Human Rights Defenders (a FIDH and OMCT [World Organisation against Torture] joint programme), 25 June 2004.

*Leningrad region (see below). The teachers, pleased to show how interested the Roma children were in school, told him the story of little Ricardo, whose parents forgot to leave him six rubles for his bus fare and who sold his pen so as to pay his fare. In the published article, the pen became a gold fountain pen, the sale of which covered the child's bus fares for a whole year and, more importantly, the journalist implied that the pen had been stolen : "we will not attempt to find out where the pen came from..." he wrote (Izvestia, 8 April 2004).*

In June 2003, when the United Nations Committee on the Elimination of Racial Discrimination monitored Russia's compliance with its obligations, it further declared that it was "disturbed by the information whereby racist documents on minority groups that perpetuate stereotypes are disseminated in the national media"<sup>6</sup>.

In pursuance of Article 20.2 of the International Covenant on Civil and Political Rights, "Any appeal to national, racial or religious hatred which constitutes incitement to discrimination, hostility or violence is prohibited under the law". Hence, Russian legislation should ban degrading stereotypes about Roma from the media.

It is not only the Russian-language press that stigmatises these communities.

*In an article entitled "Police checking Roma to Protect Tourists," which appeared on May 25, 2004, in the English-language newspaper The St. Petersburg Times, the journalist, in an article which per se was ambiguous, gave free rein to a photographer from Belgium who explained that "Everybody knows what they are doing and the authorities or police don't seem to mind. This is like a cancer for such a beautiful city as St. Petersburg and it's growing".*

The Roma are lately also associated with the "blacks" fantasy group, and the recognition of them on the basis of their skin colour and their dress is deeply entrenched. For instance, the Head of the Administration responsible for the implementation of sentences at the Pskov region Ministry of Justice (UIN) unequivocally told the mission officials that "Gypsies can be identified by their facial features or their dress".

This confusion between the various "non-Russian" or "swarthy" described as "Caucasians" or "Orientals", was constantly referred to by A.V. Severov, Deputy Chief Administrator of the Leskovo region, when he spoke to the

members of the mission. For instance, he described Roma as "smart, resourceful" (smekalistyj) and noted that youngsters were particularly "unreserved or wild" (nezakrepacheny) which is "typical of oriental nations". After comparing the "peculiar psychology of this people" with that of the Caucasians, he spoke of the Roma in terms commonly used for Chechens such as "teip" (clan).

## 2. Relations with the Russian population and the Administration

In the Soviet Union, Roma were considered a nationality (cf. above) and could therefore be identified by their passports. While this form of identification still exists (as old passports are still in use), it would appear that most Russians recognise Roma by their appearance (dark skin, black eyes, typical dress).

### a) Living side by side does not obviate tension or stigmatisation

Most of the Russian Roma (*Russka Roma*) the mission met stressed the good relations they had with their Russian neighbours, and the good neighbourly feeling, and talked about many mixed marriages between Russians and Roma :

*In Trubichino, near Novgorod, a mother of ten children told the mission that one of her daughters had married a Russian and that they were all well integrated and regularly held parties in the family house to which Russians came. Her daughter-in-law (a Latvian Romani woman from the Lotva group) also insisted that she was well integrated into Russian society.*

*In a family the mission met in the same village, a man had married a Russian lady and his cousin had nothing against marrying a Russian herself. The will to integrate, or even become assimilated, of this young twenty-year-old girl was patent and she did not wish to be "picked out as a Gypsy" and avoided wearing bright colours.*

This latter comment clearly shows the fear of stigmatisation Roma harbour despite the good neighbourly relations they often claim. Many testimonies contain this contradiction.

There are different degrees of integration in different communities. The Russian Roma are by far the most integrated. There are also differences between town and country where people know one another better (the 2002 census indicates that 114 000 Gypsies live in towns and 69 000 in the country, but these results should be treated

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6. CERD/C/62/CO/7.2 June 2003, para 25.



with caution), and again between town centres and the outskirts. In the small towns and villages the mission visited, it is easy to pick out the streets and districts mostly inhabited by Roma, but the populations were rather mixed. Neighbourliness does exist, but there are also some tensions. The situation is much worse in large cities :

*In Rubilovo (near Ostrov, Pskov region), in a family of three brothers living in poverty on the outskirts of a village, one of them was married to a Russian; another shared his house with an old Russian lady and her son. This man said that relations with the Russians living in the village were good, but that "everytime a cow disappeared from a kolkhoz, it's the Gypsies that get accused" ; he pointed out that sometimes they got insulted when they went into town. His sister-in-law described an incident which took place in early September 2004. A tractor part was stolen from a Russian neighbour and he immediately went to the Romani families to accuse and threaten them : "We'll show you what Chechnya is like!". The police soon found the thieves who had nothing to do with these families.*

*In Pskov, Vera K. who lives with her family in a housing district stresses that there are no problems with the Russian neighbours ; however she did mention a children's quarrel where the father of the Russian child shouted that he "would kill all the Gypsies". On the other hand, she insisted on the difficulties she had encountered when she lived in a block of flats in the centre of Pskov (Zavelichie quarter) : the attitude towards the Roma was very negative, they had stones thrown at them and hooligans harassed their children by shining lasers into their eyes. They complained to the police, but moved house before the case could be followed up. She also said that at times she was insulted when she spoke Romani on the bus.*

The constant stigmatisation and rejection felt by Roma was thus expressed by a young woman in Vyristsa (Leningrad region): *"Wherever we go, we are treated like rubbish. Even when we walk down the street, people tell us, "Gypsies, go back to your country." But we have no other country. We were born here and we will die here."*

The mission had little opportunity to ask Russian neighbours about their attitude towards Roma, with the exception of an elderly woman near Novgorod in a Romani family which she came to help. She spontaneously gave us her opinion on the Gypsies, who, according to her, are all bad (except for the mentioned family) and should be "sent back to India." She considered them lazy people who live off government aid, are all involved in drug trafficking and exploit Russians, especially the homeless, whom they force to work without pay.

The statements made by this woman seem to reflect the generalised prejudice towards Russian Roma, whether with respect to drug trafficking (see above) or legends about their riches and their dishonesty, as can be found in the Russian media.

While the mission did not witness any verbal attacks on Roma by Russians, people working with the Northwest Center for the Legal and Social Protection of Roma insist that they frequently observe this type of altercation, particularly on suburban trains.

Tension between Roma and Russians can turn into outright violence:

*A woman from the Madjary camp south of Saint-Petersburg stated that she had been attacked six months earlier by four young men as she was leaving a shop with her husband where they had bought food. Workers from a nearby garage came to her and her husband's rescue.*

In Oepochka, the mission passed several houses that had been burnt down in the spring of 2001 by townspeople who accused the Roma of drug trafficking. The mission also met a man in Chudovo who told the story of several people in his group who had been the victims of similar situations:

*Ten years ago, some Kotljary, now living in Chudovo, went to Pskov and their houses were burnt down deliberately before they could sort out their legal situation.*

#### **b) A would-be universalist attitude is a facade for prejudice and discrimination**

Despite the desire not to discriminate asserted by representatives of the administration the mission met with, one cannot help but see the very different treatment given to Roma compared to the rest of the Russian population, and a more general attitude of ignorance, prejudice and even contempt towards them.

Officials the mission met all declared first of all that there was no difference between Russians and Gypsies, and that they have the same rights and obligations as all Russian citizens.

*According to the head of the Leskovo administration, who has under his jurisdiction the Kotljary community in Peri, Roma "are no different from an Ivanov or a Petrov", in other words, from any other Russian, as they have the same rights and obligations. His deputy added that there were no specific rights*

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given to Roma and that aid granted to them depended solely on the general stipulations on social initiatives (aid). Nonetheless, the facts say otherwise, making prejudice reappear.

S. Ikonnikov, Head of the Administration responsible for the implementation of sentences at the Pskov region Ministry of Justice, told the mission he could not say how many Roma were in prison, as there was no distinction made between them and other prisoners. During the discussion, however, he estimated their number at about 10-15 in each of the six prisons he is in charge of, out of some 5,000 prisoners total. He underlined the fact that they have been charged with various misdemeanours, and that there is no particular 'Romani delinquency,' the only specificity being illiteracy, which is taken note of in the prisons. Prisoners are not separated by nationality, religion or type of misdemeanour, and there are no problems between Roma and the others. According to Ikonnikov, Roma are well-behaved in the prisons, even if "they don't want to work."

It should be recalled that the mission did not have the opportunity to look into the treatment of Roma by the courts or into any inequalities concerning penalties and custody.

While representatives of the administration the mission met with asserted their willingness to treat all citizens of the Russian Federation equally, the mission observed a clear tendency towards management of Romani communities as a whole, particularly the *Kotljary* and the *Madjary*. The requests made by these families are not examined individually by the public authorities. The administration prefers, and sometimes imposes, a community representative. This representative is then the sole intermediary for issues submitted by the members of a population that is automatically considered homogeneous and indissociable.

The Leskovo head of administration and his deputy see the *Kotljary* of Peri, who are under their jurisdiction, as a "tabor", or camp, in which people live independently, according to their own rules, not wishing to be assimilated into the community. This is why the head of the administration and his deputy have not attempted to make contact with each family or head of family; they establish such relationships only through the representative, also known as the "baron". (The term "baro", meaning an elderly or adult person in Romani, designates the representative of certain Romani communities in Russia in charge of external relations, although the existence of such a person is sometimes denied.) The head of the administration and his deputy went so far as to deplore the fact that the current "baron" is too weak an authority and to declare that they would prefer a more firm-handed intermediary. They recalled with nostalgia the community "baron" in the 1970s and 1980s, who

always carried a small whip in his boot and who knew how to maintain law and order.

In Chudovo, the public authorities the mission met did not agree in the least on the identity of the "baron" in their city's *Kotljary* community. In any case, all the public authorities stated they would like a more firm-handed intermediary to deal with, who would keep the community under control. According to them, past experience has taught them that such a situation allows them to work better.

It should be noted that this community assignment is not necessarily rejected by the *Kotljary* themselves.

In Peri, the "baron" stated that he was ready to fulfil the interests of his community. In Chudovo, Boris G., a village authority, took over the management of the group and external relations, all the while insisting that he was not the community "baron". He stated that he was in disagreement with the city administration because they wanted him to pay for the electricity for all the families, whereas he believes that each house should pay individually. However, he had in fact taken on the role of collector and had decided to pay for the electricity.

It is also important to note that the attitude of the local authorities (and no doubt, that of the population) is different towards long-established Romani communities and those ("our Gypsies") with which there are no problems, and newcomers. Whenever there is a clash between the population and unknown groups, the same prejudices reappear.

In Chudovo, the deputy mayor and the director of education spoke of "our" Gypsies to refer to local Russian Roma, and noted that, in their opinion, the assimilation outlook was more optimistic ("Our Gypsies get married to Russians. There is still something peculiar about them, even though there are some who change") than for the *Kotljary* ("They have their own rules, their own law; they live in a clan-like way and don't try to assimilate").

While the *Kotljary* in Chudovo are considered newcomers, having first come to the region 15 years ago, those in Peri (in the region of Saint Petersburg), who have lived there for 30 years, are thought of practically as locals. A sort of "appropriation" occurs here, too, when the mayor of Gnatovskij refers to the problems created by Romani families coming from the Novgorod region, his deputy Severov says, "our Roma are quiet."

Although the various members of the administration the mission met denied distinguishing between Roma and

Russians, this did not keep them from expressing their prejudice against Roma, which is prevalent throughout Russia: laziness, always seeking hand-outs, dirtiness, clannish ways, etc.

*The deputy mayor for social matters in Chudovo explained that when the Kotljary families first arrived in the city at the end of the 1980's, "they were not happily welcomed" because "they went into stores in crowds". However, he added that "they behave themselves better now". He stated that they have registered for welfare benefits because "they like allowances, and any financial aid in general" and that they make up "one particular group of Roma that is rather civilised and that benefits from all the financial aid available".*

*The belief that Roma are lazy had already been heard during a meeting with S. Ikonnikov (Head of the Administration responsible for the implementation of sentences at the Pskov region Ministry of Justice (UIN) who had stated that he "had nothing against the Gypsies, who represent a very particular group of people. They do not wish to work, their behaviour is not very appropriate". While explaining that he had lived his own childhood amongst Roma (and stolen apples), he stated, in order to explain the Russians' racism, and in so doing, taking on the same discriminatory attitude, that everything depends on the attitude of Roma: "everything depends on the person-if he/she is dirty and spits, it's no wonder he/she is not accepted into the community".*

*The topic of dirtiness was yet again mentioned when the mission met with the head of administration for greater Leskovo and his deputy, this time about the Kotljary community living in Peri. Speaking about the fact that Roma are forbidden to use public baths (see above), they explained that the only time children came to use them, "they transformed the baths into toilets." The mayor also highlighted the issue of hygiene in the Kotljary neighbourhood. According to him, a container was set up for rubbish, but so much rubbish was placed around the container that it was impossible to remove it from the road and, in the end, the whole thing had to be burnt, leading to considerable insalubrity. As far as the roads are concerned, when a snowplough is sent around, according to the authorities, it can never get through the neighbourhood because there are too many things on the road.*

*However, when the mission visited the Kotljary neighbourhood, access to the houses seem relatively clear of any objects and looked after in a satisfactory manner, without any rubbish piled up. Roma with whom the mission met denied the mayor's statements, both as regards the dirty baths and the rubbish. It should be noted that the entire infrastructure of their houses in Chudovo, just like in Peri, is kept up by the Roma themselves. They marked out the roads, put in electricity cables and even hydraulic passages, and installed street lamps.*

### 3. Racist violence committed by skinheads

For the past few years, the Northwest Center for the Legal and Social Protection of Roma has observed an increase in the momentum of skinhead movements and racial attacks or assaults in Saint Petersburg, especially against Roma, and in the towns of northwest Russia, particularly Pskov. The mission has gathered a number of witness reports from Roma showing both unpunished racist violence committed by skinheads and the fear they engender.

The Madjary living around Saint Petersburg say that they are often harassed by skinheads, who particularly attack women in the subway and near shops. They even came (just before the mission delegates' visit) to harass the community in the forest where it was hiding and threw stones at them. In August 2003, two women were attacked by skinheads while they were entering a shop, one was injured and her sister-in-law was killed.

*According to statements from the brother of one of these women, they were attacked at 8 p.m. by five or six skinheads, who beat them and stabbed them with a knife. One of the women (Anna F.) died during the attack, the other (Louisa F.), although suffering from head injuries, ran to get help and was then admitted into hospital. Soon after she left hospital, the police went back to the site to warn that there would be an eviction due to the Roma's fears of revenge and disturbances... An inquiry was opened and Louisa F. (who met workers from the Northwest Center for the Legal and Social Protection of Roma in May) asserted that she identified two of her sister-in-law's murderers to the police, but the two men were released.*

A young woman living in Vyritsa (in the Leningrad area) also reported to the mission that she had been assaulted by skinheads two weeks earlier, while staying on the platform of the station Kupchino (south of Saint Petersburg) with a group of six other women.

The Kotljary women from Peri (near Leskovo, in the Saint Petersburg region) have also reported increasingly frequent attacks by skinheads. One group described some of these incidents:

*At the end of August, a young woman was assaulted when a group of women was at Deviatkino station (subway and commuter train station in northern Saint Petersburg). The skinheads who assaulted them pulled her hair, threw her to the ground and struck her violently, "leaving her for dead". No-one intervened and the subway police they reported to said that they*

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were scared of the skinheads like everyone else.

One of the women, Svetlana M., said that she was violently assaulted five or six months ago by skinheads carrying chains and baseball bats in the Prospekt Prosveshenia subway (north of Saint Petersburg); she was struck on the head with a chain.

The women in Peri also described an assault that took place in July 2004. Accompanying a woman about to give birth, they were assaulted by skinheads in front of the maternity hospital on Vavilov Street in Saint Petersburg. The skinheads knew that they would find foreigners in front of the hospital, as women who have not been monitored during pregnancy are admitted there. The mother-to-be managed to run to get help and they were helped by medical staff; one doctor helped them to get a public taxi to make sure they got home safely.

The skinheads seem to be less present around Novgorod. When questioned on this matter, one young couple said they had never had any problems with them, but admitted that they only travelled by vehicle and did not go out at night; they believe that there are many skinheads in the town and that they "do not only assault Gypsies but Armenians as well".

In Pskov however, there are many more skinheads. The mission has seen graffiti displaying messages like "Give Russia back to the Russians. Kill Jews, Gypsies and Blacks", or swastikas with "we are here!", signed with the abbreviations RRA and RR. Several of the Roma the mission met said that they hide on April 20, Hitler's birthday, and described the remarkable events at the beginning of June 2004. When a Romani person killed a skinhead in self-defence, the Pskov press (*Moskovsky Komsomoletz v Pskove newspaper*) said that "Gypsy blood would be spilled", and Pskov Roma, fearing revenge for several days, hid in forests and in cellars.

*The whole business stems from one incident: a scuffle between a Romani man and a skinhead who found the Romani man with his Russian girlfriend. During the fight the skinhead was killed and the Romani man, injured, went to the police, who admitted that it was self-defence. When the skinheads discovered this they promised to retaliate, and other groups in Moscow and Saint Petersburg were called to Pskov. The press, in true alarmist fashion, claimed that "Gypsy blood would be spilled", a claim that was then taken up by the radio stations and heard several times by those the mission met.*

*Rumours spoke of 300 skinheads arriving to Pskov from Saint Petersburg.*

*Very worried, the Pskov Roma called the police. In the Lis'ia Gorka area, where a Northwest Center for the Legal and Social*

*Protection of Roma employee lives, the police did not take their fears seriously but increased patrols. The Romani families hid in the forest or in the safety of the homes of rich families. They stayed there for nearly three days. Five skinheads were questioned in the area but immediately released without charge. No violent incidents actually took place at that time.*

In general, the problem of skinheads is very much underestimated and minimised by authorities. The general lack of preventive or repressive action contributes to an increase in the feeling that these violent movements are going unpunished.

The head of the Ministry of Justice's sentence application administration (UIN) in the Pskov region said about neo-nazi movements, whose graffiti have been seen not far from the prison he runs, that this is not a mass phenomenon, nor are they organised gangs, that racist graffiti is not significant and that skinheads are isolated cases.

The Leningrad region's Human rights official representative (regional ombudsman), admitted that skinheads are a dangerous movement, but at the same time said that he did not believe that Roma had problems with them around Saint-Petersburg as no complaints had reached him.

When given the example of the Kotljary women attacked by skinheads at the end of August 2004 (cf. supra), he did not dispute this, but said that no complaints had probably been made to the police. When the mission officers explained that the police did not intervene as they said they were just as scared of the skinheads as the rest of the Russian population, he immediately denied this possibility. However, after descriptions of other cases of groups of Romani women being assaulted, he admitted that the police do not work hard, that they often refuse to take complaints, but said that they often behave in this way with Russians as well.

However, Article 26 of the International Covenant on Civil and Political Rights, to which the Russian Federation is a State party, stipulates "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law". Under Article 2 of this Covenant, the Russian Federation agrees to "respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

In the cases the mission has been informed of, the lack of preventive or repressive action from authorities against racist attacks by violent movements against Roma constitutes a breach of Articles 2 and 26 of the Covenant.

In November 2003, on examining Russia's adherence to its Covenant obligations, the United Nations Human Rights Committee said it was "concerned at the increase of racially motivated violent attacks against ethnic and religious minorities, as well as about reports of racial profiling by law enforcement personnel. It notes with concern reports of xenophobic statements made by public officials. The State party should take effective measures to combat racially motivated crimes. It should ensure that law enforcement personnel receive clear instructions and proper training with a view to protecting minorities against harassment. The State party is also encouraged to introduce specific legislation to criminalize racist acts as well as racially motivated statements made by those in public office (Articles 2, 20 and 26)"<sup>7</sup>.

Furthermore, in June 2003, the United Nations Committee on the Elimination of Racial Discrimination noted with concern (cf. supra) "the absence of a definition of racial discrimination in domestic legislation". Although the legislation offers protection in this area without using the term "discrimination", the Committee urges the State Party to "consider introducing into relevant laws an explicit prohibition of racial discrimination as defined in article 1 of the Convention"<sup>8</sup>.

The FIDH and the Northwest Center for the Legal and Social Protection of Roma feel that since then, no progress has been made in this area on a federal level, both in terms of the behaviour of public authorities and repression of racist acts in general.

#### 4. Police violence

Not only does the police not protect Roma from racist attacks, but it itself harasses this population: arrests, violence, and bribes to the police appear to be frequent problems mentioned by the Roma met, particularly the most marginalized. All this happens in a context of escalating police violence in Russia, particularly where the use of torture to extract confessions is concerned. Just after the mission's return, the Moscow police were forced to admit that a man suspected of preparing a car bomb attack died on September 18, 2004, from the treatment he suffered in one police station.

Inadequate protection, police harassment, corruption, violence, torture, evidence fabricated by the police are acts that all citizens of the former Soviet Union are victims of. The Roma are particularly vulnerable; some of them are illiterate and are not accustomed to going to the police or legal authorities to defend their rights. They may also be more

vulnerable due to their administrative situation when they do not possess official documents or records. Furthermore, certain police practices, such as the Tabor operation (cf. infra), threaten them specifically.

##### a) Inadequate police protection

As observed with administration, it would appear that the police do not treat the Roma the same way as other Russian citizens, reckoning that they should sort out their own business and only intervening when problems arise between Roma and another group. This is, at least, what the mayor of Leskovo said about Peri's *Kotljary* community. Several persons met (Russians, Roma, Kelderash) confirmed that they settled differences within the community among themselves and that they only reported to the police in the event of problems with Russians or other people.

The feeling of mistrust towards the police, who are deemed inefficient and corrupt, is a general one among Roma, and this belief appears to be confirmed by the police's attitude, by not intervening when they should:

*In November 2003, a violent fight broke out at a Leskovo market between Kotljary families from Peri and persons reported to be Azeri or Chechen. The mother of the two men injured told the mission officers that the fight broke out after a dispute between a Roma couple and a trader. Told about the incident, around fifty Kotljary apparently went to the market; the mother's sons went to see the traders to calm things down... a fight started and one of the sons was stabbed in the neck, the other stabbed with a fork in the stomach. She said that the police's official reason for rejecting the complaint was that there was no point.*

*In the case of Galina L., living in Vyritsa (Leningrad region), the woman's son, his pregnant wife aged 23 and his four-year-old child were murdered on November 28, 2002, in their own home. The man was shot in the head and his wife and daughter killed with an axe to settle a score (a \$300 debt). The police did nothing to find the murderers. Galina would not let the men retaliate themselves, not wanting to cause another murder. The inquiry made no progress in the absence of evidence and witness reports, according to the police. She then harassed the police to push for the inquiry to speed up, and even promised a reward for witnesses. One Russian witness contacted her and gave her details of the facts, which she recorded and handed over to the police, who were then able to arrest two of the attackers, now in prison.*

The lack of action on the part of the police often comes in the form of refusal to provide protection, particularly in the case

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7. CCPR/CO/79/RUS, 6 November 2003, para 24.

8. CERD/C/62/CO/7, 2 June 2003, para 10.

of violence committed by skinheads. In Vyritsa (Leningrad area), at Easter in 2004, the police surrounded a church to protect Roma inside from an attack by skinheads. But this is the only case reported to the mission and constitutes more a measure to prevent a confrontation than actual protection: in all other cases (cf. supra), there is no real protection given. Worse still are the reports of collusion (or at least implicit alliance) between the police and skinheads groups, certain members of which are thought to be sons of policemen or local personalities.

*One Tadjik man the mission met at the home of some Roma to whom he rents out a house in Vyritsa (Saint Petersburg area), and who said that he is himself systematically harassed by the police and skinheads, reported another case: in the village of Vyritsa, his cousin, a Tadjik, was arrested by an OMON (special police force officer) who checked his papers and then began to shove him about; when the man fought back, a gang of around fifteen skinheads hidden in the vicinity attacked him.*

*The Northwest Center for the Legal and Social Protection of Roma also recorded the following case in Peri (Leningrad region) in March 2004. One man and two children were at the Gruzino train station in the suburbs when they were attacked by 15 skinheads, two of whom were known to them: they were twins from Leskovo, whose mother works in a medical centre. The assailants started to insult the Romani man, then hit them. They attacked the children and placed a firecracker about to explode under the father's shirt. The three of them escaped and sought refuge at the first house they came across, which turned out to be the home of a policeman and his family. His wife shut herself inside while insulting the victims, but then began to call for help. The police arrived, but the Roma did not want to file a complaint as "everyone knows that some skinheads are policemen's sons".*

The police force's failure to act constitutes a clear breach of the the Council of Europe's Framework Convention for the Protection of National Minorities, adhered to by Russia in 1998, which stipulates that State Parties must "take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity" (Art. 6.2). It also constitutes a breach of Article 26 of the International Covenant on Civil and Political Rights, which the Russian Federation belongs to, which states: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law".

#### **b) Tabor operation**

While police arbitrariness is commonplace, certain operations

specifically target Roma. This is the case with the *Tabor* operation, which in Russian refers explicitly to Romani camps. The first *Tabor* operations, aimed at fighting against drug trafficking, took place throughout Russia in 2001-2002. The racist nature of these anti-drug operations, which targeted all Roma as drug dealers, a notion that was taken up by the media, was denounced at the time by human rights organisations, and Russian authorities said such operations would not happen again.

However, two more *Tabor* operations did take place in Saint Petersburg in May and June 2004. This time they supposedly targeted theft. Several travel agencies and Embassies had complained about tourists being harassed by "groups of Gypsies", particularly at the Saint Petersburg tricentennial in 2003. The *Tabor* operation essentially targeted beggars in Saint Petersburg and Roma living near the town. The operation involved massive and serious breaches of human rights. It was through these operations that the *Madjary* camp that the mission visited was burned down in the beginning of June 2004.

*The first time the Northwest Center for the Legal and Social Protection of Roma was contacted on this matter on May 20, 2004, the Madjary spoke of intimidation, and drunk police officers firing shots to frighten the inhabitants of the camp and beating up the women. They threatened to "clean up" the camp but only came back for the second operation, on June 10. When the mission went to the site, the Madjary explained that at first, on June 10, 20 police officers came to warn the 50 families in the camp that they would have to leave; the families had time to pack up their belongings and leave to hide. The next day, the police officers came back and burned down the camp.*

This unacceptable and overtly racist behaviour on the part of the police appears to be particularly aimed at creating media coverage, by targeting a population already stigmatised, without really seeking to deal efficiently with any offences committed. Furthermore, it contributes to maintaining a negative image of these communities and linking them with criminal offences.

*In Pskov, the Head of the Administration responsible for the implementation of sentences at the Pskov region Ministry of Justice explained that the Tabor operation had no impact on the number of prisoners, that there was no increase in the number of arrests: his assistant said that the Tabor operation consisted in passport checks, and that this type of violation (no passport or records) is punishable by administrative detention (and not imprisonment in the prison system they run).*

It is important to note that the operation was supervised by Leonid Bogdanov, Head of the Administrative Committee of Saint Petersburg's Governor Office. He replied some months earlier to an open letter from Saint Petersburg human rights activists who were concerned by the inter-ethnic tension there, saying, "the adherence to and protection of the rights, liberties, and dignity of Human beings and citizens, without considering whether the latter are from St Petersburg or guests of our town, whether citizens of the Russian Federation or another country, or persons without citizenship, shall be under the permanent control of the executive powers of Saint Petersburg". Leonid Bogdanov refused to meet the mission when it visited Saint Petersburg.

According to Article 11.1 of the United Nations' Covenant on Economic, Social and Cultural Rights, "The State Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions".

The right to housing is interpreted as the right to a place where one can live safely, in peace and dignity. According to the United Nations' Committee on Economic, Social and Cultural Rights, everyone "should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats", whatever the occupancy status, including precarious occupancy. Furthermore, the State Parties must give priority to social groups living in poor conditions by paying particular attention to them. Decisions to evict occupants are prima facie contrary to the provisions of the UN Covenant.

The expression "forced eviction" may mean permanent or temporary eviction, against their will and without legal or other aid, of persons, families or communities from their homes or lands they occupy. However, the prohibition concerning forced eviction does not apply to those carried out by force in compliance with the law and the provisions of International Covenants on Human Rights. While manifestly breaching the rights enshrined in the Covenant, the practice of forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.

Paragraph 2 of Article 2 and Article 3 of the UN Covenant on Economic, Social and Cultural Rights stipulate that governments must also ensure that, in the event of eviction, appropriate measures are taken to avoid all forms of discrimination.

The FIDH and the Northwest Center for the Legal and Social Protection of Roma therefore feel that the *Tabor* operation not only constitutes a flagrant violation of Article 11 of the United Nations Covenant on Economic, Social and Cultural Rights, but also a violation of the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.

### **c) Police Harassment and Corruption**

Many Roma told mission representatives that they had been harassed by police, who regularly stopped them for begging – pretending to accuse them of stealing or to check their documents (a common practice, as one of the French mission members can testify - he was himself stopped at the entrance to an underground station...). Whether the reasons for the arrests are arbitrary, misguided or legal, police often seek to extort bribes from the Roma. Since they are not accustomed to using law and justice to settle their problems, the Roma often prefer to buy their freedom. There are many people who claim to have witnessed these practices.

Numerous *Madjary* testify that the police have burned or destroyed their passports... giving them another excuse to arrest the Roma - for not carrying identification. One man told the mission that the police are always chasing them from shops and from the metro, and that the situation has deteriorated over the last few years. One female beggar told us that the metro police harass and steal from them:

*The metro police, who habitually steal the fares that they collect, had stopped this woman the previous day. She protested that she had no money, and a policeman who knew her intervened, saying, "I know her, if she says that she has no money then it's because she has no money". She added that the police often make them undress completely to check that they are not carrying any money.*

Despite the numerous arrests amongst *Madjary*, very few cases end up in court. They are often arrested and then released after a few hours - either they pay, or the police realise that they are not going to get anything from them. A certain modus vivendi seems to have been established between the *Madjary* and the police, a game of deception where the players are not equal and the police try to appear efficient. It could even be said that the police have some interest in the presence of *Madjary* communities (from whom they can extort money) in the same way that they have some interest in their constant state of fear and insecurity. It has been alleged that robbers share the spoils of their robberies with the police in exchange for immunity from

prosecution, covering up drug trafficking, and even using them to peddle drugs where they are the main dealers. The mission has not found any evidence to support this claim.

Among *Kotljary* fortune-tellers, women are particularly exposed to police harassment. Women in Peri (near Leskovo, Leningrad region) are subjected to arrests and frequent violence at the police station in Plochad Lenina metro station, next to Finland station, where their suburban train arrives:

*As soon as they arrive on the platform, the police demand 500-600 rubles (15-17 euro); if they refuse, they are locked up and made to phone their families to ask them to bring money - they are given a telephone for that. These practices are associated with two particular policemen at the station's permanent police office, "a tall blond one and a small fat one". The women explain that the arrests are physical, but that the police do not use violence or personal insults. The last such arrest was in December 2003, after which they announced that they would no longer travel to the town for fear of being arrested (it should be noted that their other route to town takes them through the Deviatkino metro station, known as a skinhead area).*

*At the village of Leskovo, however, the police do not bother them; and even if they are arrested, the police will "only keep them for 2-3 hours because they know them".*

From their house on the outskirts of Saint Petersburg (Gorelovo) some Romani women, who beg or sell flowers, also confirm that the police regularly practice extortion, and say that they have had to borrow money to pay the police. These particular women say that they have not been arrested for more than a year.

Boris G., a prominent member of the *Kotljary* community at Chudovo, and his brother also complained to the mission that they were often arrested when they travelled to Saint Petersburg. They had to pay to be set free; otherwise the police would deliberately hold them until they missed the last train.

Finally, a woman whom we met in Vyritsa, a recent victim of skinheads (see above), had also experienced frequent and random arrests by the police.

In June 2003, when examining the Russian Federation state report, the United Nations Committee for the Elimination of Racial Discrimination declared that it was "worried by information suggesting that inspections and identity checks were racially motivated, aimed at minority groups including groups from the Caucasus and Central Asia, as well as Roma". It

specifically recommended that Russia "take immediate steps to put an end to arbitrary identity checks by the authorities". These steps must include organising activities to educate and sensitise police officers and law enforcement personnel, with the objective of ensuring that they respect and protect the fundamental rights of all people, regardless of their race, colour or racial/ethnic origin, whilst carrying out their duties"<sup>9</sup>.

The FIDH and the Northwest Center for the Legal and Social Protection of Roma concluded that these practices unfortunately continue to occur.

#### **d) Police Violence and Fabrication of Evidence**

Police harassment and corruption are often accompanied by violence. Violence can be a part of a form of pressure in the context of harassment and corruption (forceful arrests, body searches), but it can also be gratuitous:

*In Roubilovo (a village near Ostrov, 50 km south of Pskov), a Romani man told of his rough handling by police two years previous. A policeman came to his house to drink alcohol that he had bought in the village, he beat him and threatened him as he left - if he complained he would get 15 days in prison and would be beaten even more severely.*

*Kotljary women in Chudovo told the mission that they were in Saint Petersburg on September 5 and 6, 2004, standing on the platform of the train to the suburbs, when the OMON (special police forces) surrounded them and started to hit them with their batons, "they hit us and we ran". On the same day, the police arrested a woman near the station: "a policeman put 5000 rubles in her pocket, then the same policeman took the money out of the pocket and asked her "where did you get that?". She was imprisoned in Saint Petersburg accused of theft. A few days later, mission delegates met in Saint Petersburg some *Kotljary* women from Chudovo, and these women confirmed these facts.*

The Northwest Center for the Legal and Social Protection of Roma has also been informed of many cases of fabrication of evidence, something the police often resort to. This way, they can reach their objectives, "tick their boxes" and justify a certain number of arrests each month. Violence is often used as a method of obtaining confessions. In the case of Roma, it is usually accusations relating to drugs or theft that are exploited.

*The Romani women that we met in their house on the outskirts of Saint Petersburg (Gorelovo), themselves victims of racket, told the mission that the police place drugs in the pockets of*

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9. CERD/C/62/CO/7, 2 June 2003, para 13.



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people they have arrested in order to extort money from them. One of them had two sisters who were accused of drug trafficking and who had been tortured by the police. She complained about this treatment to the Northwest Center for the Legal and Social Protection of Roma, but she didn't want to elaborate on her sisters' painful experiences in front of the mission.

There have also been many reports of police violence against Romani women in Pskov. The frequency and the similarities between the reported cases may lead one to believe that these are organised operations targeting this community: women are accused of stealing a wallet, taken to the police station and subjected to ill-treatment to force them to confess to a theft that they didn't commit. The outcome can be fatal: the case of Fatima Alexandrovich, who died in May 2002 during police detention, has already been documented by the Northwest Center for the Legal and Social Protection of Roma, the European Roma Rights Centre (ERRC) and the Moscow Helsinki Group (MHG), and will appear before the European Court of Human Rights. This is an opportune reminder, as the mission has met the victim's family, who have reiterated the story, and also because of similarities with more recent cases. This is Fatima's sister-in-law's account:

*One morning in May 2002, Fatima Alexandrovich was travelling on a bus with her sister-in-law Vera. Suddenly, a woman started shouting that her purse had been stolen; Fatima, with her very dark skin, was immediately suspected, whereas her sister-in-law, who was fair with dyed blond hair, was not. Fatima was immediately arrested on the bus, even though the owner of the purse eventually found it on the floor. During the course of the enquiry, it turned out that the "victim" was a plain-clothes police officer.*

*When the family arrived at the police station, they were assured that Fatima would be released early that afternoon. They would learn later that, by that time, she was already in a coma in hospital. She died several days later. The police said that she threw herself from a fourth floor window to escape interrogation. When the family visited the hospital, however, they noticed numerous lumps and fractures, suggesting the violent impact of her back against a wall; lumps on her thighs, suggesting possible rape. The family's lawyer was not allowed to attend the autopsy, which was carried out solely by the police and which was patently incomplete because it even did not pick up the fact that the victim was pregnant. A complaint was lodged against the police, initially for forced suicide and later for murder. The Russian legal system rejected calls for an additional enquiry (despite the fact that the judge privately acknowledged that it was a case of murder). The family intends to bring the case to the European*

*Court of Human Rights.*

A young Romani woman who spoke to the mission in Pskov also told of being arrested and suffering violence, again because she was accused of stealing a purse.

*In February 2004, someone grabbed her from behind as she was getting off the bus with her sister, then they shouted at her not to move; her sister tried to get away but she was caught. Two plain-clothes police officers took them to the nearest police station. She was accused of stealing a purse on the bus, and of trying to get rid of it. She was hit on the head, her sister in the kidneys, they were insulted, one of the officers said, "I can't stand your ugly mugs". The policeman then put a purse in her pocket, pretended to find it and then announced that he was going to draw up a report to record the incident. The woman was eventually freed but remains very evasive when asked what the police asked of her in return for her release. She didn't lodge a complaint.*

The third story dates from April 2004, and is told by the victim's mother, Lidia T., whose daughter Galia came from Saint Petersburg to Pskov to visit her:

*Her daughter was on the bus with her son when a theft was announced. She was recognised as a gypsy and arrested. The grandson let his grandmother know, and she came to the police station and called a lawyer, "because we can't get along with these people, they have already killed a Romani person, we know that the police are violent against gypsies". She saw her daughter at the police station, just as she was being taken away to be interrogated.*

*Her daughter later told that she was made to sit on a chair in the middle of the room, and she was hit twice in the face and smothered with the hood of her coat. The police threatened that they were going to "give her an abortion with a screwdriver", they insulted her, calling her a "slag" and a "bitch". She was released five hours after her arrest, in the early afternoon, with a swollen face. The police told her that she had got off lightly - that she was lucky not to have been kept there overnight. The lawyer didn't turn up until the young lady had been released; he advised the family to make a complaint, but the family refused for fear of reprisal.*

The FIDH and the Northwest Center for the Legal and Social Protection of Roma believe that the above events constitute a flagrant breach by the Russian Federation of the United Nations Convention Against Torture, particularly of Articles 2 and 12. Article 2 states that "each State Party shall take effective legislative, administrative, judicial or other measures to prevent

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10. CAT/C/CR/28/4, 6 June 2002, para 8i.

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acts of torture in any territory under its jurisdiction". Article 12 states that "each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there are reasonable grounds to believe that an act of torture has been committed in any territory under its jurisdiction".

In June 2002, the UN Convention Against Torture also recommended that the Russian authorities "ensure that impartial and exhaustive enquiries are promptly carried out to investigate numerous allegations of torture carried out by those in authority; prosecute and punish the people responsible, if necessary; and protect those making allegations of torture, as well as all witnesses, against possible retaliatory attacks"<sup>10</sup>.

Our organisations also believe that the Russian Federation is not honouring its obligations relating to the European Convention on Human Rights, which it ratified in 1998. Article 2 of this agreement guarantees "the right to life for all persons", and Article 3 states that "no-one shall be subjected to torture or to inhuman or degrading treatment or punishment". More generally, Article 14 of the Convention states that "the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status".

### III. Economic and social rights and discrimination

Based on observations made over the years by the Northwest Center for the Legal and Social Protection of Roma, despite significant differences among the social levels of the Roma, most live in social conditions of great concern. Unemployment is particularly high in this group. Having settled for the most part in the Soviet kolkhozes, Roma are among the few rare inhabitants of the former kolkhozes who still live there. The salaries of these survivors of the Soviet system are such that only those who have nowhere else to go remain there. Those workers who are responsible for the cattle earn 1000 rubles (28.5 euro) per month and their work day lasts an average of 12 hours. Small trade depends on the tolerance of the police and in many cases only ensures survival. Although Roma in a financially comfortable situation do exist, they are far from a majority.

During the various meetings conducted where the Roma live in northwestern Russia, the mission noted:

- the diversity of social conditions. Some of those met lived in perfectly satisfactory economic conditions whereas others subsisted in a state of extreme poverty.
- a highly varied situation with respect to access to employment, housing, services and schooling. Certain forms of discrimination are acknowledged. In other cases, a distinction must be made between what is felt and the acknowledged character of the discrimination.
- the difficulties encountered by the Roma need to be positioned with respect to the post-Soviet upheavals: industrial and agricultural crisis, impoverishment, increasing inequalities, the increasing fragility of marginal populations, etc. These problems, which affect the entire population of Russia and the former USSR Republics, are further aggravated by the situation of a stigmatised minority.

#### 1. Difficulties obtaining administrative documents: citizenship, registration

In 1991, the USSR collapsed and the various republics that composed it became independent. As a result, Romani people, who were living throughout the territory of the USSR, found themselves in these new independent Republics (Russian Federation, Ukraine, Belarus, Latvia, Lithuania, etc.), but did not necessarily acquire citizenship there. Many family ties were cut. The borders between the Republics, which had been merely administrative borders under the USSR, became State borders, and people could no longer cross them freely.

In most cases, when they return to Russia, they do not obtain citizenship either.

This resulted in a certain number of problems concerning the civil status of people who were born, married or had children in a republic other than the one in which they live.

This type of difficulty is specific to many citizens of the former USSR, but it would seem that it is encountered more frequently among Roma, a minority that is dispersed throughout the territory of the former USSR and which, even in the time of the USSR, did not pay particular attention to obtaining all of the official documents or following the necessary administrative procedures.

In addition to this problem, there is the matter of the freedom of movement which is very limited even within the Russian Federation. In fact, in order to control the population, all those who live within the territory of the Russian Federation, regardless of whether they hold Russian or other citizenship, must be registered. This registration (which may be permanent or temporary) is particularly necessary in order to have access to the various services (schooling, regular medical care, etc.).

The mission learned about certain obstacles to obtaining the administrative documents needed to enjoy access to economic and social rights:

*In Pskov, Family K. lived in Latvia until 1992. When Latvia became independent, they returned to Russia, which they considered their country, particularly since they did not speak Latvian. The father and the oldest son were able to obtain Russian passports, but not the other members of the family who have been reduced to working illegally. The oldest daughter, who was born in 1978 in Latvia, declared herself "stateless". When she turned 18 in 1995, she received a Russian passport (the passports distributed at that time were still Soviet passports, and her nationality was indicated as Gypsy). She then went to Belarus where her two children were born. When she returned, the law had changed. Although she had married a Russian citizen, and has proof that she does not have Latvian citizenship, she cannot obtain a passport or be registered in a permanent manner. She cannot work legally or send her children to school.*

*Document problems are also specific to the Madjary living on the outskirts of Saint Petersburg. Citizens of Ukraine, which issued their passports, living in tents, they cannot register*

officially with the city of Saint Petersburg. They also have problems obtaining Russian civil status documents for their children born in Russia. At birth, an "attestation of birth" is issued; this attestation must then be presented to the administration at the place of registration so that a "birth certificate" can be issued. It is this second certificate which they cannot obtain in Saint Petersburg, as long as they are not Russian citizens. To do this, they must return to Ukraine.

It should be noted that, in December 2003, the UN Committee on Economic, Social and Cultural Rights stated its concern about information it had received to the effect that a failure to be registered at the place of residence or to obtain other identification documents limits the exercise of rights concerning work, social security, health and education in Russia. The Committee "was also concerned with information it had received to the effect that it is particularly difficult for certain groups of people, specifically the homeless and the Roma, to obtain personal identification documents, including registration at their place of residence"<sup>11</sup>. Consequently, it strongly "encouraged the State Party to make sure that the lack of registration for one's domicile and other personal identification documents does not become an obstacle to the exercise of economic, social and cultural rights" (para. 40).

The mission of the FIDH and the Northwest Center for the Legal and Social Protection of Roma observed that, to date, as far as the Roma are concerned, no action has been taken in response to the Committee's recommendation.

At this time, our organizations would like to point out that the European Commission against Racism and Intolerance (ECRI) also recommended, in its General Policy Recommendations on combating racism and intolerance against Roma/Gypsies, that "the necessary measures be taken to ensure that rules concerning matters of access, in law and in fact, to citizenship and the right of asylum be designed and applied so as not to result in discrimination specifically with respect to the Roma/Gypsies".

## **2. Housing and access to municipal services**

### **a) Different types of housing**

The Roma which the mission met were living in very different housing conditions.

The *Madjary* represent a singular case even if the *Ljuli* groups (from Central Asia) live on the outskirts of Saint Petersburg in

relatively similar conditions of extreme poverty. The *Madjary* met by the mission lived in veritable shanty towns in very precarious situations.

*The mission visited one of the Madjary camps that were burned by the police in June 2004 (cf. above). Approximately 15-20 minutes walk along an unpaved road in a zone of garages and vacant lots, the former camp is located behind a railway track (apparently a form of stabilized landfill) in a swampy area. The remains of about 20 destroyed shacks were still visible, along with various household utensils that were abandoned during the expulsion.*

*Driven from the camp in the spring, the Madjary relocated not far from there. One group of about 20 adults relocated at the foot of a railway track, on a piece of land protected by trees and from which there is no access to water or electricity. Living in recycled shelters (tents made from wooden frames covered with plastic sheets, mattresses, blankets), they intended to install heating, namely basic stoves made from old cans. A second group had relocated a little further along, in a site located between a slope and a railway track, with access to a small swampy pond a few meters away.*

*When asked why they had come to Russia, many of them explained that they could not subsist in Ukraine and that "here they had a house". When asked about why they chose these sites on the edges of cities rather than occupying a building in the city, they explained that squatting in a building in the city would have been much more dangerous for them.*

The Russka Roma (Russian Roma) groups are generally better integrated and are either installed in the outskirts of cities or in villages in individual houses, or in downtown areas in apartments. The houses visited were extremely different. Some were spacious and well furnished while other were cramped, with several generations sharing one or two rooms. Two of the most dramatic situations observed by the mission:

*The home of a family in Gorelovo (suburb of Saint Petersburg), a shaky, isolated house at the end of a small path, hooked up to electricity, but without glass in the windows, where 19 people lived in a single room.*

*At Pskov, a very run down house where 12 families lived, including two Romani families. In the case of one family the mission met, five people were living in a room measuring 17 m<sup>2</sup>, using the common kitchen as their living space. They pay 500 rubles (14.5 euro) per month for this flat and they have been living there for 12 years. They are registered there regularly. The administration refuses to renovate the sanitary facilities and the common washroom, despite the fact that they are totally run down.*

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11. E/C.12/1/Add.94, para 12.

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*Another woman living in the room next door pays 300 rubles (8.5 euro) per month for a room measuring 10 m<sup>2</sup> where she lives with her three children.*

Kotljary communities have a particular structure, inasmuch as they live rather turned in on themselves, concentrated in a small territory. Their "camps" (the word *tabor*, which dates back to the nomad period, is often used by both the administration and the residents) are located on the outskirts of cities but within the urban landscape (street names and numbers, an integration effort dating back to the Soviet period). The condition of the wooden houses, which stand out from the Russian houses in terms of architecture, is highly varied. Most are immense but essentially empty, while others are in an advanced state of decay. Nevertheless, one of the houses visited was particularly luxurious and the family that owned it was involved in lucrative professional activities in commerce. In Peri, the fact that most of the houses do not comply with municipal regulations causes tensions with the local administration.

*The administrative manager for the urban center of Leskovo (which governs the Kotljary community in Peri) and his assistant are of the opinion that the presence of the Kotljary community "is somewhat unfortunate for us", and the assistant commented during the course of the conversation that "unfortunately it was impossible to bulldoze the houses". For the authorities, there are many problems: serious overpopulation, houses that do not comply with sanitary and fire standards and, above all, are built without permits, which results in the illegal occupation of land. Thus, only 20 of the 120 existing houses were built legally at the time of their collective arrival and, as a result, 20-50 people are registered in each of them and they are the only people officially recognized.*

*Even if the local public authorities are of the opinion that the Kotljary are responsible for the situation, they say that they are ready to "take the first steps". They propose to standardize the situation of the existing houses. However, this can only be done by means of a precise cadastral census, an onerous operation that should be handled by the occupants... this is a problem for the Roma since they are unable to finance this administrative procedure.*

It should be noted that in most cases the buildings were built by Romani communities themselves, in an effectively unhealthy location, on swamps, and there is virtually no potable water. The village consists of houses that have been built very close together, surrounded by large spaces, and the Roma are constantly asking the administration for permission to build on other sites and free up the space. In vain.

All of the Roma met (with the exception of the *Madjary*) had access to electricity, occasionally illegally.

### **b) Discrimination in access to decent housing and municipal services**

"For Rent" ads stating "reserved for Russians" are commonplace throughout Russia. Near a train station in St. Petersburg, the mission saw several copies of an ad for an apartment for rent that stated, in bold, " " *No Blacks* ", *No Azeris*."

The mission did not meet any Roma who complained about not being able to rent an apartment because of their race, but such cases are often reported to the Northwest Center for the Legal and Social Protection of Roma. On the other hand, those living in houses rented by the state or former *kolkhozes* inform the mission that the government has not made any of the necessary repairs on these residences (already considered old since they were allocated to their families during the Soviet era).

*In Rubilovo, the mission met a family of 15 living in a dilapidated house that was allocated to them 15 years ago. It was once a *kolkhoz* but since has been converted into an agricultural co-operative. In spite of the dilapidated state of their house, the local government has not only not allocated them substitute lodging, but has even refused to repair their window. According to the father of the family, the government's response to their concerns about how cold it was going to be in the winter was "you used to live in tents so you have nothing to complain about".*

During a visit to Vyritsa, the mission learned of a case where the government refused to allocate land to a Roma.

*Several inhabitants of the village of Vyritsa condemned the leader of the village government. A mother whose son was a drug addict blames the Roma. According to a woman the mission met, the village head apparently refused to allocate land to a Romani person, who had the right to it, and stated that she was blacklisting all Roma. However, the mission did not have an opportunity to meet with the head of the local government or the family that had been discriminated against to confirm these allegations.*

The issue of access to garbage collection and municipal services is mainly a problem for the *Kotljary* communities (the *Madjary* live completely removed from society). In fact, Russian Roma living in houses or apartments did not touch on this topic.

*In Chudovo, as in Peri (the suburbs of Leskovo in the Leningrad region), it would seem that the land allocated to Kotljary is not the best. The Kotljary in Peri have a water-supply problem as they do not have a well that functions properly; they buy water from their Russian neighbours for 3-5 rubles a bucket. The mayor has acknowledged that the water quality differs from one place to the next and, in the Kotljary area, it was necessary to dig a lot deeper in order to have functional wells. In the city of Chudovo, Boris G., one of the Kotljary community's leading citizens, explained to those in charge of the mission that, when they arrived in 1986, the government had put them there to live on a temporary basis because the marshy land was not very fertile. Since then, no alternatives have been suggested other than dispersing the families to neighbouring kolkhozes, which doesn't suit them as they would like to stay together. The mayor also confirmed that the Kotljary had to do their own repairs, such as installing water and electricity, in their "camp."*

*Problems seem to be more plentiful in Peri than in Chudovo.*

*The Kotljary in Chudovo have no trouble getting into municipal bathhouses (banja), unlike the Kotljary in Peri, where the managers of the banja, which is located on a military base near Peri, refuse to admit Roma. The attempt to set aside "at least" one day a week for Roma ended in failure. The managers' excuse was that "Roma had damaged the baths." In the presence of the mission, the mayor of Leskovo stated that he was willing to build a Roma-only banja, while voicing his doubts about its maintenance.*

*In Peri, heating also poses a problem. A coal supply aid system does exist, up to 2 tons a year for each properly registered house. However, the Kotljary had to find alternative solutions during the winter of 2003/2004, as most houses are not in accordance with the law. Concerned about avoiding "thefts like last year," the mayor set up a joint commission and managed to arrange for coal to be allocated to all, even to unregistered houses. However, according to the Kotljary community's "baron," the quantities allocated are inadequate and "the mayor's promises aren't worth their weight in gold".*

Pursuant to Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, "The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions".

Decent housing must include certain amenities that are essential to a person's health, safety, comfort and nutrition. Everyone who benefits from the right to decent housing must have continuous access to common and municipal resources

such as drinking water; energy for cooking, heating and lighting; sanitary and laundry facilities; a way to preserve foodstuffs; a waste treatment system; drainage and emergency services.

The right to decent housing must be interpreted in conjunction with several other rights, in particular the right not to be discriminated against because of one's origin. The FIDH and the Northwest Center for the Legal and Social Protection of Roma believe that "Russian-only" housing violates Articles 11 and 2 of the Covenant.

In return, the lack of access to garbage collection, municipal services and water also violates the aforementioned Article 11.

The FIDH and the Northwest Center for the Legal and Social Protection of Roma evoke the recommendation that the United Nations' Committee on Economic, Social and Cultural Rights made in its final remarks following the examination of the report by the Russian Federation, that it should ensure that "sufficient resources are put aside for social housing and that priority is given to the most underprivileged and vulnerable groups."<sup>12</sup>

### 3. Resources and Access to Employment

#### a) Resources and Employment Discrimination

The Roma's situation must be considered in the general context of the economic developments in Russia, the increase in economic inequalities against a backdrop of overall poverty and, in particular, the impoverishment of the countryside due to the loss of collective agricultural activities. Social assistance is obviously inadequate: 70 rubles (2 euros) per child; reaching nearly 1 000 rubles (28.5 euros) for disabled children. Pensions are a minimum of 600 rubles (17 euros) for people who have never worked, and were generally around 1 000 rubles for the families the mission met.

Many Roma are employed as agricultural labourers, be it as seasonal workers or as herd keepers (it is worth recalling that the 1956 settlement process forced many Roma to settle in collective and government-owned farms, kolkhozes and sovkhoses). Other families have animals such as horses, pigs and cows that provide the family with additional revenue and a decent means of subsistence.

*In Pskov, Lydia T.'s family lives off a pension of 1 000*

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12. E/C.12/1/Add.94. (Concluding Observations/Comments), 12/12/2003, para 55.

rubles (28,5 euros) a month for her and her retired husband. Epileptic since birth, her son receives 500 rubles (14,5 euros) a month. They supplement their revenue by selling milk and using their horse to provide towing services.

In Rubilovo (Pskov region), one of the families the mission met, a family with 10 children, receives 400 rubles in child benefits (11 euros). With the exception of wintertime, they make a living by doing seasonal work for local farmers and collecting metal. They have a horse and a vegetable garden but no cattle.

In Vyritsa (Leningrad region), Galina L.'s family is living in a spacious house and has invested in breeding and farming activities since the 1956 settlement process. During Perestroika (1986-1991), the family owned up to 135 pigs, 30 sheep and 5 horses. Today, they have only one horse and 10 pigs and her husband gathers hay to feed the cattle. Because of the family's extensive trading experience, especially in clothes, it has other sources of revenue.

Be it clothes, cars or a meat (Russian Roma near Novgorod), trading was actually a common occupation for the Roma that the mission met. Some people stated that they earned their living by begging or fortune telling, while others earned it by doing metal work, a traditional occupation for *Kotljary* men. On the other hand, very few Roma were employed by companies or government-related services, and seemed to be assigned to low-level skill positions such as caretaker (people met in Pskov). Paid Roma on the police force or in the army remain extremely uncommon throughout Russia and, in any case, their origins are not acknowledged. It should be noted that, in Russia, there is a small intellectual and cultural Romani elite, but it remains very restricted.

The Roma's opinions on this situation vary, yet they acknowledge the very real constraints caused by their origins. For some, any difficulty in obtaining a position in a company or with government services is clearly a matter of employment discrimination. For others, it is due to their lack of training, a problem related to difficulties in obtaining education (cf. below).

In Pskov, the K. family stressed that Roma are often employed by individuals for unsafe and unskilled hard labour in sawmills or construction (the son-in-law works in a sawmill for 500 rubles (14,5 euros) a week). Most of the village's Romani families earn their living by trading and, if they work for companies, it's usually illegally. In return, according to the mother, Ljuba K., as soon as an official position is available and a Romani person applies, he is refused either because he is obviously "Roma-looking" or because his ethnic origin is revealed

upon presentation of his passport (where the origins are indicated). She used her son-in-law as an example because, in her opinion, he doesn't look like a Romani man. He had been promised employment, but when he presented his passport, his Romani origins were revealed and he wasn't given the job.

In OPOCHKA (100 km south of Pskov), a young woman explained that she could only get temporary work and couldn't get regular work because she is Romani. She claims that she approached a friend who works for the police about getting her a job as a caretaker, but she was told that they don't hire Roma.

In Chudovo, Boris G., a *Kotljary*, explained that, until 1992, he did metalwork in a *kolkhoz*. Today, he builds gates and ventilation grates, in particular for companies in Novgorod. On several occasions, he has tried to set up companies with Roma as the only shareholders, but they weren't successful. He prefers working for companies registered under Russian names and receiving a partner's share.

Although there are many ads for Russian-only jobs, employment discrimination is far from being acknowledged by the authorities. According to A. Pisarevski, who was appointed official human rights representative for the Leningrad region, Roma are not the victims of employment discrimination. In his opinion, the problem stems solely from the collapse of the job market after the fall of the USSR. However, he claims that the problem also stems from Roma who "don't work and refuse to work for low wages", a claim he is careful not to maintain when he is asked to back up his allegations with examples or statistics. In the same vein, government representatives who implied that Roma earned their living by stealing were unable to back up their accusations (cf. above on the matter of "fabricated" thefts in Pskov).

#### **b) The issue of drug trafficking**

Roma are often denounced in the press as being linked to drug trafficking, either as small-time "dealers" or as larger-scale traffickers.

Russia's media play a large part in spreading this image. For example, they often talk about "narco-barons" (in Russian, the term baron refers explicitly to Romani community leaders). Such biased reporting has a real effect. For example, an old Russian woman that the mission came across near Novgorod said that all the gypsy families in the area were involved in drug trafficking – "otherwise, how could they afford such nice houses?". When asked to give concrete examples from her neighbourhood, she was unable to do so, but referred to what she had read in the papers.

Even the Head of the Administration responsible for the implementation of sentences at the Pskov region Ministry of Justice has acknowledged the subjectivity of press coverage of Roma and drug trafficking. He pointed out that the Roma had already started trafficking vodka in 1985, at the time of Gorbachev's anti-alcohol campaign, and that they were "talented operators". As for drug trafficking, he acknowledged that the Roma were involved, but that in Pskov, "the most that has happened here", he said, "was that one gypsy sold 0.4g of drugs". He stressed that the proportion of Russians involved in, and convicted of, drug trafficking is much greater. On this issue, he believes that the media "exaggerate and aggravate the gypsy question".

With regard to drugs, while the systematic stigmatisation of a community has to be firmly condemned, it also has to be acknowledged that Roma are affected by this scourge and that some are involved in trafficking. Indeed, its presence is felt not just in terms of the money made from selling drugs but also in increased drug use among Roma themselves. This was confirmed by several of those interviewed, and a survey carried out by the Northwest Center for the Legal and Social Protection of Roma showed that many Roma identified this as one of their main problems and wished to see drug prevention measures taken.

*The story of Galina L. who lives in Vyritsa (in the Leningrad region) is a prime example. A \$300 debt led to her 25-year-old son, along with his 23-year-old pregnant wife and their 4-year-old son, being murdered in their own home in a gang killing linked to drug trafficking. He was shot in the head, while his wife and son were axed to death. Galina had to investigate the case herself to find her son's killers (see above), forcing the police to act and arrest them. On top of that, she started her own anti-drug crusade, disregarding the local police whom she considered to be corrupt.*

*In her view the drug problem first arose around 5 years ago, when Roma became more and more involved with 2 or 3 Russians in the town. Lured by the gains to be made, people who already had experience of black market activities got involved in dealing activities. Of the 150 Romani families in Vyritsa (a town with a population of 10 000), only 10 to 15 were said not to have links with drug trafficking (several Russian families were equally involved in the trafficking).*

*Galina gives several instances of the awful consequences of organised crime. Drugs are an absolute tragedy for young people (Russians as well as Roma) in the village who sell and take drugs. Her own family hasn't been spared and young people have died from overdoses (there had been a funeral on the day the mission*

*arrived). Moreover, trafficking has led to the breakdown of traditional ties within Romani culture, such as respect for elders and family cohesion (there are only 5 or 6 people left in the village who are over 70, their children too are drug addicts).*

Increased drug use within the Romani population is especially disturbing as, before long, it could be followed by rising HIV rates. In the former Soviet Union there has already been a huge explosion over the last few years in the number of people who are HIV positive, mainly because of intravenous drug use. While this phenomenon has yet to manifest itself within the Romani community, the situation nevertheless remains potentially explosive.

In December 2003, the United Nations Committee on Economic, Social and Cultural Rights expressed concern over growing drug addiction and greatly increased HIV infection rates in Russia.<sup>13</sup> As a result, it has advised the Russian authorities to "ensure the effective implementation of programmes to prevent and combat drug abuse, targeted at young people and the worst affected regions of the country".

#### **4. Access to health services limited to emergency treatment**

In regards to access to health care, there are two things that can be said. Access to general treatment and care is not available to all people.

Once again, difficulties faced by Roma must be put in perspective in relation to the difficulties faced by Russia as a whole. The Soviet era health system is no longer in place, and the few free services available are very basic. Patients are obliged to pay for all treatment other than in an emergency. Prosthesis, whether dental or other, hearing aids, spectacles, and all medicines are highly expensive and costs are not reimbursed by the state.

On the other hand, all people, including the most marginalised, have access to emergency services, and care during childbirth is provided for all women whatever their origin or means (a system left over from the Soviet era).

*As such, the Madjary community that lives on the marshland area south of Saint Petersburg confirmed that ambulances do go to their encampment when called, even though it is situated several minutes from passable roads. During a violent attack by skinheads (see above), an injured woman was taken away by ambulance. Similarly, women are admitted to*

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13. E/C.12/1/add.94, para. 34 and 36.



maternity wards, even if they don't get treatment throughout their pregnancy. One of the women the mission spoke to had been treated in hospital for throat cancer, despite not being officially registered in Saint Petersburg, but this is more an exception.

An elderly man from the Kotljary community in Chudovo was adamant that health services had deteriorated since the break up of the USSR.

*His son was deprived even of emergency hospital treatment because there was no vehicle available to collect him. They were told to "find a way to get here yourselves, you all have cars". Since his family had no vehicle, he did not get treatment.*

Colleagues from the Northwest Center for the Legal and Social Protection of Roma who have set up a programme for elderly Roma have encountered openly racist doctors. One of them, a head doctor at a hospital in Pskov, stated that "he would not treat a gypsy for any amount". Reports of this type are numerous.

## 5. Access to education

The situation with regard to access to schooling is very varied. Some of the Romani children the mission met didn't go to school, either because their parents could not produce the required documents for enrolment in the schools, or because their parents no longer considered school necessary for them. The situation varied from one community to another, the worst being in the Madjary community.

*In a Madyary community close to Saint Petersburg none of the children attended school. When asked about this, one couple, parents of five children, said that they did not know what papers were necessary to enrol their children in a Russian school, and that they intended their children to be schooled in Ukraine, as they had been.*

Some Romani children attend class in state schools mixed with Russian children, without any apparent tensions prevailing. In the town of Vyritsa, G.L. pointed out that her son is taunted in school with the name "tsigane-balagan"(balagan means travelling theatre). She does not attach much importance to the taunting, which she considers childish teasing, but it seems to be the case also that the teachers do not intervene to explain to the children the problems that can arise through such stigmatisation.

It has been noted that a large number of Romani children who attend Russian state schools are in special needs classes,

especially in programme No.8, a schooling programme for "retarded" children, which provides a secondary education but does not allow access to higher education.

*The children of one family in Rubilovo (a town south of Pskov) and of another family encountered close to Novgorod all attended special needs schools. In the first family, both parents and children were happy with the school (where school dinners, materials and travel to school were all provided free of charge), while in the second family, the mother deplored the fact that her children had been put into special needs classes where, in her opinion, their level had noticeably deteriorated.*

*Also, in Chudovo, education workers within the district council, as well as the headmaster of a state school and a teacher all confirmed to the mission that a proportion of Roma children are in special needs schools. According to the local authority, apart from the Kotljary, all Russian Romani children are taught in state schools (information which the mission was unable to verify) and are placed according to their area of residence. The mission was able to visit one of these schools, which according to the headmaster is attended by 12% Romani children, 30% other non-Russian children (Armenian, Chechen, Osset children, etc.), and where there were apparently no problems relating to the integration of Romani children. The headmaster appeared astonished at "the idea that any such problems with Romani children could occur."*

*In Trubichino (Novgorod region), the mission visited a family whose six children had been taught in a normal school. The children had then been transferred to a special needs school for retarded children without the parents being consulted. The mother of the family, Nina, confirmed that the children had had good results, were working well, and could read and write without any problem, while in the new school they were not challenged at all and they had forgotten what they had learnt.*

Open segregation does exist, however, in the case of Kotljary communities. Related to difficulties with integration, particularly for children who are sometimes married very young, this segregation imposed from the outside appears to be sometimes well accepted by the Kotljary themselves.

*In Peri (agglomeration of Leskovo, in the Leningrad region), Kotljary children attend a special school from 1st to 4th year classes. According to the mayor of Leskovo, this difference in treatment is due to the fact that there had been "difficulties with co-habitation" when the Kotljary children were taught in the main school, which is situated in a military base.*

*All the Kotljary women in Peri met by the mission said that they had been satisfied with the school, and that their only complaint was the cost of transport to the school, 8 rubles a day for the*

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return journey by school bus. When asked about the possibility of putting in place a free school bus service, the mayor of Leskovo first replied that he couldn't see the point in it since "it would benefit only gypsy children"... his deputy attempted to cover up the bad impression left by these words by explaining that the local authority did not have the funds for such a service, but approved of it in principle.

In Chudovo, the mission was able to visit a Kotljary school, a new building, immeasurably more modern and comfortable than the state school. Designed to accommodate forty children (even though a high level of absenteeism was noted), the school is staffed by a retired teacher. The teaching is in Russian, even though the children speak in Romani amongst themselves. Not all the children in the community go to this school. Some attend the state school, and some do not attend school.

The initiative for building this school came from within the Kotljary community itself. According to the local authority, the reasons for this are that the Kotljary prefer that their children are schooled in one place, not far away, rather than dispersed in different schools and separated according to age group. Boris G., a prominent member of the Kotljary community, who was host to the mission's representatives and led the tour of the school, explained that previously children had benefited from individual tuition because of the problems that often occurred in relations with state schools, and that since he had contacts with building companies, he had got some friends to do some building work, which worked out to be less expensive than paying for home tuition.

However, the costs soon became too high and the community asked the local authority for funding.

The local authority declared that it was willing to support the initiative. While waiting for state funds to be credited to the school, which was soon to receive the necessary official sanctioning, the town offered the school an advance on funding in the form of a teacher's salary.

Boris G., who took responsibility for the school building project, denounces the authority's attitude, which according to him has "put a spanner in the works". There are long delays in getting authorisations, and demands have been made on issues of security, which he considers exaggerated. He also complains of budget problems. During the first year, parents participated in the costs of running the school, which, he says, has now become much more difficult. For their part, the town's authorities underline the fact that state financing is allocated per child, and would not be sufficient to cover the high running and heating costs of the school.

In 1998, the Russian Federation ratified the additional Protocol No. 1 to the European Convention on Human Rights, of which Article 2 states that "No person shall be denied the right to education". It therefore falls on the state to fulfil this obligation, and to do so "without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status".

The FIDH and the Northwest Center for the Legal and Social Protection of Roma wish to recall that in December 2003, the United Nations Committee on Economic, Social, and Cultural Rights recommended that the Russian Federation "reinforce its efforts under the federal programme "Youth of Russia (2001-2005)" to ensure that no child is deprived of the right to education".<sup>14</sup>

More generally, in the framework of economic, social and cultural rights, the United Nations International Covenant on Economic, Social and Cultural Rights states in Article 2.2 that "the State Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

The Covenant also states in Article 2.1 that "each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative". The Committee on Economic, Social and Cultural Rights emphasises in its general comment on implementation that "even in times of severe resources constraints, whether caused by a process of adjustment, of economic recession, or by other factors, the vulnerable members of society can and indeed must be protected"<sup>15</sup>.

The FIDH and the Northwest Center for the Legal and Social Protection of Roma believe that vis-à-vis the Roma population Russia is breaching the obligations incumbent upon it under the International Covenant on Economic, Social and Cultural Rights in the areas of housing, education, health and employment.

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14. E/C.12/1/Add.94, para 65.

15. The nature of States parties obligations (Art. 2, par.1 of the Covenant) : 14/12/90. CESCR General comment 3.

## IV. Women and Children: even more vulnerable groups

The mission established clearly that women and children were a particularly vulnerable group within a vulnerable community.

Because they must earn a living and therefore go to towns, it is women, from the isolated communities of the *Kotljary* and *Madjary* who are the first and most frequent victims of extreme-right attackers and day-to-day racism (see above).

It is also they who suffer from police harassment in towns, who are arrested more often in the subway and in the street, who become victims of extortion, beatings and threats (see above). Often these women are in poor health, are elderly, pregnant or have young children.

Moreover, the Romani community often believes with good reason that, if there are problems, women will be better treated than men, who risk more arrest, torture, deportation, and so on, and this is why women, the elderly, mothers of large families and pregnant women must often shield men if there is danger.

The Northwest Center for the Legal and Social Protection of Roma has collected many witness statements from *Madjary* concerning police visits to their encampments: men flee into the forest and the women remain in order to attract the attention of the sometimes drunk and often aggressive police, and in order to negotiate with them, pay bribes, etc. For example, on May 20, 2004 (see above), when four armed police officers entered a *Madjary* camp, they first shot at the legs of the fleeing men and then started beating and robbing the women who were still in the camp, before setting fire to the improvised tents.

For the same reasons, during operation *Tabor* (see above) in Saint Petersburg, practically all arrests made were women, mostly pregnant or with children, as men did not risk coming into the city at that time.

Romani women do not have only this daily violence to contend with: there is also the difficulty of daily life. Life in conditions of extreme poverty, in tents (in the case of the *Madjary*) or in unsuitable and badly heated houses (in the case of the *Russka Roma*), is even more difficult for women expecting or bringing up children and having to take care of the housework and household. Childhood illnesses and infant mortality are part of daily life. Women are more often affected by the

absence of papers and administrative documents for their children, because of issues of schooling and education.

*Just in this past year, more than one hundred women from various communities approached the Northwest Center for the Legal and Social Protection of Roma about obtaining proof of civil status and citizenship for children, and about re-establishment of parental rights.*

The most dramatic situations arise when mothers, for various reasons, are obliged to leave their children in orphanages, children's homes and other special institutions, and are thereafter unable to obtain the right to retrieve them.

This is the case for many *Madjary* families: children are taken to hospital urgently (for pneumonia, asthma attacks, appendicitis, etc.) and then transferred, without the parents' consent, to orphanages. These children are considered "abandoned" and therefore available for adoption by other parents.

*A Madjary couple met by the mission explained that their baby had been taken away from them shortly after birth, as the mother had spent more than two months in the hospital being treated for throat cancer. When she was discharged the baby was not given back to her, with the reason given that there was no proof of parentage: the birth certificate (with the names of the father and mother) had not been filled in by the hospital. Despite the cost, the woman underwent genetic testing to prove that she was the mother of the child, but in spite of a "more than 99.9% positive" result, the local administration is refusing to give back the child until a proper birth certificate is duly presented.*

*Following a request from a Madjary woman, staff from the Northwest Center for the Legal and Social Protection of Roma have visited the Children's home where her child was found. The staff of this establishment confirmed that the child had been sent by the hospital and that it could not be given back to its mother, as she could not guarantee it a healthy and safe childhood. It would seem that the question of this child's adoption in the near future had already been decided by the administration.*

It is necessary to observe that living conditions in the camps of the *Madjary* are effectively unhealthy and even endanger children's lives. It has to be noted that the problems concerning children being taken away by the State and adopted do not just occur in communities without official documents and practically without homes such as the

Madjary, but also in families of Russka Roma who have lived in northwestern Russia for generations, in the same place.

*The mission visited Antonina's house in the town of OPOCHKA. Her three children were taken to an orphanage while their mother, infected with tuberculosis, spent a year in hospital. Antonina did not even have enough money to send letters from the hospital, and moreover, she had been told by someone that her illness could be spread via the mail. Giving as a reason the fact that the mother did not send letters and parcels to her children, the orphanage deprived her of parental rights by way of a court order. The youngest was adopted shortly thereafter and his mother will probably never find him.*

The story of Antonina is characteristic of the suffering and discrimination which a Romani woman can suffer in Russia today.

*As a child, Antonina herself ended up in an orphanage. The children stigmatised her as a Roma. She nevertheless had a good technical education, but she could not find a job on leaving school, nor could she find a home, even though she was entitled to one as an orphan under Russian law. She had been deprived of her family during her childhood, she was not accepted by the Russian people because of her Romani appearance, and she was happy to find her brothers and sisters again. But as she spoke the Romani language badly and seemed to be "from another world", her family also had difficulty accepting her. Aiming to integrate herself fully into the Romani community and truly to become one of them, she married twice to Romani men - two relationships which ended in failure. In her first marriage, she had to take care of her gravely ill mother-in-law, all the while being reproached for "not bringing money into the family"; she had two children from this first marriage. As for her second husband, he quickly proved to be very violent. Antonina had to work day and night with her elder son, cutting wood, managing the house and the garden. Her patience ran out when her husband became dangerous, one day grabbing an axe. She took her children and fled. Her life after this consisted of a succession of efforts and failures: she had to live in an unheated house where there was ice on the inner walls, she worked day and night, leaving her children alone at home, she slept in the street, covered dozens of kilometres on foot in the hope of getting help from her family, who would not accept her. As a result, Antonina's health deteriorated, and she lost all her children apart from one daughter.*

Women are often trapped between racism and social exclusion on the one side and patriarchal traditions and the traditional family structure on the other. Women who are

supported by their family or husband can more easily confront any violence from outside. But the family itself can be a source of tension, and the most vulnerable groups, women and children, are often faced with domestic violence. Most of the time, in patriarchal communities, the family does not support the women and will not afford her shelter or defence. Sometimes, the woman herself has no family, or her family is very distant. If her family has broken up, within a hostile and discriminatory society a woman has little opportunity to find a home, a job, an education for her children, or social support.

*Antonina even went so far as to approach the police and ask them to take care of her elder son: he could not tolerate such a life and started running away from home at the age of 10, sometimes for months at a time. The simple answer was given to her: "Don't worry, there are lots like him now". The child lived for some of the time on the streets, and soon found himself imprisoned. Antonina made great sacrifices to put her daughter in a State boarding house for children of seriously ill parents before going into hospital. Her request was systematically refused, until she spent three days and nights without eating outside the boarding house with her child; only then did the director accept the child. When Antonina realised, during long hospital stays, that she risked losing her parental rights to her last remaining child, she left hospital without finishing her treatment, which put her life in danger.*

A woman whose marriage had failed and who is alone with her children does not often meet with compassion from her fellows.

*K. became pregnant by a man who had raped her. Even her own relatives did not support her in this situation and in the end she had to marry her attacker, and she suffered for years in this despised union and sought all possible means of leaving home and becoming independent (which is practically impossible with no housing or job).*

In Russia, there are extremely few safe houses that provide shelter for women who are victims of violence.

*In winter 2003, a man contacted the Northwest Center for the Legal and Social Protection of Roma: "Do you take care of Roma? I have found a young girl who has just given birth. Can I bring her to you?" This young girl had become pregnant without being married, and had been hounded out of her community.*

But married mothers are sometimes faced with very difficult situations.

*Sveta, from the Pskov region, told staff from the*

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*Northwest Center for the Legal and Social Protection of Roma in February 2004 of what happened to her when, after her husband was arrested, she found herself in the streets begging with two children aged one and two. Desperate, she decided to consign her children to the orphanage. But she was warned that if she did not go and fetch them very soon, she would lose her parental rights. She therefore fetched them. Nobody was willing to rent her an apartment as she was Romani, and she eventually succeeded with great difficulty in finding one, having found a job in a fish factory. For twelve hours' work per day, she received 1 000 rubles (28.5 euros) per month: very little to survive with two children. As she had no childcare place for them, she left them at home alone. Sveta's health (aged 28) is fragile as a result of ten abortions, done for poor people for free and under very bad conditions. Before the New Year, Sveta approached the foundation for social aid to the poor in Pskov. She saw in the foundation building a whole room of presents prepared for children, with fruit and sweets. She was refused presents for her children, and when she explained that she had nothing to give them for the holidays, she was given 50 rubles (1,50 euro). Sveta bought spaghetti, cheap jam and 200 grams of sweets. Then, a woman sent by the foundation to check what she had done with the money turned up and told her not to come back and ask for help: "if you are buying sweets, that means your children aren't hungry." "Your children get sweets for the holidays, what about mine?", she answered. But she did not receive any financial help anymore.*

*Marina S.'s husband was accused of theft and fled. The police entered her house where she was living with eight children, and declared that if she did not leave town within 24 hours, she would be arrested instead of her husband. Marina was afraid to leave her children alone and left town with them, with nowhere to go: "after that, someone explained to me that the police had no right to arrest me", she explained.*

The stories of all these women show how much tradition and family structures on the one hand, and the total absence of State protection on the other, put Romani women and children into these hopeless situations. The State, which has an obligation to offer social help to these women, mothers and families in difficulty, is in fact exacerbating their situation by dividing families and taking away their children.

In December 2003, the United Nations Committee on Economic, Social and Cultural Rights declared that it "remained concerned by the frequency of domestic violence" in Russia and "by the fact that the victims of this violence are not protected adequately by the legislation currently in force". The Committee therefore demanded instant action on the part of the State party to intensify its efforts to combat domestic violence by putting forward specific legislation

raising such attacks to the status of criminal offences, and by training the staff responsible for the enforcement of these laws, and judges, to take into account the fact that these attacks are serious and criminal. Additionally, the Committee invites the State party immediately to guarantee the availability and accessibility of emergency refuges, offering victims of domestic violence safe housing and psycho-social assistance.

In May 2002, the Committee on the Elimination of Discrimination against Women also declared itself very concerned by "the level of domestic violence" in Russia, and asked the Russian authorities to "reinforce programmes targeting violence against women, and in particular awareness campaigns".

The delegation from IFHR and from the Northwest Center for the Legal and Social Protection of Roma observe that no progress has been made in this area since that time.

## V. Conclusions

**The mission of the FIDH and of the Northwest Center for the Legal and Social Protection of Roma sent to observe the situation of the Romani (Tsigane) minorities in northwestern Russia can report that:**

- Romani communities in Russia are very heterogeneous;
- there has been a general increase in nationalism and xenophobia, to which the Romani people directly fall victim; along with the traditional prejudices against Roma and the stigma which is amplified and overexposed in the media, there is a general rejection of people who by virtue of their appearance are distinct from the majority of Russians;
- cases of racist and xenophobic violence, mostly by ultra-nationalist groups, have increased; these cases mostly remain unpunished;
- acts of harassment, extortion and brutality by the police, who take advantage of the fact that Romani people are easily recognised;
- the Romani population is treated differently, and in a discriminatory fashion, by the authorities, who prefer a community approach, which denies individual rights and the possibility of real integration of the members of these minorities;
- there is discrimination according to origin in access to work and to various public services, in a poor economic and social environment which excludes the most vulnerable groups;
- The authorities use the economic climate as an excuse to deny the reality of discrimination against these groups and to refuse to adopt the necessary protection and prevention measures that would promote equality;
- Romani women and children are particularly vulnerable, caught as they are between the weight of family traditions and the absence of adequate protection by the authorities;

- Russia does not respect the international instruments it has signed, including the recommendations drawn up by the conventional mechanisms of the United Nations, particularly;

- Articles 2, 20 and 26 of the International Covenant on Civil and Political Rights;

- Articles 2 and 11 of the United Nations International Covenant on Economic, Social and Cultural Rights;

- Articles 2 and 12 of the UN Convention on Torture and Other Cruel, Inhuman or Degrading treatment or punishment;

- Article 6.2 of the Council of Europe's Framework Convention for the Protection of National Minorities;

- the recommendations made to the Russian Federation by the United Nations Committee on the Elimination of Racial Discrimination (June 2003); by the United Nations Committee on Human Rights (November 2003); by the United Nations Committee against Torture (June 2002); by the United Nations Committee on Economic, Social and Cultural Rights (December 2003); by the UN Committee on the Elimination of Discrimination against Women (May 2002);

- the recommendations of the European Commission against Racism and Intolerance (ECRI) (General policy recommendation no. 3: Combating racism and intolerance against Roma/Gypsies, adopted on 6th March 1998);

In the absence of any effort on the part of the Russian authorities to recognise the cultural diversity of the country and act against racism and discrimination, Romani groups risk seeing their situation worsen in the context of the social, economic and national tension in the Russian Federation.

## VI. Recommendations

The FIDH and the Northwest Center for the Legal and Social Protection of Roma appeal to the Russian authorities to conform fully with the regional and international instruments ratified by the Russian Federation, particularly:

### 1. Concerning the fight against discrimination and racist violence:

- to draw up a federal law elevating to the status of criminal offence racist actions in general, as well as racially motivated declarations made by holders of public authority or by the media; to fight against ultra-nationalist and xenophobic movements both by suppressing them and also by preventative measures and establishing social programmes for young people;

- to adopt federal anti-discrimination legislation concerning access to employment, health, public services and to adopt social, employment and housing policies that are non-discriminatory and which take note of the risk of marginalisation of this group;

- to fight against discrimination by means of preventative measures, punishment and aid to victims;

- to consider Romani people not only through their membership of a group, and not to contribute to the isolation of these groups, but to deal with their problems individually.

### 2. Concerning the police and those charged with upholding the law:

- to investigate the allegations of torture and arbitrary detention, to identify those responsible and punish them, according to the law and to the international covenants ratified by Russia, in order to end the impunity enjoyed by the perpetrators of violence against Romani people;

- to organise educational and awareness programmes for police employees and those responsible for enforcing the law, in the expectation that these persons, when carrying out their duties, will respect and uphold the fundamental rights of all persons, with no distinction based on race, colour or racial and ethnic origin;

- to exert control over the actions of the police by: putting in place people responsible for human rights in police stations,

who would work together with human rights organisations; and by actively fighting corruption.

### 3. More generally, the FIDH and the Northwest Center for the Legal and Social Protection of Roma appeal the Russian authorities:

- to guarantee leave to remain for nationals of the countries of the former USSR, by means of clarifying the administrative situation for individuals or families who have multiple national origins, and offering a repatriation grant when the individual or family wishes to return;

- to guarantee freedom of movement in the whole territory of the Russian Federation, and therefore to establish equal access to economic and social rights to all Russian nationals without hindrance as regards their area of residence;

- to encourage the recognition of the country's cultural diversity, through the establishment of educational programmes and the promotion of cross-cultural activities;

- to improve the help available to women, to promote women's rights, shelter and aid for victims of domestic violence; to develop a social programme relying on community structures and in which social workers go out and meet people;

- to ensure that all children have the same access to schooling, with no discrimination based on national or social origin, to reaffirm the role of schools as places of social and cultural mixing;

- to cease the illegal practice of forced expulsions, whatever the occupying regime, even though it be insecure;

- to extend a permanent invitation to the Special Procedures of the United Nations Commission on Human Rights.

### 4. The FIDH and the Northwest Center for the Legal and Social Protection of Roma appeal to the office of the High Commissioner for National Minorities of the Organisation for Security and Co-operation in Europe (OSCE) to visit Russia and investigate the situation of ethnic minorities in this country, notably Romani people.

# Northwest Center for the Legal and Social Protection of Roma SAINT PETERSBURG MEMORIAL Russia

The Northwest Center for the Legal and Social Protection of Roma was created in 2001 by the Saint Petersburg Memorial association.

The Centre's work is in research and education, legal help and humanitarian and medical assistance for the Romani groups in northwestern Russia. Several projects in 2004 were financed by the European Commission.

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