

# PARALLEL REPORT

BY THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING THE RUSSIAN  
FEDERATION

To the Committee on the Elimination of Racial Discrimination, for consideration  
at the 82nd Session (11 February to 1 March 2013)



CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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## INTRODUCTION

The European Roma Rights Centre (ERRC)<sup>1</sup> submits this parallel report to the United Nations Committee on the Elimination of Racial Discrimination.

This short submission highlights some problems for Roma in the Russian Federation in relation to discrimination. The lack of personal documentation (birth certificates, passports, residence permits and residence registration) prevents Roma from accessing employment, social allowances and healthcare or from voting in the Russian Federation, and from accessing education in some schools due to local practices of school authorities. The submission is based on monitoring of the human rights situation of Roma in the country since 2000 and recent research by the European Roma Rights Centre (ERRC).

According to the 2010 census grouped by language, there are 204,958 Roma living in Russia, or less than 1% of the total population (0.14% of the total population of 142,905,200 overall in Russia).<sup>2</sup> The Council of Europe publishes unofficial estimates which range from 450,000 to 1.2 million as at 2010.<sup>3</sup>

When the Russian Federation was last reviewed by the UN Committee on the Elimination of Racial Discrimination in 2008, in its Concluding Observations the Committee was concerned that “in practice, the enjoyment of many rights and benefits depends on residence registration” and noted instances where “ethnic minority children whose parents lack residence registration were denied access to education by local school authorities”. The Committee also noted the “alarming increase in the incidence and severity of racially motivated violence”.<sup>4</sup>

On these points, the Committee further made the following recommendations to the Russian Government:

- Carefully monitor the implementation of its system of residence registration and sanction officials who deny registration on ethnically discriminatory grounds;
- Legalise existing Roma settlements to the extent possible;
- Adopt a national plan of action that includes special measures for the promotion of access by Roma to (...) personal documents and residence registration (...) and allocate sufficient resources for the effective implementation of that plan;
- Take effective measures to insure that Roma children are fully integrated into the general education system.
- Ensure that judges, procurators and the police take into account the motive of ethnic, racial or religious hatred or enmity as an aggravating circumstance in any proceedings under the criminal law.<sup>5</sup>

Five years later, the Government has not taken any significant measures to address problems for Roma with personal documents or racial violence issues.

## PERSONAL DOCUMENTS: LEGAL AND POLICY FRAMEWORK

The Russian Constitution<sup>6</sup> states in Article 62 that “foreign citizens and stateless persons shall enjoy in the Russian Federation the rights of its citizens and bear their duties.” Article 19 guarantees everyone “the equality of rights

1 The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma.

2 See [http://www.perepis-2010.ru/results\\_of\\_the\\_census/result-december-2011.ppt](http://www.perepis-2010.ru/results_of_the_census/result-december-2011.ppt) and [http://www.gks.ru/free\\_doc/new\\_site/perepis2010/croc/perepis\\_itogi1612.htm](http://www.gks.ru/free_doc/new_site/perepis2010/croc/perepis_itogi1612.htm).

3 Council of Europe, Statistics on Roma and Travellers population in Council of Europe Countries, available at: <http://www.coe.int/t/dg3/romatravellers/Source/documents/stats.xls>.

4 CERD/C/RUS/CO/19, 22 September 2008, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/441/78/PDF/G0844178.pdf?OpenElement>.

5 *Ibid.*

6 The Constitution of the Russian Federation, ratified 12 December 1993.

and liberties regardless of sex, race, nationality, language, origin, property or employment status, residence, attitude to religion, convictions, membership of public associations or any other circumstance.”

Russian residents are required to register their place of residence with authorities. According to Russian law “Registration or non-registration [at the place of residence] may not serve as a ground or condition for the implementation of rights and freedoms.”<sup>7</sup> Residence registration shall be issued on the basis of “a document serving as a ground for moving a citizen into living quarters (a warrant for living accommodation, contract for lease, statement of the person who has given living quarters or any other document) or its certified copy”.<sup>8</sup>

2002 amendments to Russia’s Federal Law on Citizenship extended the requirement of minimum registration of residence on the territory of Russia to five years before a person can apply for Russian citizenship and a passport. It also introduced proof of command of the Russian language as a condition for accessing citizenship.<sup>9</sup> This must be proven with education certificates from Russian schools or a certificate proving that one has passed a State test in Russian language reading, writing and speaking.<sup>10</sup> Applicants must also provide proof of a legal source of income and of lack of citizenship of another State. Citizens of the former USSR born in Russia who missed the 31 December 2003 deadline for updating their passports must meet the same requirements, with a one-year residence condition instead of five. Amendments recently proposed to Russia’s Law on Citizenship aim to simplify naturalisation procedures for children born abroad who have one Russian parent, leaving in place all other conditions for passport acquisition.<sup>11</sup>

The Russian Civil Status Act states that birth registration shall be made within one month of birth, as a precondition for acquiring a birth certificate.<sup>12</sup> When there is no document confirming birth from a medical institution or a private practitioner, the fact of birth can only be established through a court procedure.<sup>13</sup>

Many rights and benefits are dependant on having personal documents, especially: healthcare services; voting in elections; social allowances; unemployment benefits; pensions; opening a bank account; and State-provided housing allowances. As a matter of practice, Roma also report that officials in some schools in Russia refuse to enrol their children in schools in the absence of personal documentation.<sup>14</sup>

## **BARRIERS EXPERIENCED BY ROMA IN ACCESS TO PERSONAL DOCUMENTS AND OTHER RIGHTS**

Roma face various barriers in obtaining personal documents: some Roma missed deadlines for exchanging documents following the collapse of the Soviet Union; some did not have documents during Soviet times and now cannot prove their birthplace, length of Russian residence, etc. Many Roma do not have one or more personal document because they cannot meet the requirements set out in Russian law and many are unaware of the procedures for accessing such documents.

These issues have featured prominently in ERRC research from 2011 and 2012. In 2011, the ERRC visited 12 Russian Romani communities in the regions of Rostov and Krasnodar Krai and identified the lack of personal documents to be one of the biggest problems faced by Romani individuals.<sup>15</sup>

7 Law of the Russian Federation N. 5242-I, 25 June 1993, Article 3.

8 *Ibid*, Article 6.

9 Federal Law on Citizenship No 62-FZ of 31 May 2002, Article 13.

10 ERRC Interview with Federal Migration Service Rostov, 18 July 2012.

11 Amendments to the law on citizenship have been submitted to the State Duma, 24 April 2012, available <http://eng.kremlin.ru/news/3698>. As the time of preparing this submission the amendments had not yet been adopted.

12 Federal Law N 143-FZ “On Civil Status Acts”, 15 November 1997, Article 16.

13 Federal Law N 143-FZ “On Civil Status Acts”, 15 November 1997, Article 23.

14 ERRC interview with 7 Romani women in Kuleshovka, 15 July 2012.

15 ERRC field trip to Rostov-on-Don and Krasnodar, 15-19 August 2011.

During further field research in the Rostov Oblast in 2012, the ERRC interviewed 136 Romani individuals about their access to citizenship and personal documents.<sup>16</sup> Of the individuals interviewed, 22 (16%) did not have any personal documents (birth certificates, passports and residence registration) or means of demonstrating their Russian citizenship. Each of those individuals reported that their family members were in the same situation. An additional 43 (32%) Romani individuals were lacking one or more personal documents.

Almost half (67 people or 49%) of the Roma interviewed were unable to register their place of residence because they lived in informal housing and could not produce ownership or tenancy documents as required by law. Twenty-five of the 67 Roma interviewed without registered residence had Russian passports and citizenship but could not effectively exercise citizenship rights due to lack of residence registration.

Out of 72 women interviewed by the ERRC in 2012, 32 gave birth to children outside a hospital. Of those women, 30 reported they missed the deadline for birth registration and are unaware of special court procedures to obtain birth certificates for their children. According to Roma in Novocherkassk and Kuleshovka, local schools require residence registration and birth certificates in order to enrol children in school. As a result, 13 out of 20 (65%) Romani children of school age were not attending school in those communities. Out of 136 Roma interviewed in 2012 by the ERRC, 90 (66%) were illiterate and only three (2%) had completed high-school education. Roma who cannot read and write face particular difficulties passing a mandatory Russian language test required for Russian citizenship.

The following selection of cases documented during research is illustrative of some of the complex problems experienced by Roma:

- In Novocherkassk, a Russian Romani family of 10 told the ERRC that their only identification documents are their expired former Soviet documents. They lack valid Russian passports, birth certificates and residence registration.<sup>17</sup> All family members are illiterate and report they were not informed about legal deadlines or relevant procedures for updating their passports or acquiring a birth certificate. All eight children were born outside a hospital and lack birth certificates. The parents reported they did not know about the possibility of going to court to establish late registration of birth and access a birth certificate, or how to contact a lawyer. The five children of school age are not able to enrol in formal education as a result.
- In Rostov-on-Don, all 25 Romani residents of an informal Romani community lack registration of their residence.<sup>18</sup> Members of the community reported that they cannot afford the high cost of legal representation for court proceedings to legalise their informal housing and/or costs of improving their living conditions to reach the standards at which they would be able to legalise and register their housing. One Romani woman from Kiziterinovskaya Balka, Rostov-on-Don, reported that State officials had informed her she cannot obtain State-provided medical insurance without residence registration. Without medical insurance, the unemployed Romani woman reported that she had to borrow money to pay the full price of costly surgery. Residents of this community also reported they are often targeted by local police for identity card checks and are asked to pay bribes in money and cigarettes to be checked less frequently.

The negative circular effect as concerns citizenship, residence and access to personal documents and the effective exercise of other rights (including voting, social allowances, medical insurance and health care, education, etc) is significant. Despite this, there has been a lack of Government action to facilitate access by Roma to personal documents and associated rights, documentation and processes. To date, the Russian Government has not developed a policy or action plan to address the barriers experienced by Roma in accessing personal documents.

## **VIOLENCE AGAINST ROMA**

In February 2010, two young Romani men were taken into police custody in Penza and were beaten and racially abused by police officers who wanted to extract confessions from them regarding a robbery. Although they retracted their confessions which were obtained under duress, they were convicted in a trial full of procedural defi-

<sup>16</sup> ERRC field trip to Rostov Oblast (Azov, Kuleshovka, Bataisk, Novocherkassk, Rostov-on-Don), 13-25 July 2012.

<sup>17</sup> ERRC interviews with residents of an informal settlement in Novocherkassk, 21 July 2012.

<sup>18</sup> ERRC interviews with residents of an informal settlement under a bridge on Kiziterinovskaya Balka, Rostov-on-Don, 19 July 2012.

ciencies and sentenced to three years' imprisonment. On 16 September 2011, the ERRC assisted the men in filing a case to the European Court of Human Rights, alleging the breach of several rights, including those under Article 3 (prohibition of torture, inhuman and degrading treatment) and Article 14 (prohibition of discrimination).

A 2012 decision of the European Court of Human Rights established the Russian Government's failure to adequately investigate the circumstances of the death of a Roma woman who died in police custody in 2002.<sup>19</sup>

## RECOMMENDATIONS

On the basis of this information, the ERRC recommends that Russian authorities:

- Implement the CERD/C/RUS/CO/19 Recommendation of 22 September 2008 to adopt a national plan of action that includes special measures for the promotion of access by Roma to personal documents, employment, residence registration, adequate housing with legal security of tenure, and other economic, social and cultural rights, and allocate sufficient resources for the effective implementation of that plan;
- Institute an exemption period from administrative requirements for documents acquisition allowing all Roma enough time to obtain a Russian passport; lift the proof of formal employment and residence registration and enable spoken Russian alone as proof of knowledge in Russian;
- Institute an exemption period from current requirements for the legalisation of house and land allowing all Roma enough time to obtain housing documents and residence registration;
- Initiate an official information campaign as part of the exemption period detailing procedures related to the acquisition of birth certificates, residence permits, passports and housing rights for individuals, particularly illiterate individuals, living in isolated communities.
- Ensure that Romani children are able to access education even in the absence of personal documents;
- Provide proactive assistance to Romani individuals currently missing one or more personal documents to facilitate their access to fundamental rights such as the right to vote and the right to access health care, social support and employment as part of systemic actions to address the lack of access to personal documents; and
- Investigate promptly and impartially incidents of violence against Roma and other minorities, prosecute perpetrators of such crimes to the fullest extent of the law, and ensure that any racial element is given due consideration in the process.

<sup>19</sup> European Court of Human Rights, *Kleyn and Aleksandrovich v Russia*, (40657/04), 3 August 2012, available at: <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-110720>.