

Discrimination of Roma in Russia: An Update

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During several years of active work in Russia, the European Roma Rights Centre (ERRC) has supported legal defence in more than 30 cases of human rights violations. Cases have concerned access to justice, police violence, infringement of the right to respect for family life, the right to liberty and security and other issues. Many cases have included discrimination on the grounds of ethnicity as an additional ground for the litigation at the national and international level.

It is not only the negative attitude towards a Romani person as a representative of a particular ethnic group that leads to a violation of human rights. The ERRCs experience in the region shows that Roma face difficulties protecting their rights themselves due to lack of skills and knowledge, but when provided with necessary legal support their claims are fully satisfied in most cases.

At the same time, it remains true that the main reason why Roma do not receive protection from authorities is racial hatred, shared by those endowed with power. Moreover, authorities are fully aware that their discrimination against Roma is supported by the general public, and not only use this to violate human rights but also to gain support (for example during an election campaign) or to demonstrate an active approach toward the prevention of crime.

The “Tabor” operation conducted in Vladivostok from 2006 to 2008 is an example of such an approach. This operation has

been conducted every three months during the past three years. The operation involved law enforcement checks of Roma and other minorities in public places (on the streets and in the markets²), detention, finger-printing and photographing, including the repeated check of those whom the police officers know by sight. This operation obviously required significant financial and human resources.

Interestingly enough, the police officers themselves admitted to the ERRC’s local monitor that the operation is useless, but referred to an internal oral instruction by the Chief of the Directorate of Interior. According to this instruction, officers were asked to arrest three or four Roma per day during the Tabor operation and those who failed to do so would stay on duty an extra day as punishment.³

A letter to the City Directorate of Interior, General Prosecutors Office and Minister of Interior by ERRCs monitor with regard to the violation of human rights by police officers helped to stop one particular operation but did not prevent others.

At times, the courts may also join in sanctioning discrimination. In the case of Dina Ivanova from the region of Rostov, supported by the ERRC in 2008, the court decision was based on general prejudice against Roma rather than on law. A description of the case follows.

In March 2007, Dina Dragovna Ivanova, a Romani citizen of Ukraine and the mother of four minor children, gave a birth to her fifth child in a

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² *The ERRC’s monitor in Russia was checked in June 2008. She was entering a market place when a police car approached her and the police called out, “Roma woman, stop and show your identity documents!”*

³ *Information from the ERRCs monitor in Russia.*

maternity hospital in the city of Azov in the Rostov region. She arrived at the hospital in an ambulance and identified herself to doctors, who mistakenly noted her name as Dina Dragun.

Because she was a Ukrainian national and not entitled to free health services in Russia, she was advised by someone in the hospital to say that she did not have her identity documents with her and to omit the fact that she is a Ukrainian citizen as otherwise she would have to pay for the hospital services. However, a relative subsequently showed Ms Ivanova's passport to a doctor on duty, and eventually her nationality and Ukrainian residence were officially established by a militia officer in the presence of the doctor.

After Ms Ivanova gave birth to her daughter, she was told by the nurse on duty that the child would not be given to her until she paid for the services (4,700 Russian Rubles – around 200 USD). Eager to get her child, she was forced to leave the hospital the day after the delivery to get the money.

When she returned to the hospital four days later, she found out that the child was recognised as abandoned and was transferred to a state care institution for orphans and children without parental care. Moreover, her daughter was provided with a birth certificate, according to which she had no mother or father. The authorities gave the child a family name that was the same as her mother's, a given name (Ekaterina), and a father's name (not corresponding to the name of her real father).

Notwithstanding the information reflected in the birth certificate (according to which the child was an orphan and was not related to Dina Ivanova), the child was handed over to Ivanova's family.

Ivanova and her family were happy that the child was returned to them without any extra efforts and did not initiate any kind of proceedings against the maternity hospital. Actually, the family did not even realise that their rights were infringed – the baby was with them and that was all they needed. However, they soon started to face the consequences of that event. Ms Ivanova applied to relevant authorities with a request to change the baby's name, but her request was rejected as

she was not a proper applicant. The family had planned to go to Ukraine to visit relatives and to introduce them to the new family member, but they could not cross the border as the tie between them and the baby was not legally confirmed.

In early 2008, ERRC engagement began in the case. Letters were sent to the maternity hospital, the state child care institution and the civil registry office questioning the authorities' actions and requesting information. The only response was received from the civil registry office, which claimed that it had formally acted in accordance with the law.

The ERRC filed a court complaint in June 2008. The complaint stated that following the illegal actions of the maternity hospital, the state child care institution and the civil registry office, the child's rights to live in a family setting and her right to a name were violated, as was the right of parents to live with and to bring up a child. The complaint requested, among other things, to find the authorities' actions illegal, to hold all the documents issued with regard to Ekaterina Ivanova void and to issue new documents, including a new birth certificate with the reference to her mother and father and with a name chosen by her parents.

The Azov City Court refused to hold the actions of the authorities illegal. In the first lines of the decision characterising the applicant, the court referred to the ethnicity of Ivanova. Reference to her ethnicity was repeated once again later in the description of the facts. Assessing the facts of the case, the court fully took the side of the authorities and stated that Ms Ivanova had lied that she had her passport with her. The Court reasoned that if she had had it with her, the ambulance doctors would have noted her name correctly and the militia would not have had to establish her identity with a special procedure. The court also did not accept the statement of Ms Ivanova's relative as a witness, because she had an interest in the outcome of the case. The court did not grant Ms Ivanova's motion to call the doctor-on-duty as a witness and based its conclusions exclusively on statements of representatives of the maternity hospital, the state child care institution and the civil registry office.

The court stated that Ms Ivanova had left the hospital with the intention of abandoning the child and the fact she did not write a “letter of exemption”⁴ was explained by her illiteracy. The court did not assess the fact that despite knowing her place of residence, the authorities did not undertake any effort to find her and inquire what her actual intent was.

On several occasions the court noted that the authorities had been acting in accordance with the law. However, the decision does not refer to any particular article of the law that would justify the actions of maternity hospital and child care institution officials.

The cassational hearing in the case took place at the beginning of August 2008. The second instance court upheld the decision of the Azov City Court and refused to hold the actions of the authorities unlawful. At the time of this writing, the complete version of the decision of the cassation court had not been prepared, in violation of the term prescribed by the law. Thus the court not only refrains from the protection of human rights, but prevents applicants from seeking justice in higher instances.

The ERRC intends to support Ms Ivanova in filing an application before the European Court of Human Rights – the last hope for justice in such kind of cases.

⁴ *The letter by which a mother confirms her intention to abandon her child to the state.*