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Written Comments of the European Roma Rights Centre Concerning the Russian Federation for Consideration by the United Nations Committee on the Elimination of Racial Discrimination at its 73rd Session, 28 July -15 August 2008

1. Introduction

1.1. The European Roma Rights Centre (“the ERRC”) respectfully submits written comments concerning the Russian Federation for consideration by the Committee on the Elimination of Racial Discrimination (“the Committee”) at its 73rd session, 28 July – 15 August 2008. The ERRC is an international public interest law organisation engaging in activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists.

1.2. The ERRC has been monitoring Roma rights in Russia since 2000, revealing an alarming pattern of human rights abuse of Roma and other people perceived as “Gypsies”.¹ Despite the rich ethnic diversity of a country that is home to approximately 160 ethnic groups or nationalities, it is important to single out Roma and assess their human rights situation, because not all minority groups in Russia are the object of egregious racist treatment and hate crime. Several ethnic/national communities are particularly vulnerable on the whole territory of the state, wherever they happen to be. The infamous label “person of Caucasian nationality “ applied by the Russian authorities to refer to a range of people such as Chechens, Ingushetians, Ossetians, Dagestanis, Georgians, Azeris, etc. is a construct that serves as a tool for discriminatory treatment on the basis of ethnic identity, perceived as skin colour and other visible – especially physiognomic – features. Apart from “persons of Caucasian nationality”, Jews, “Gypsies”, and more recently Tajiks and some other people of Central Asian origin, are also the target of particularly powerful racist attitudes and actions.

¹ The expression “Roma and other people perceived as Gypsies” is used to describe those minorities on the territory of the Russian Federation who are perceived by the surrounding communities as “Gypsies” (Tsygane in Russian). Most of these people are ethnic Roma and speak Romani. Apart from the more established Russka Roma and the other Romani groups scattered across Russia (Kalderary, aka Kotlyary, Lovari, Krymy, Plashchuny, etc.), there are small groups of Sinti who have moved eastward from Germany via Poland in the beginning of the 20th century; Armenian-speaking “Gypsies” called Boshka (aka Lomavtic); Karachi from the Caucasus area; Central Asian Gypsies Lyuli (aka Mugat), who come from Tajikistan and other parts of Central Asian and could be seen in numerous places inside Russia during the last decade, having arrived as permanent or seasonal migrants.

1.3. Anti-Gypsyism features prominently among the new hate ideologies of Russia today. Several surveys indicated high levels of anti-Romani feeling in Russia. For example, a survey by the Russian analytical centre Levada published by the Economist in February 2005 revealed that over 40% of the respondents would prefer that Roma did not live in Russia and over 50% of the respondents would prefer not to work with Roma.²

1.4. In May 2005, the ERRC issued a comprehensive report on the human rights situation of members of these groups, entitled "In Search of Happy Gypsies: Persecution of Pariah Minorities in Russia". The report concluded that anti-Romani racism is widespread in Russia today. The law guarantees equal treatment and protection against discrimination of all people in Russia, yet Roma, among several other ethnic minorities, find themselves excluded from the equal protection of the law, or in fact frequently any protection of the law. Indeed, the authorities whose duty is to uphold human rights are often themselves implicated in gross human rights violations or acquiesce in them. Violence and abuse of Roma by law enforcement and judicial authorities, often motivated by racial animus, persists unchallenged and unremedied.

1.5. In this report, the ERRC charged that violence by law enforcement officials, paramilitary and nationalist-extremist groups, and discriminatory treatment of Roma in the exercise of civil, social and economic rights are aggravated by the complete absence of governmental action to address these problems. The ERRC stated that the magnitude of the abuse is only comparable to that of the perpetrators' impunity. The report contained a number of concrete recommendations addressed to the competent authorities of the Russian Federation.

1.6. In the two years following the publication of the ERRC report, the Russian authorities have attempted to follow up on some ERRC recommendations. In certain regions, prosecutorial authorities have contacted Romani organisations and tried to verify the facts ERRC had alleged; and launched independent investigations in some cases reported by human rights organisations, including the ERRC. It appears that police and other law enforcement bodies, as well as administrative authorities have been instructed to refrain from abusive conduct when coming into contact with Roma.

1.7. However, the ERRC is concerned that new cases of grave human rights abuse have continued to be reported by Roma in Russia after the report's publication. The materials submitted herewith do not constitute a comprehensive review of all issues arising from the Russian Federation's obligations under the Convention, nor of all issues related to Roma in Russia. The discussion

² Higher levels of dislike by the respondents have been expressed only with respect to Chechens with over 50% of the respondents answering that they would not like Chechens to live in Russia and that they would not like to work with Chechens. An earlier survey by the Levada Centre from September 2004 revealed that 24.8% of the respondents categorically disapproved of having Roma living in Russia and 19.6% stated they preferred Roma did not live in Russia; 33.4% categorically disapproved of living in one city with Roma and 22.4% stated they preferred they did not live in one city with Roma; and 39.6% categorically disapproved of having Roma as neighbours and 25% stated they preferred not to have Roma as neighbours. The respective percentages for Chechens, "Caucasians", and persons of African origin were: 34.4%, 22%, and 18% of the respondents categorically disapproved of having the respective nationalities living in Russia and 18.6%, 19%, and 20.2% stated they preferred the respective nationalities did not live in Russia; 39.4%, 22.8%, and 17.8% of the respondents categorically disapproved of living in one city with the respective nationalities and 19.8%, 21.4% and 19.4% preferred they did not live in one city with the respective nationalities; 43%, 25.2%, and 20.4% of the respondents categorically disapproved of having persons of the respective nationalities as neighbours and 18%, 23.2% and 22.4% preferred not to have them as neighbours.

below focuses on recent outstanding human rights concerns with respect to Romani communities in the Russian Federation. In particular, concerns include:

- Violent forced evictions of Roma carried out with no regard to due process of law;
- Discrimination against Roma in the criminal justice system;
- Racially motivated violence against Roma by non-state actors;
- Unchallenged anti-Romani statements by public officials and rampant hate speech against Roma in the media.

1.8. The ERRC is aware of the contents of the Government's report submitted under Article 9 of the Convention.³ We regret to note that the Government's report fails to either acknowledge the issue of anti-Romani racism in the Russian Federation or mention specific measures undertaken to combat it.

2. Discussion: Forced Evictions

2.1. In recent years, local authorities in the Russian Federation have engaged in destruction of housing belonging to Roma and the forceful expulsion of Romani communities in some localities in Russia. These actions have reportedly been carried out in gross violation of domestic and international human rights law. Particularly disturbing are the reports that candidates for public office at local level campaigned on promises to expel Roma from municipalities. The rising tide of forced evictions targeting Romani communities in Russia, among other European countries, has recently been noted by the Council of Europe Commissioner for Human Rights and the UN Special Rapporteur on the Right to Adequate Housing.⁴

2.2. The United Nations Committee on the Elimination of Racial Discrimination adopted General Recommendation No. 27 to address persistent and systemic discrimination against Roma. In the domain of the right to adequate housing, the Recommendation calls on governments to “act firmly against any discriminatory practices affecting Roma, mainly by local authorities and private owners, with regard to taking up residence and access to housing; to act firmly against local measures denying residence to and unlawful expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that are isolated without access to health care and other facilities.”⁵

3 Девятнадцатые периодические доклады государств-участников, подлежащие представлению в 2006 году. Добавление, РОССИЙСКАЯ ФЕДЕРАЦИЯ, 13 октября 2006 года. CERD/C/RUS/19/23 October 2006, available at: <http://tb.ohchr.org/default.aspx>.

4 See “Governments Should Take Positive Steps to Protect the Housing Rights of Roma in Europe”, Joint Statement by Council of Europe Commissioner for Human Rights Thomas Hammarberg and UN Special Rapporteur on the Right to Adequate Housing Miloon Kothari, Strasbourg, 24 October 2007, available at: [https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH/Speech\(2007\)16&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH/Speech(2007)16&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864).

An earlier statement of the Council of Europe Commissioner for Human Rights also noted forced evictions of Roma in Russia. See “Forced Eviction of Roma Families Must Stop”, available at: http://www.coe.int/t/commissioner/Viewpoints/060904_en.asp.

5 United Nations Committee on the Elimination of Racial Discrimination, *General Recommendation XXVII: Discrimination against Roma*, 16 August 2000.

2.3. According to information received by the ERRC from local sources, from 29 May to 2 June 2006, Russian authorities bulldozed 37 houses belonging to Roma families and set fire to the ruins in the village of Dorozhnoe⁶, in Russia's Kaliningrad region thus condemning to homelessness more than 200 Roma, including over 100 children. Regional authorities began their eviction campaign by initiating court proceedings to have the Romani families' ownership of their homes declared void. In proceedings that violated fundamental standards of due process, the court issued decisions on 3 May 2006 rejecting the families' claims and opening the door to the forced evictions that would follow. Despite protests from international organisations, the Russian authorities continued the forced eviction, and destroyed all houses belonging to Roma in Dorozhnoe.⁷

2.3. Earlier in the year, on 24 February, the ERRC sent a letter to the Governor of the Kaliningrad region, Mr Georgiy Boos, urging him to intervene and stop the demolition of Romani houses in Dorozhnoe after city authorities of Kaliningrad sent bulldozers to demolish houses of Romani families. The letter was copied to the Russian Ombudsman and the Regional Prosecutor. The forced evictions undertaken by the authorities exposed 4 Romani families, including children and women, to homelessness aggravated by severe weather conditions in the Kaliningrad region at that time of the year. The Russian Ombudsman responded to the letter stating that, according to information from the Regional Prosecutor, no human rights violation had been found.

2.4. According to information provided to the ERRC by the St. Petersburg-based non-governmental organisation Northwest Centre for Social and Legal Protection of Roma, in 2006, sixteen Romani families, comprising about 100 persons, were coerced by the local authorities into leaving the city of Arkhangelsk, after their temporary housing was destroyed and no permission for building housing was given to them.⁸ The Roma arrived from Volgograd in early 2004, and by September 2004, the families obtained legal permission to rent land in the Noviposyolok district. The permit was signed by the Arkhangelsk mayor at the time, Oleg Nilov, and other local authorities. The permit given to the families allowed them to settle on the land, but did not grant them permission to build houses, although the necessary legal provisions for them to do so were already underway at the time. Despite the fact that the Roma did not have permission to build, it was indispensable for them to begin constructing houses in order to provide shelter for their large families during the approaching winter months.

2.5. In late 2004, however, at the time of the local elections campaign in Arkhangelsk, mayor Nilov initiated a lawsuit to evict the Roma from the land on which his administration had previously allowed them to settle. This action took place at a time when the opponent to mayor Nilov for the upcoming local elections, Aleksandr Donskoy, launched a campaign accusing mayor Nilov of corruption for permitting the Roma to settle, and accusing the Roma themselves of illegally building homes on the land they had rented. In his campaign speeches, Aleksandr Donskoy explicitly promised the citizens of Arkhangelsk to rid the city of Gypsies. Upon his election in 2005, Mayor Donskoy demanded that the court not only permit the demolition of the

6 The village of Dorozhnoe was specifically allocated for the settlement of "vagrant Gypsies" by the Kaliningrad authorities in 1956 pursuant to Decree Number 450 of the Presidium of the Supreme Soviet of the USSR entitled "On Engaging Vagrant Gypsies in Labour" and since then, Dorozhnoe village developed as an almost exclusive Roma settlement on the outskirts of Kaliningrad city.

7 In November 2006, 33 Romani individuals from Dorozhnoe filed applications against the Russian Federation with the European Court of Human Rights alleging violations of Article 2 (right to life), Article 3 (freedom from inhuman and degrading treatment), and Article 14 (prohibition of discrimination) of the European Convention on Human Rights and Fundamental Freedoms.

8 See Stefania Kulaeva. "A Social Catastrophe: How Politics and Business Contrived to Expel Roma from Their Homes". In *Roma Rights* 1/2006, "Exclusion from Employment".

Romani houses, but also order the expulsion of the Roma from their lands altogether. At a press conference in March 2006, Mayor Donskoy noted that he had not yet fulfilled the promise he had given during his election campaign and “Gypsies still live in the city”; he further stated that “according to the order of the court the Gypsies should demolish their houses and leave the city”.⁹

2.6. After two years of pressure from local authorities, the Romani families eventually left Arkhangelsk, reportedly after being paid for their trip back to Volgograd by the mayor of Arkhangelsk.

2.7. Since 2002 in Yaitskiy village in Volzhsky district, local businessmen have been trying to make the Roma leave their settlement. They threatened that the houses would be demolished with bulldozers. In May that year, seven houses were burnt. When people were trying to reconstruct the houses, the businessmen’s guards came to destroy them. That same year, the school in the village was closed. One of the reasons for the baiting was the price of the land. However the land was not arbitrarily occupied by Roma, they bought it from local residents, but couldn’t certify the property.

2.8. Since that time the situation has improved for the affected Roma, some of them could certify the property and get registration, the children continued their studies at regional school. But on the night of 13-14 April 2008 two houses were burnt again. Luckily everyone survived, however, the houses were ruined completely. As the locals said, about three weeks before the accident people came again to demand that the Roma leave the village. A complaint was filed to the police office, however the victims are too scared to pursue the complaint.

3. Discussion: Discrimination against Roma in the Criminal Justice System

3.1. Russian law enforcement authorities continue to resort to arbitrary criteria such as ethnicity in deciding against whom to open investigations into criminal acts. The 2005 ERRC report “In Search of Happy Gypsies: Persecution of Pariah Minorities in Russia” presented evidence of widespread racial profiling and abuse of Roma by the organs of the criminal justice system in the period 2000-2005. The entrenched assumptions that Roma are prone to crime lead to systematic racially motivated abuse. Racial discrimination against Roma is manifested in routinely carried out abusive raids on Romani neighbourhoods by law enforcement organs; unlawful and unprovoked use of violence during detention; selective and disproportionately frequent detention; arbitrary and disproportionate checks of personal documents; extortion of money; arbitrary seizure of property; and fabrication of criminal cases.

3.2. Racial prejudice lying behind human rights abuses against Roma often surfaces in comments made in public by police and judicial officials, such as the following: “The Gypsies are not victims. Our attitude towards them is bad because they are killing our children with drugs. They earn big money. The houses you see are not built on child welfare benefits. There will be no peace here until the Gypsies are all driven out of this town. No Gypsy ever works and they are all criminals.”¹⁰

⁹ Information agency Dvina-Info, 10 March 2006. “Donskoy: Tsygani dolzhnyi vyehat potomu chto onu ploho sebya vedut”, available at: <http://www.dvinainform.ru/news/2006/03/10/40354.shtml>. (Last visited October 2007.)

¹⁰ Conversation between the ERRC and patrolling police officers during field research in the Romani settlement of Kimry, Tver region, on 13 April 2004.

3.3. In their 2003 Concluding Observations, the CERD expressed concern at "...reports of racially selective inspections and identity checks targeting members of specific minorities, including those from the Caucasus and Central Asia and Roma." The Committee recommended that the State party "...take immediate steps to stop the practice of arbitrary identity checks by law enforcement authorities" and "...ensure that, in the performance of their duties, they respect and protect the human rights of all persons without distinction as to race, colour, or national or ethnic origin."¹¹

3.4. Arguably the most extensive racial profiling of Roma in Russia has occurred in the framework of the series of police raids launched in 2002 under the official name "Operation Tabor". Despite international criticism, the operation has been carried out in the following years in several places throughout Russia such as St. Petersburg, Cheboksary, Moscow and Yaroslavl. More recently, according to numerous reports in Russian regional press and leading Internet information sources, at the end of September 2006, Samara regional law enforcement authorities launched a new police operation called "Tabor- 2006".¹²

3.5. On 27 September 2006, the online information source *regions.ru* quoted police officials as having underlined that the main objective of the operation is "the exposure and suppression of crimes related to the legalisation of financial resources and other property obtained as a result of committing of drug-related crimes by the criminal ethnic groups." However, several other online information sources have drawn explicit links between the activities of Samara regional law enforcement authorities within similar operations and persons belonging to the Romani ethnic minority. For example, on the same date, *tltnews.ru* published the following: "[...] within the framework of operation "Tabor 2005," carried out last year in the course of work amongst persons from Romani and other ethnic groups, the illegal activity of organised criminal groups have been precluded. According to information provided by the Press Service of the Russian Federal Drug Control Service in the Region of Samara, these groups have organised channels for the contraband delivery of drugs to the territory of Russia."

3.6. On 1 February 2007, the ERRC sent a letter to Mr Cukruk, the Chief of the Volgograd Regional Department of the Ministry of Interior, expressing concern about police raids targeting

11 Concluding Observations of the Committee on the Elimination of Racial Discrimination. Russian Federation. CERD/C/62/CO/7, 2 June 2003, paragraph 13, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G03/422/19/PDF/G0342219.pdf?OpenElement>.

12 On 16 May 2006, the Council of Europe's European Commission against Racism and Intolerance (ECRI) made public its Third Report on the Russian Federation. ECRI's report contained extensive reference to the situation of Roma, followed by recommendations to Russian authorities, including: "93. Relations between the police and the Roma can be very problematic. The issues raised in other parts of this report concerning the conduct of law enforcement officials are particularly relevant to Roma: they are victims of arbitrary identity checks, detention, extortion of money and the fabrication of incriminating evidence by members of the police. There are allegations of some Roma having been ill-treated and even tortured by police officers, resulting in some cases in the death of the victim. 94. In 2002 a nation-wide operation was carried in order to combat drug trafficking. This operation was called "Tabor", which means "Roma encampment". It consisted of random police raids against several Roma encampments in order to find drugs and drug-dealers, without concrete reasons for believing that there were drugs in the encampments searched. Roma organisations have complained about this discriminatory operation to the Ministry of Interior, whose representative accepted that it was a matter for regret and promised that it would not be repeated. Unfortunately, it seems that since then, local police, such as the police of St Petersburg in 2004, have occasionally organised raids under the same pretext as "Tabor"."

Romani communities in the city of Volzhskiy. According to information received by the ERRC, “Operation Tabor” was reportedly ended soon thereafter and continued several months later under the name “Vulkan” (though some militia officers still reportedly refer to it as to “Tabor”). According to the information received from Volgograd Romani organisation “Congress of Roma Women – Dzhuyvlikano Romano Congresso,” in the city of Volzhsk Roma are stopped on a daily basis in the public places (markets, transport etc) and taken to the militia departments where they are photographed, finger-printed, held for several hours and then released without any formal accusation brought against them. Cases of threats to “put criminal charges against the petitioners” and money take away are not rare. In response to the people’s complaints militia officers refer to the direct order of the head of the Volzhsk Directorate of Interior, V.L. Kurdyumov, to arrest Gypsies, prostitutes and people without a definite place of residence. The private individuals as well as head of the Congress of Roma Women, E. Konstantinova, applied with petitions with regard this situation to Volgograd Prosecutor, L.Belyak, Russian Federation Prosecutor General, Yu. Chayka, and Russian Federation Minister of Interior, R. Nurgaliyev. No response was received. On 2 November 2007 the information was received from Volzhsk that Roma were not allowed to enter the territory of the local foot market allegedly because they steal food and money.

4. Discussion: Racially Motivated Violence

4.1. In recent years, as nationalist-extremist movements have been gaining increasing popularity in Russia, violent attacks on Roma by skinheads and other formal and informal groups have been reported with disturbing frequency. In September 2006, a court in Belgorod, central Russia, convicted ten skinheads to different terms of imprisonment ranging from one to five years for a racially motivated attack against a Romani family which took place in August 2005.

4.2. According to information provided to the ERRC by local Romani activists, between 9:00 and 10:00 PM on 13 April 2006, Mr Grigoriy Marienkov, a Romani man and a Russian woman named Galina Ponomareva were killed by youths identified by local Roma as skinheads near the town of Volzhskiy in the Volgograd region of Russia. At the time of the attack and killings, Mr Marienkov’s family and their Russian guest were sitting by a fire just outside the tent they inhabited. ERRC sources reported that between 9:00 and 10:00 PM, a group of approximately 20 youths, armed with metal bars and spades, attacked the group and beat them until all the victims lost consciousness. The group then reportedly left the site. A young male member of the family reportedly regained consciousness and called the police shortly after 10:00 PM. It was established that two people, a Romani male and the visiting non- Romani woman, both in their 40s, had died of their wounds. Additionally, two of the Romani man’s relatives were hospitalised: 80-year-old Ms Polina Marienkova’s jaw was broken and 13-year-old Roza Marienkova suffered head injuries. The teenager spent several days in hospital in critical condition.

4.3. Nine assailants were promptly detained. The Volgograd Regional Prosecutor opened a criminal investigation under Article 105 of the Russian Criminal Code (murder) against 8 persons and under Art 116 (beating) against 1 person. Actions of only 2 perpetrators were received an additional qualification “motivated by national, racial or religious hatred”. While this was a rather positive example of a prompt and decisive law enforcement reaction, in general the protection provided to Roma by authorities against racially motivated violence remains inadequate.

4.4. On 10 November 2005, in Iskitim, Novosibirsk oblast, two Romani houses were burned. One Romani woman sustained severe injuries and her child died three days later due to the arson attack. This grave incident has been the culmination of a wave of violence against Roma that has apparently remained without efficient law enforcement response to date.

4.5. In particular, on 14 February 2005, approximately twenty individuals attacked and burned a number of Romani houses in Iskitim. According to reports, the assailants managed to destroy entirely around ten dwellings in the course of the attack. After the incident, the Romani inhabitants were forced to leave their houses. Similar acts of violence had reportedly also taken place in January 2005 and in April 2005. The incident has resulted in the almost complete expulsion of the entirety of the approximately 400-person Romani community of Iskitim from the town. According to the information received by the ERRC, law enforcement officials failed to undertake any action to prevent the arson although they had reportedly been aware of the attacks on the Roma. Five persons have reportedly been arrested in connection with the attacks, and ten more are being sought by police.

4.6. On 21 February 2005, the ERRC sent a letter of concern about arson attacks on Romani houses in Iskitim with a copy to the Prosecutor-General of the Russian Federation. On 29 March 2005, the ERRC received a response from the deputy prosecutor of Novosibirsk oblast, who promised to act on the ERRC concerns. According to information from local human rights activists, a number of criminal investigations on violent incidents have been opened and seven perpetrators have been detained.

4.7. Despite these actions, and in view of the violent assaults on Roma in Iskitim which took place in November 2005, it can be assumed that law enforcement bodies and the local municipality did little or nothing to prevent further arson attacks on Romani houses and racial violence against Romani people. While the authorities have taken some steps, we believe they have been inadequate as the attacks continued and, moreover, resulted in a death of a child.

4.8. In June 2006, neighbours insulted Ms. Pletenko (actor in the "Romen" Romani Theatre who live in the town of Balashiha, Moscow region) and wrote obscene insults on the doors of her home and used anti-Romani epithets. Then they physically assaulted and beat Ms. Pletenko, resulting in physical injuries. On 21 July 2006, a lawyer sent a complaint to the prosecutor's office. In the complaint, he urged initiation of criminal investigation on the basis of the fact of the infliction of injuries committed for reasons of racial hatred. This complaint was rejected. This decision was appealed to the Moscow Prosecutor's Office which recognised the existence of signs of a crime and supposed it may be necessary to conduct additional investigation into the materials. However, the Balashiha Prosecutor's Office refused to initiate a criminal investigation. In November 2006, the Moscow Prosecutor's Office rejected the Balashiha decision to not open a criminal case while at the same time refusing to launch its own investigation. In December 2006, the ERRC's lawyer filed complaint against this decision with the Moscow Regional Prosecutor's Office, which was again rejected with a similar motivation on 19 April 2007.

4.9. Marina Sulimenko, her 5-year-old son and 15-year-old niece, Snezhana Kondeyina, were begging in the park on 2 March 2007, approached the policeman in the uniform asking for money. In response he lifted up the boy and threw him on the ground while saying "The Lord will give you". He also hit Ms Sulimenko and Miss Kondeyina, who tried to protect the boy, handcuffed Miss Kondeyina and brought her and a boy to the militia department.

After her son and Miss Kondeyina had been detained, Ms Sulimenko called the local Roma organisation "Amala." The Head of the organisation, P. Limansky, called to the militia department with a request about the detainees, after which Ms Sulimenko's son and Miss Kondeyina were immediately released. The complaint on behalf of Ms Sulimenko and Miss Kondeyina was filed with a request to open a criminal investigation against the militia officer. The prosecutor's office ruled not to initiate a criminal investigation due to due to the absence of

corpus delicti. This decision was appealed to the court. The court found the decision of the prosecutor office not to initiate a criminal case as illegal 5 times in the course of the year. The case was every time sent back to the prosecutor office for additional examination. However the prosecutor's office repeatedly refused to initiate a criminal investigation of the case. In the course of the proceedings some militiamen (not identified) came to Ms Sulimenko's house and asked about her job, tax payments, and after all warned her that it would be better to take back her complaint sent to the court.

4.10. On 26 February 2008 in Ignatovka village, Ulianovsk, region a 24-year-old Romani man Ruslan Potapov and his 1.5-year-old daughter were brutally killed. According to Elena Konstantinova, on the evening of 25 February, Mr Potapov went to a shop. Two Russian men offered him to drink vodka with them then demanded he give them money, which Mr Potapov refused. The same night the two men went to his apartment and demanded money again. After Mr Potapov refused, he and his baby were shot. On 26 February the killers were detained and gave confessionary statements. However three days later one of them was released. According to Elena Konstantinova, he threatened local Roma, saying "We will burn you all while you sleep".

4.11. On 22 May 2008 a Roma rights activist Arthur Vinogradov was killed in Vladimir region. According to Elena Konstantinova, Vinogradov came to visit his relatives, and on 22 May night he went out to a bar to buy cigarettes, but never came back. Police officers came to inform the relatives that Vinogradov was in morgue. Only one 17 years old killer was detained. However, witnesses say that about 15 young men attacked Vinogradov in the bar and killed him.

5. Discussion: Hate Speech

5.1. Anti-Romani hate speech remains an unchallenged part of public discourse in the Russian Federation. The ERRC is not aware of a single instance in which provisions of the Constitution and/or the Criminal Code sanctioning hate speech have been applied where Roma are at issue.

5.2. The climate of intolerance towards Roma and several other minorities is particularly reinforced by overwhelming hate-speech in the media, which meets very little resistance among the public. Public officials do not condemn the dissemination of anti-Romani sentiments through the media and sometimes themselves make statements which feed into the racist discourse against Roma.

5.3. Anti-Romani sentiments are exploited by politicians in the context of election campaigns. In speeches during his 2004 election campaign, the candidate mayor of Arkhangelsk, Aleksandr Donskoy, explicitly promised that he would do all that was necessary in order to rid Arkhangelsk of the Gypsies, because according to him, all Gypsies were "beggars, swindlers, and thieves [and] are incapable of doing anything else."¹³

5.4. In the 2003 elections in Ekaterinburg, the candidate for mayor Mr Oleg Gusev, proposed the demolition of the Romani settlement in the city. The suggestion was readily taken up by the local newspaper *Uralskiy Harakter*, which conducted an opinion poll asking its readers: "Do you support the initiative put forward by Mr Oleg Gusev concerning the demolition of the Gypsy settlement and building on its place municipal blocks of flats for dwellers of the city?" The answers to the question, published in the edition of the newspaper from November 13, 2003, indicated that 91.3% of the respondents approved the proposal, 2.3% partially approved, 0.9% did

13 See Stefania Koulaeva. "A Social Catastrophe: How Politics and Business Contrived to Expel Roma from Their Homes". In *Roma Rights* 1/2006, "Exclusion from Employment".

not approve, 0.4% did not have an opinion, and 5.2% reportedly stated that they had never heard about the issue. Finally, the newspaper itself endorsed the proposal stating that, “It is hard to disagree with Oleg Gusev’s idea of pulling down of the so-called Gypsy settlement and building instead a modern housing block. Many inhabitants of Ekaterinburg approve this idea, and in particular those living in blocks next door to the Gypsy settlement.”¹⁴

5.5. Other instances of open support for anti-Romani actions by public officials have been reported in Yaroslavl. In November 2004, during a discussion on measures to combat the drug trade, members of the Yaroslavl City commission for law and order called for the deportation of Roma who sell drugs. Municipal council deputy Sergey Krivnyuk reportedly said: “In my electoral district, there are many Gypsy families, and the police regularly arrest their children and pregnant women for selling drugs. Residents are ready to start setting the Gypsies’ houses on fire, and I want to head this process.”¹⁵

5.6. During the same meeting, municipal council deputy Evgeniy Urlashov was quoted saying: “In Astrakhan and Leningrad regions, they have come up with initiatives to deport Gypsies who sell drugs. Why hasn’t this been done in Yaroslavl? This would be a lot more effective than propaganda or social advertising.”¹⁶

5.7. Russian media contributes to the perpetuation of anti-Romani racism by creating a strong association between Roma and crime, and even by encouraging in some instances violence and discrimination against Roma. The media persistently identifies Roma as the main actors in the Russian drug trade, using “drug dealer” and “Gypsy” interchangeably in reporting. Bypassing the presumption of innocence entirely, both mainstream and tabloid media treat all Roma, including young children, as fair game for slander and stereotyping as drug traffickers. The ERRC notes that the Directorate of the Russian Federal Surveillance Service for Compliance with the Law in Mass Communications and Cultural Heritage Protection (Rosohrancultura) and experts involved in the process of a working meeting dated 21 February 2007 have also expressed concern regarding the rise of ethnic and religious intolerance in the Russian mass media.¹⁷

5.8. In the period January 2006-June 2007, the ERRC monitored a selected number of media in Russia. Some instances of hate speech which raised our concerns include the following:

5.9. On 8 February 2007, channel First Channel of the public Russian television broadcast the programme “Man and the Law”, which made direct links between Roma and criminality. At the very beginning of the programme’s segment on persons of Romani ethnicity, the anchorman stated: “So, the Roma. I adore their songs; boundlessly respect Slichenko, but today we shall talk about the other Roma, whom you meet on the train stations, in trains, in subway. You have to know only this – they are the members of organised criminal groups. Yes, yes, exactly. There are no others there. They will pull off the head!” The anchorman then asserted that despite the existence of different groups of Roma, all of them are entirely criminals: “Romani women, whom Rustem Davidov (the journalist of a broadcast) interviewed conducting a special operation, are called kalderary in criminal slang. There are also lovari – resident thieves, servi – pickpockets,

14 Column “Nash dom” in *Uralskiy karakter*, local newspaper, November 13, 2003, No 33, Ekaterinburg.

15 RFE/RL Newline, November 18, 2004.

16 Ibid.

17 Chronicle of Moscow Bureau for Human Rights (January-February 2007), available at: <http://antirasizm.ru/news.php?page=1>.

ungri, vlakhy, plaschuny, and cherni. Davidov was lucky that there were no plaschuny near kalderary. Those could kill, not merely rob”.¹⁸

5.10. Moskovskij Komsomoletc daily:

- 27 December 2006, article in the newspaper provided its readers with the following advice: “Pass the Gypsies by. Any among their intentions, even the best ones ... result in ordinary thievery”;
- 22 November 2006, article about the theft of a large sum of money belonging to the famous singer Filip Kirkorov, stated that a Romani woman had committed the crime, although according to information appearing in “KP – Omsk” on November 22, the perpetrator was not Romani;
- 2 September 2006, article “Another Day in the City”, states: “For more than two weeks, Moscow was cleansed of homeless people, Roma and other suspicious persons”;
- 19 June 2006, article entitled “Passengers Were Not Harmed Due to a Miracle” contains the following generalization: “When Gypsies appear at the train station, the quantity of work for the police increases several times.”
- 21 April 2006, article title “After Being Forced into Slavery to Gypsies, Disabled Persons Search for a Better Fate”;
- 12 April 2006, article title “Gypsy Women Stole an Infant by Trickery”.

5.11. On 10 August 2006, the ERRC sent a letter of concern to Mr Nikolay Zaikov, editor-in-chief of the Russian daily newspaper Vechernij Novosibirsk, expressing concern at the rise of anti-Romani hate speech published in the newspaper and with the continuous identification of Roma with illegal drug dealing and crime. Vechernij Novosibirsk, without any editorial remarks, quoted Mr Andrey Dmitriev, Deputy Director of the Regional Directorate of the Federal Drug Control Service (FDCS), as having stated on several dates in 2005 and 2006 that “Yes, there are Roma in Novosibirsk region, who do not sell opium. These are the Roma who sell heroin. The number of others is very low.” The newspaper repeatedly referred to Roma in articles relating to criminal activities and in published records of criminal activity.

5.12. Media Portal *www.kuzinform.ru*:

- 16 February 2007, a report entitled “The activists of United Russia in Novokuznetsk presented a computer to the Drug Control Service” referred to Roma as a criminal gang, despite the fact that the report is concerned with charitable activities;
- 13 October 2006, a report entitled “the Romani swindlers are operating in Mejdurechensk,” referred to unidentified criminals as “Roma”;
- 25 September 2006, a report entitled “The resident of Novokuznetsk has exchanged her automobile ‘Nissan’ for 3 kg of marihuana,” refers to a criminal suspect as “the passenger who looks Romani”;
- 7 September 2006, a report entitled “The swindlers-hypnotists came into view in Mejdurechensk” starts with the phrase “Roma swindle in the city. They break into houses begging for antiques and then they rob people with the help of hypnosis”;
- 19 June 2006, a report entitled “Drug dealers should be brought to responsibility!” refers to the ethnicity of criminals convicted of drug dealing only in cases when they are identified as Romani.

These so-called news reports are far from an unbiased representation of local activity and sentiment; rather, the reports, in their tone and selective reporting of ungrounded beliefs,

18 The anchorman used real names of Romani groups in Russia which he arbitrarily “translated” giving them criminality-related meanings.

contribute to a reproduction and incitement of racist beliefs targeting Roma. A *kuzinform.ru* report dated 17 November 2006 entitled “The majority of Kuzbass residents do not consider themselves as the followers of any particular ideology,” the results of a public survey are given, and a widely disproportionate amount of ethnic bias towards Roma, as compared to other minorities, is seen. It is obvious that regional and local media – including especially reports such as those mentioned above – have played a role in shaping these prejudiced attitudes.

5.13. Media Portal *www.petrovka38.ru*:

-- 9 November 2006, a report entitled “Mysterious nation – the Roma” advised against Roma who wander on the streets: “Thus, nevertheless, what to do if Roma have stuck to you on the street? Never talk to them and even more with unfamiliar people. Even when they ask you “What time is it now?” and you, as a good-minded person cannot refuse – do not answer them ... Do not apologise, simply give a shrug of the shoulders and pass by with courage. Namely “with courage”, because Roma are psychologists and choose the victim according to these characteristics. Do not let them to touch you. While talking with you a Romani woman will try to induce a bright feeling of fear or joy. While taking your hand and asking certain questions, Roma may regulate your emotions and reactions ... If a Romani woman is very insistent and unable to leave you, then do not be afraid to be rude and harsh.”

The portal frequently contains the references to Roma ethnicity of the persons, whose guilt is not proven yet. In particular, the authors of reports write “the staff of a private security agency has detained a Romani pickpocket” (22 September 2006), “The woman has been detained. She happened to be a Roma, who came from Ryazan.” (23 August 2006), “as it turned out, the robbers were two Romani women, mother and daughter” (15 June 2006).

5.14. In 2006 and 2007, a number of report titles in media portal *Regions* referred to Roma almost exclusively as dangerous criminals:

- 13 February 2007, report “Romani swindler has been detained in Mordovia”
- 9 November 2006, report “Residents of a village in Bryansk region caught Romani burglars”;
- 31 August 2006, report “Romani swindlers became the real threat for passengers of Moscow railroad”;
- 30 July 2006, a report entitled “Romani hypnotists persecute the inhabitants of Borovsk”;
- 6 May 2006, a report entitled “The Romani drug dealer has been detained in Orenburg”

5.15. In 2006 and 2007, a number of report titles in media portal *Regnum* referred to Roma solely as criminals.

- 23 January 2007, a report entitled “In Ivanovsky region the mortality rate has grown because of drug overdose” included the following ethnic statistics about persons engaged in drug dealing: “137 Russians, 13 Roma, 7 Azerbaijanis were brought to responsibility”. Nevertheless, the author affirms, “[...] mostly Roma are engaged in a drug dealing in Ivanovsky Region”. The author explains the fact that the overwhelming majority of detained persons are ethnic Russians by stating, “Roma are sneakier, quicker and more dexterous”;
- 17 January 2007, report “Two Roma are detained in Achinsk for selling heroin”;
- 9 April 2006, report “Dangerous horses have been stolen by Roma”;
- 12 April 2006, report “Roma robbed an old lady who allowed them to stay at her home of 30 thousands rubles”;
- 3 July 2006, report “Roma are on trial in Birobidjan for drug dealing”;

- 28 August 2006, report “Roma in the Nizhegorodsky region stole a truck with tomatoes from a resident of Krasnodarsky region”;
- 19 September 2006, report “Two Roma are detained in Achinsk for selling heroin”

5.16. In 2004 and 2005 the ERRC and the Moscow Helsinki Group (MHG) urged Russian prosecutorial authorities to open criminal investigation against the Russian national television station NTV on the grounds of incitement to racial hatred in accordance with Article 282 of the Russian Criminal Code.¹⁹ As of the date this report has been submitted, we are not aware of any investigation into the issue undertaken by the Russian prosecutorial authorities.

5.17. The action undertaken by the ERRC/ MHG concerned appeals for violent action against Roma broadcast on 10 February 2004 on the NTV. During the broadcast, entitled *Coma*, devoted to “Roma drug dealers” in Kimry, Tver region, a well-known local Orthodox priest, repeatedly urged viewers to burn down Romani houses. The priest stated during the documentary that Kimry has become one of the chief transit points of the drug trafficking in Russia and identified Roma as the main actors in the Russian drug trade. A drug addict, a non-Romani man named “Sasha”, repeated the same message and stated that “only napalm can solve the problem with Romani drug dealers”.

5.18. The first appeal by the ERRC and the MHG to the Prosecutor-General to investigate the lawfulness of NTV’s broadcast of *Coma* was sent on 28 June 2004. The ERRC and MHG included a videocassette of the documentary in their communication. On 18 November 2004, the Prosecutor of Ostankinskiy district of Moscow, responded that the videocassette provided by the authors of the letter “was not produced in accordance with the procedural rules and therefore cannot be taken into consideration. Due to the lack of procedural status it cannot be considered as evidence.” While the response of the District Prosecutor’s Office was formally in accordance with Russian law regarding evidentiary rules, the ERRC and the MHG considered that if the institution had taken the alleged violation of criminal law seriously it would have ordered an expert verification of the cassette’s contents. Therefore, on 22 February 2005, the ERRC and the MHG requested that the Ostankinskiy Prosecutor should order expert verification of the videocassette’s contents and initiate criminal investigation. On 4 July 2005, the deputy prosecutor of the north-eastern administrative district of Moscow, responded that the order to reject criminal investigation was lawful and restated that there were no grounds to open criminal investigation.

5.19. On 16 September 2005, the ERRC and the MHG sent a second joint statement urging the Prosecutor General of the Russian Federation, to open a criminal investigation against the Russian national television station NTV on the grounds of incitement to racial hatred. There has been no response from the General Prosecutor’s office and neither the ERRC nor the MHG were informed that a criminal investigation has been launched.

5.20. On 23 November 2007, Ms Nedezhda Demeter, Vice-President of the International Romani Union, and Mr Aleksander Bariev, President of the Federal National Cultural Autonomy of Gypsies in Russia, filed a complaint with the Ostankinskiy district court of Moscow, claiming that the NTV broadcast from 10 February 2004, contained degrading statements about Roma in general which offended their human dignity as members of the Romani community in Russia.

¹⁹ Article 282 of the Russian Criminal Code establishes criminal liability for “actions aimed at the incitement of hatred or enmity, as well as abasement of dignity of a person or a group of persons on the basis of sex, race, nationality, language, origin, attitude to religion, as well as affiliation to any social group, if these acts have been committed in public or with the use of mass media.”

The court rejected the complaint on 21 April 2006 on the grounds that the plaintiffs did not prove that they were personally affected by the broadcast. This decision was upheld by a higher instance court in May 2006.

6. Recommendations

In light of the concerns listed above, the ERRC recommends that the authorities in the Russian Federation undertake the following measures:

- Speak out against public expressions of racial antipathy, racial discrimination and human rights violations at the highest political level;
- Develop a comprehensive government program addressing the critical human rights situation of Roma in the Russian Federation. Such program should be in line with the 2003 OSCE Action Plan on Roma and Sinti and General Recommendation 27 of the UN Committee on the Elimination of Racial Discrimination (“UN CERD”);
- Create a legal framework for combating discrimination in line with the requirements of international human rights law, as well as with standards in the area of anti-discrimination law in Europe;
- Conduct human rights and anti-racism trainings for the public administration, members of the police force and the judiciary;
- Adopt measures to prevent, identify and, where occurring, punish manifestations of racial bias among law enforcement officials;
- Investigate promptly and impartially incidents of violence and abuse of Roma by law enforcement officials and prosecute the perpetrators of such crimes to the fullest extent of the law;
- Ensure that victims of police violence and abuse who lodge complaints are effectively protected against intimidation and reprisals;
- Ensure that all allegations of torture or ill-treatment by non-state actors are promptly, thoroughly and impartially investigated and the perpetrators of such abuses are brought to justice;
- Undertake review of legislation, regulations and practices at federal, regional and local levels with the aim of removing any elements of the passport and registration process which impose restrictions on freedom of movement in contradiction to the Constitution of the Russian Federation and international human rights law, and/or lead to systematic discrimination against particular minority groups;
- Monitor mainstream electronic and print media at national and regional level and take adequate measures to investigate and prosecute those responsible for promoting hatred and ethnic tension through the print and audiovisual media;
- Ensure that Roma and others are not prevented or otherwise obstructed from exercising fundamental rights on the grounds of lack of personal documents, including residence registration;
- Monitor access of Roma and other ethnic minorities to justice, social and economic rights and establish a mechanism for collecting and publishing disaggregated data in these fields;
- Adopt policy measures ensuring that Roma, and particularly Romani women, are able effectively to realise rights to employment, health care, and access to social welfare payments and to public goods and services.