

Anti-Discrimination Centre Memorial

**International Committee
of Indigenous Peoples of Russia**



With the support of

Institute on Statelessness and Inclusion

European Network on Statelessness

**Joint Submission to the Human Rights Council
at the 44th Session of the Universal Periodic Review
(Fourth Cycle, November 2023)**

**Russian Federation
Discrimination related to ethnicity, migration status and citizenship**

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31 March 2023

1. Anti-Discrimination Centre (ADC) Memorial¹ and International Committee of Indigenous Peoples of Russia,² with the support of the Institute on Statelessness and Inclusion (ISI),³ and the European Network on Statelessness (ENS)⁴ made this joint submission in relation to the problem of racism and discrimination in Russia: the report focuses on discrimination based on ethnicity, religious affiliation, migration / nationality status.
2. In the previous UPR cycle (2018), in terms of the issues raised by ADC Memorial and its partners in their reports, Russia supported or noted recommendations related to overcoming racism and discrimination based on racial or ethnic ground, including a number of recommendations related to the situation of indigenous peoples (inter alia, on joining the UN Declaration on the Rights of Indigenous Peoples and implementation of its principles in national legislation; and on ratification of the ILO Convention 169 – which hadn't been implemented). Russia also supported recommendations on protection of the Roma population from discrimination; on integration of migrants.
3. Of particular concern is Russia's failure to adopt recommendations connected with acknowledging that the persecution of Muslims in Crimea and Jehovah's Witnesses in Russia is a violation of the right to freedom of conscience and amounts to religious discrimination. The double discrimination of the Crimean Tatar people—both ethnic and religious, which is multiplied by political persecution that also affects Ukrainians—remains an acute human rights problem that the government refuses to acknowledge or overcome.
4. Regarding the problem of statelessness, in the previous UPR cycle (2018), the Russian government supported the following recommendations: Consider ratifying the 1954 Convention relating to the Status of Stateless Persons as well as the 1961 Convention on the Reduction of Statelessness (Burkina Faso); Take additional measures to decrease statelessness among representatives of minority groups (Serbia); Strengthen the implementation of policies to reduce the number of unregistered persons, specially statelessness persons, refugees, holders of temporary residence permit and individuals belonging to certain minority groups (Angola); Step up efforts to end statelessness, especially by establishing safeguards to guarantee birth registration to all children born in the country, including stateless children and those belonging to minority groups (Thailand). Some positive legislative measures have been taken regarding the documentation of stateless people; however, the situation of stateless people hasn't changed radically, and the number of stateless persons remains high. Russia has not ratified the Conventions of 1954 and 1961.
5. While retaining its responsibilities under the main UN Conventions, due to the war against Ukraine and the general deterioration of the human rights situation in 2022, Russia was excluded from the Council of Europe, which means the termination of obligations under a number of European Conventions and instruments, first

¹ Anti-Discrimination Centre (ADC) Memorial is a Human Rights NGO defending the rights of vulnerable groups (such as representatives of ethnic minorities and indigenous peoples, migrants, stateless persons, LGBTI and others) in Eastern Europe and Central Asia, through national and international advocacy, strategic litigation and education/information work (see more: <https://adcmemorial.org/>).

² International Committee of Indigenous Peoples of Russia (ICIPR) is an informal group of representatives of indigenous peoples who had to flee Russia due to political persecutions. In 2022-2023, the ICIPR made a number of public statements related to the war of Russia against Ukraine and the disastrous effect of it on the indigenous communities living in Russia. Contact: icjpr@protonmail.com.

³ ISI is an independent non-profit organisation committed to an integrated, human rights based response to the injustice of statelessness and exclusion through a combination of research, education, partnerships and advocacy. Established in August 2014, it is the first and only global centre committed to promoting the human rights of stateless persons and ending statelessness. Over the past two years, the Institute has made over 20 country specific UPR submissions on the human rights of stateless persons, and also compiled summaries of the key human rights challenges related to statelessness in all countries under review under the 23rd to the 28th UPR Sessions. For more information on the Institute's UPR advocacy, see <http://www.statelessnessandhumanrights.org/upr-universal-periodic-review/resources-database>.

⁴ The European Network on Statelessness (ENS) is a civil society alliance of NGOs, lawyers, academics, and other independent experts committed to addressing statelessness in Europe. Based in London, it currently has over 100 members in 40 European countries. ENS organises its work around three pillars – law and policy development, awareness raising and capacity-building. ENS provides expert advice and support to a range of stakeholders, including governments. For more information about ENS, please visit its website: www.statelessness.eu

of all the European Convention on Human Rights and jurisdiction of the European Court of Human Rights (since September 16, 2022).

I. Omnipresence of discrimination in contemporary Russia

6. The UPR is going to take place on the background of Russia's full-scale war against Ukraine started in February, 2022. An open military attack on a neighboring country which many Russians are connected with, turned out to be possible and did not raise mass public protest, inter alia, due to the fact that over the past decades the state propaganda has formed a discourse about Russia's exclusivity, its "special historical path" and "traditional values", its superiority in ownership of natural resources and, accordingly, the dependence of the whole world on Russian fossils.
7. At the same time, the propaganda succeeded in manipulating with the concepts of "internationalism" and "anti-fascism", convincing the population that a "neo-Nazi regime" supported by the West prevails in Ukraine, which infringes on Russian-speaking citizens of Ukraine and threatens Russia. This argument, along with pseudo-historical constructions that a significant part of the Ukrainian territories actually belong to Russia, was used to justify the invasion of Ukraine.
8. By 2022, civil society and opposition movements were almost suppressed, independent media were closed and/or expelled from the country, leading human rights organizations were liquidated or restricted in their actions. The repressive legislation on "foreign agents" has affected the rights of dozens of organizations and individuals, and the toughened law on the so-called "LGBT propaganda" has made it impossible even to mention LGBTI+ in public space. Anti-war protest actions are brutally suppressed, any civil activity criticizing the actions of the authorities and expressing support for Ukraine is persecuted.
9. All of the above is directly related to the issue of discrimination, since the gradual degradation of Russian society under the influence of state propaganda and the tightening of the regime took place in an atmosphere of escalating hatred and discrimination against various vulnerable groups.

II. Discrimination of Roma

10. For many years, the majority of the Roma population of Russia has been systematically confronted with various forms of racism and discrimination both by state and non-state actors. The vicious circle of structural discrimination cannot be considered overcome. Although the Federal Agency for Nationalities Affairs monitors the implementation of the Action Plan for the Socio-Economic and Cultural Development of Russian Roma, the problem of racism against Roma population is not recognized, consequently, the related problems find no adequate solution.
11. Racism and prejudice against Roma are widespread, often being verbalized by public officials, including the president of Russia. As a consequence of antigypsism in Russian society, dozens of interethnic conflicts are involving Roma population. The most serious of them (in Chemodanovka, Penza Province (2019) and in Khakassia (2018)) ended with anti-Roma pogroms and the flight of thousands of Roma. The authorities of the regions facing serious interethnic tensions did not take any special measures to overcome the consequences of the conflict and peace building, nor general integration measures.
12. Instead of positive prevention, the authorities practice repressive measures: force operations in places of compact residence of Roma, mass detention, rude and degrading treatment. Sometimes the raids are connected with the unresolved historical problem of unregistered Roma settlements. Roma have been living in many of them for decades, but they cannot legitimize houses and land, nor legally use water, gas, electricity, nor get registered at their place of residence. Currently, most of the Roma settlements throughout Russia, where thousands of people live, are under threat of demolition.
13. Segregated education of Roma children in so-called "Gypsy classes" is still widely practiced, being presented as a positive measure at the request of Roma parents. Even in cases of successful education in segregated primary classes, a full enrolment to secondary school does not actually occur.
14. Schools refuse to accept Roma children and even exclude them en masse – out of false considerations about the prestige of the school and under the influence of parents of non-Roma children. At the same time, no one controls the arbitrariness of school administrations, and it is difficult for poorly-literate Roma parents to overcome the resistance of directors and officials. In 2018, 78 children were excluded from school No.33 in Samara. As a result of the arbitrariness of school principals and the lack of proper control by the Department of Education, the children missed three school years, many dropped out of school forever or never go to

school.

III. Discrimination of Crimean Tatars on ethnic and religious grounds

15. The policy of the Russian authorities in the annexed Crimea has led to a serious infringement of the civil, political, linguistic and cultural rights of the Crimean Tatar people. Due to the ongoing persecution, hundreds of Crimean Tatars were forced to leave Crimea. Those who remained, but do not agree with the regime, faced fabricated criminal cases, kidnappings, torture, and long prison terms. After Russia invaded Ukraine in February 2022, terror against the Crimean Tatars intensified and spread to the new territories occupied by Russia.
16. The study of the Crimean Tatar language and teaching in it is increasingly problematic. In 2021, only 6,700 children studied in Crimean Tatar in Crimea, despite the fact that according to the Russian census of 2014, there were 232,340 Crimean Tatars in Crimea. Since the annexation, the Crimean Tatars were actually forbidden to celebrate memorable dates. Crimean Tatar national symbols, images and heritage of historical figures, attributes of Crimean Tatar identity are used in the formation of pro-Russian propaganda discourse. At the same time, the authorities demonstrate a disdainful attitude towards the Crimean Tatar cultural heritage and memorable places. During the occupation of Crimea, the narrative about the Crimean Tatars as "terrorists", "extremists" and "agents of foreign special services" began to spread through the Russian state media and politicians in the public space.
17. The full-scale war has opened a new phase of repression against the Crimean Tatars. Only in the period from February to September 2022, Russian security forces conducted 25 searches, 108 arrests and 124 interrogations or "conversations" in Crimea. Besides, among 138 people arrested in Crimea for the protests against Russian occupation and military aggression, 104 were Crimean Tatars ([according](#) to the Crimean Tatar Resource Center). With the beginning of the active phase of the war and the occupation of Kherson Province inhabited by many Crimean Tatars, the persecution spread outside Crimea.

IV. Discrimination of indigenous peoples

18. The indigenous peoples of Russia continue to suffer from the activities of mining companies – open-pit coal mines, alluvial gold mining, oil spills. The open method of coal mining makes the environmental situation in Khakassia and the Kemerovo region one of the worst in the country. The extraction of river gold causes irreparable harm to rivers and surrounding ecosystems in the places of traditional residence of indigenous peoples (in particular, the [Shors](#) of Southern Siberia). It is extremely difficult for representatives of indigenous communities to obtain fair compensation for the damage caused by industrial companies to their traditional habitats (for example, in the case of an environmental disaster on the [Taimyr](#) due to a fuel spill (2020).
19. Contrary to international standards, Russian legislation on indigenous peoples does not recognize their ownership rights to traditional territories, nor ensure the principle of free prior and informed consent. The uncertainty of land rights leads to the fact that representatives of indigenous minorities, even within the protected territories of their traditional residence, cannot use land free of charge. Land is often [expropriated](#) in favor of mining companies without necessary approvals or with their falsification under the pretext of "state needs".
20. Representatives of indigenous peoples have to defend themselves in court from criminal prosecution related to opposition to mining companies and the conduct of a traditional lifestyle (accusations of illegal hunting or fishing due to inadequate quotas) and attempts to report racist manifestations result in persecution of the victims themselves.⁵

V. Discrimination of migrants

21. Most of the millions of migrants working in Russia come from Central Asian countries (Uzbekistan, Kyrgyzstan, Tajikistan). The pre-war labor migration from Ukraine was also significant, while after the invasion on February 24, 2022, at least 2.8 million residents of the war-affected regions of Ukraine arrived in Russia (UNHCR [data](#), early October 2022; Russian sources give more than 4 million people).
22. Xenophobia towards migrants from Central Asia dominates public opinion. In 2017-2021, the share of supporters of limiting migration increased from 58% to 68-73%. Opinions about the "excessive" presence of migrants have decreased since 2013 from 69% to 57%, but remain predominant. The number of those who

⁵ Cf. the [case](#) of Lidia Bainova, a Khakas (2018).

consider the work of migrants useful for the country and society has grown from 41% (2013) to 50% (end of 2021), but the share of those who disagree with them remains very significant and amounts to 45% (Levada Center [data](#), December 2021). The escalation of anti-Ukrainian propaganda has led to a sharp increase in hostility towards Ukraine and Ukrainians. Comparing the situation before February 2022 (the share of negative attitudes was appr. 32%-33%), after the outbreak of the war, their sharp increase to 70% is recorded (November 2022, [data](#) from the Levada Center).

23. Russia's migration policy is constantly being tightened, both at the level of strategic documents and at the level of legislation and practice. In October 2018, a new, more stringent Concept of the state Migration Policy for 2019-2025 was adopted. Anti-migrant rhetoric remains a constant part of the socio-political discourse and content of pro-government media and social networks. Statistical data is often manipulated resulting in allegations of a high level of crime among migrants, despite the fact that the proportion of crimes committed by foreigners has been stable (around 4%) relative to all crimes.
24. During the reporting period, a number of serious incidents involving migrants occurred in Russia, followed by mass anti-migrant demonstrations demanding collective responsibility of migrants and tightening of migration policy, hate crimes, police raids (for example, in Yakutsk, 2019).
25. Racial and ethnic profiling by law enforcement officials remains an unrecognized problem in Russia. Raids and roundups with the detention of dozens and hundreds of people are a common way of responding to crimes and incidents involving migrants. In all these cases, the actions of the police were supported by anti-migrant statements of the authorities. Sometimes anti-migrant raids occur for no apparent reason and are presented as "preventive measures". As a result, migrants cannot feel safe anywhere – not only in workplaces or at home, but even in mosques and leisure venues.⁶

VI. The disastrous impact of the war and mobilization on members of minorities

26. The "partial mobilization" announced in Russia on September 21, 2022 disproportionately affected the poorest regions of Russia, where ethnic minorities and indigenous peoples live. Activists of the Free Buryatia Foundation [declare](#) genocide, concluding that the likelihood to be killed is almost 300 times lower for a resident of Moscow than Buryats. Indigenous anti-war protests are being persecuted. Thus, the website of the Free Buryatia Foundation was blocked on July 13, 2022; the leader of the Buryat protest, Alexandra Garmazhapova, was recognized a "foreign agent" and then put on the wanted list.
27. Migrants are recruited both for contract service and for illegal armed formations Wagner. There were attempts to mobilize foreigners for regular army, although their recruiting is prohibited by the law "On the legal Status of foreign Citizens in the Russian Federation". Doing this, Russia inclines migrants to commit a criminal offense (mercenary activity). Since the beginning of the war in Ukraine, the deaths of at least 22 natives of Tajikistan and at least 6 natives of Kyrgyzstan who fought on the side of Russia have been confirmed. These were both citizens of these countries and recently naturalized citizens of the Russian Federation.
28. Mobilization has become one of the elements of the repressive policy towards Crimean Tatar people: They are cynically forced to fight against their country, their relatives and friends. During the first days of mobilization, the Crimean Tatars received about 1.5 thousand summonses.⁷ The mobilization provoked a wave of departure of the Crimean Tatars from the peninsula, which they call "self-deportation".

VII. Discrimination related to citizenship

A. Detention of stateless persons and migrants in deportation centers

29. According to the population census of 2020-21, about 95,000 stateless people live in Russia. Human rights activists [estimate](#) the number of stateless persons up to 400-500 thousand people. Russian migration legislation treats migrants with citizenship and stateless persons as a similar group, including the laws regulating expulsion/deportation. Violation of the migration regime leads to administrative proceedings that may be executed within a 2-year time limit. During this period, undocumented stateless persons might be deprived of their liberty, despite the fact that they cannot be expelled anywhere. After their release, they are

⁶ In St. Petersburg, on New Year's Eve 2023, during the festivities in the city center, about 2,000 labor migrants from Central Asia were [detained](#) as part of a "preventive raid". Subsequently court decisions on the offense were issued only against 69 foreign citizens (mostly for violation rules of entry or stay in the Russian Federation).

⁷ Tamila Tashveva, Representative of the President of Ukraine in the Autonomous Republic of Crimea, [statement](#), "Voice of America", 1.10.2022.

not provided with identity documents, which becomes grounds for repeated detentions. The Russian legislation doesn't impose judicial control over the reasons and duration of the detention, therefore, those who have nowhere to be expelled or deported to are detained indefinitely without access to legal aid, in conditions that are worse than prison.

30. Foreign nationals find themselves in the same situation if their expulsion cannot be carried out. This might be due to lack of effective communication with the diplomatic missions of the countries of their origin, errors in documents, closed borders due to the pandemic or the war against Ukraine etc.
31. Back in 2014, the European Court of Human Rights (ECHR) issued an important [decision](#) in the case of the stateless person Roman Kim, whose detention was found to be in violation of Articles 3 and 5 of the European Convention on Human Rights.⁸ The general measures requested by the ECHR were not implemented, and it is only when the Constitutional Court of the Russian Federation delivered a [ruling](#) in a similar case of the stateless person Noe Mskhiladze that the immigration detention of stateless people was deemed unconstitutional. Based on the case of Mskhiladze, the lawyers managed to release dozens of foreigners and stateless persons, but the legislation has only partially been improved since then.
32. As for the documentation of stateless people, the amendments to the Law on the Legal Status of Foreign Citizens, which entered into force in August 2021, have already allowed hundreds of stateless persons to obtain a temporary ID-card. The document is valid for 10 years; documented stateless persons cannot be expelled or deported; decisions on their undesirability, expulsion or deportation must be annulled. A limited time is allowed for the identification of a stateless person and the issuance of an ID. Documented stateless persons cannot be found administratively responsible for violation of the migration regime or "illegal labor".
33. However, the documentation procedure is still working poorly. Law enforcement agencies often delay or sabotage the identification procedure. Amendments on the regularization of stateless persons have not been reflected in all related laws – for example, it is necessary to introduce stateless persons into the Law on Acts of Civil Status so that they can marry, be the official parent of their children, receive social benefits, have access to education, health services, etc.
34. As for judicial control over the terms and grounds of detention, it has not yet been introduced into the legislation. The relevant amendments to the Administrative Code have been under consideration since 2017 and have not yet been adopted. The courts continue to decide on the expulsion of stateless persons and their detention in deportation centers. Human rights defenders continue registering a lot of cases of detention of stateless people throughout Russia; many are imprisoned several times – this applies even to those who [won](#) cases in the ECHR and received compensation.
35. The lack of judicial control over the reasons and terms of detention in deportation centers has had the most dramatic effect on the situation of Ukrainian citizens: for violating the migration regime, the courts sentence them to expulsion and deprive them of their freedom, although Ukrainian citizens cannot leave for their homeland during the war. Mass detentions of Ukrainians took place in February – May 2022.
36. A decree of the President of the Russian Federation on temporary cancellation of expulsion/deportation of Ukrainians and on the lifting restrictions on their stay in the Russia⁹ has eased the situation of many, but by no means all, Ukrainian citizens who cannot leave Russia due to military actions. For example, those who have served a criminal sentence in Russia and should be deported continue to be detained "before deportation" which is obviously impossible. In fact, they receive a new term of imprisonment, although they have already served time for a criminal offense.

B. Nationality stripping

37. Recently, there have been several remarkable cases of stripping Russian nationality; all related to former citizens of the USSR who acquired citizenship of the Russian Federation, which was their only one. Deprivation of citizenship is used inter alia as a punitive measure against oppositionists, civil activists (Arshak Machikyan [case](#), 2022-2023).
38. In these cases, Article 22 of the Law on Citizenship of the Russian Federation is applied, which allows the deprivation of acquired citizenship if the applicant, when submitting documents, indicated deliberately false

⁸ ECHR, Kim v. Russia, application no. 44260/13, 17 July 2014. See also the summary of this case on the [Statelessness Case Law Database](#).

⁹ [Decree No. 585](#) — "On temporary measures to regulate the legal status of citizens of the Donetsk People's Republic, Lugansk People's Republic and Ukraine in the Russian Federation", August 27, 2022.

information about him/herself (para 1 of Article 22). Conviction under articles related to terrorism and extremism is equated to providing false information (para 2 of Article 22). Legitimacy of paragraph 2 of Article 22 was [confirmed](#) by the Constitutional Court of the Russian Federation,¹⁰ despite obvious contradictions to a number of justice principles. Firstly, Article 22 does not take into account how long the given "criminal" lived in Russia from the moment of acquiring citizenship to the commission of the crime. Thus, the law assumes that citizenship was obtained with the original criminal intent, which can be realized years and decades later. This makes the law retroactive, which is prohibited by Article 54 of the Russian Constitution. Secondly, Article 22 contradicts Article 20, which does not allow withdrawal from Russian citizenship if a person would become a stateless person. Finally, it violates Art. 6 of the Constitution, which asserts equality in the rights of both citizens by birth and those who acquired citizenship later, and proclaims that a citizen of the Russian Federation cannot be deprived of his/her citizenship.

C. Assignment of Russian citizenship to children deported from Ukraine and their adoption in Russia

39. In 2018-2022, due to amendments to the legislation on citizenship, the acquisition of Russian citizenship was simplified for all citizens of and people born in Ukraine, including residents of the occupied territories and those who found themselves outside Ukraine.¹¹ As a result, by July 2021, more than 600,000 residents of the so-called DPR and LPR received Russian passports.¹² Ukraine does not recognize these documents.¹³
40. After the outbreak of the war in February 2022, thousands of children appeared to be in the occupied territories, including orphans in institutions and children temporarily separated from their parents (staying in health camps, visiting relatives, etc.). Already on March 9, 2022, at a meeting with the Children's Rights Ombudsperson of the Russian Federation, Maria Lvova-Belova, Putin promised to change the legislation based on her proposals in order to "eliminate bureaucratic delays" that prevent the adoption of orphaned children from Donbas in Russia. The result was a special decree of the President of the Russian Federation [No. 330](#) of 30.05.2022.¹⁴
41. The Conflict Observatory [investigation](#) "Russia's Systematic Program for the Re-education and Adoption of Ukraine's Children" (02/14/2023) traced the trajectory of 6,000 Ukrainian children (both orphans and those having parents) who were deported to Crimea and Russia at least for a while. It is unknown how many of them were placed under guardianship and even adopted into Russian foster families. At the end of October 2022, the media [quoted](#) Maria Lvova-Belova, as saying that Russian families had adopted 350 orphaned children, while 1,000 children were awaiting adoption. It should be emphasized that, although the media and statements of Russian officials talk about "adoption", in practice, the most widespread form of placement of Ukrainian children turns out to be guardianship. Simultaneously with the registration of guardianship and adoption, the procedure for assigning Russian citizenship is launched.
42. With these actions regarding Ukrainian children, Russia violates Article 50 IV of the Geneva Convention on the Protection of Civilians in Time of War, according to which the Occupying Power may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it.

¹⁰ The case of Aleksei Novikov, the [decision](#) of the Constitutional Court, 11 March, 2021.

¹¹ Decree of the President of the Russian Federation [No. 183](#) of 24.04.2019 ("On determining for humanitarian purposes the categories of persons entitled to apply for admission to Russian Citizenship in a simplified procedure"); Decree of the President of the Russian Federation [No. 187](#) of 29.04.2019 ("On certain categories of foreign citizens and stateless persons entitled to apply for admission to citizenship of the Russian Federation in a simplified procedure"); The Law "[On Amendments to FZ-62](#)", 2020 – the mandatory requirement to renounce former citizenship and comply with the condition of a 5-year period of residence has been abolished; Decree of the President of the Russian Federation [No. 665](#) of 4.11.2020 – simplification of the acquisition of citizenship of the Russian Federation for holders of passports of the DPR and LPR, as well as their children, the optional availability of a passport of Ukraine; Decree of the President of the Russian Federation [No. 304](#) of 25.05.2022 – simplification of obtaining citizenship for residents of the Zaporizhyya and Kherson regions of Ukraine; decree of the President of the Russian Federation [No. 440](#) of 11.07.2022 – extension of the simplified procedure to all citizens of Ukraine, regardless of the territory of residence, as well as to stateless persons with Ukrainian registration; after the outbreak of the war – the extension of the simplified procedure to residents of the newly occupied territories.

¹² Official [statement](#) of the First Deputy Chairman of the State Duma Committee on CIS Affairs Viktor Vodolatsky, July 14, 2021.

¹³ On May 8, 2019, the Government of Ukraine adopted Order [No. 362](#) "On non-recognition by Ukraine of passport documents issued by authorized bodies of a foreign state", which defines an updated list of departments of the Ministry of Internal Affairs of the Russian Federation issuing passports of the Russian Federation, which Kiev does not recognize.

¹⁴ The decree stipulates the issues of assigning Russian citizenship in a simplified manner to orphans, children left without parental care, and incapacitated persons - residents of all parts of Ukraine. Later, the norm on the citizenship of children living in the occupied Kherson and Zaporizhyya regions was established in the Federal Constitutional Laws on the annexation of the occupied territories: Federal Constitutional Law No. 7-FKZ dated 04.10.2022 "On the Admission of the Zaporozhye Oblast to the Russian Federation and the Formation of a New Subject within the Russian Federation – the Zaporozhye Oblast" and Federal Constitutional Law No. 04.10.2022 8-FKZ "On the admission of the Kherson Oblast to the Russian Federation and the formation of a new entity within the Russian Federation – the Kherson Oblast".

43. According to the norms of Ukrainian legislation, only citizens of Ukraine who are registered as candidates for adoptive parents and live on the territory controlled by Ukraine have the right to adopt or adopt children who are on the territory not controlled by Ukraine during martial law, which is currently imposed in Ukraine. Foreigners do not have such a right.

Recommendations

44. In light of these problems, we call on the Russian government to take the following measures to comply with its international obligations and increase the level of protection for human rights:
- Adopt comprehensive anti-discrimination legislation, with the definition of all forms of discrimination in accordance to international standards;
 - Put an end to ethnic profiling by law enforcement officers towards migrants and representatives of ethnic minorities;
 - Improve and implement a state program of comprehensive support for Russia's Roma population aimed at overcoming structural discrimination that includes positive measures on documentation and the exercise of rights to housing, a high-quality education, employment, and access to medical and social assistance;
 - Endorse the UN Declaration on the Rights of Indigenous Peoples and ratify the ILO Indigenous and Tribal Peoples Convention No. 169 (1989);
 - Assign special status to territories of traditional residence and nature use by Indigenous peoples at the federal level and enshrine the procedure of free and informed consent in relation to any legislative and administrative measures that relate to Indigenous peoples; in the case of coal- and gold-mining, the consent of Indigenous residents must be a condition for receiving licenses for geological exploration and mining;
 - Ensure the ability of Indigenous peoples to exercise their main social, economic, and cultural rights, including access to resources (clean drinking water, electricity), employment, and education; Take measures to remediate and restore territories destroyed by gold mining and provide restitution to members of Indigenous peoples and local communities whose rights have been violated; Provide conditions for environmental and human rights organizations to work robustly and freely;
 - Establish clear, stable, accessible procedure for obtaining work and residence permits for migrants; provide effective state monitoring of compliance with workplace conditions for migrants; accept the children of foreign citizens in Russian schools regardless of their status or whether or not their parents have a registration;
 - Accede to and fully implement the Convention relating to the Status of Stateless Persons (1954), and the Convention on the Reduction of Statelessness (1961).
 - Improve the procedure to grant protection status and nationality to stateless persons, ensuring their protection from administrative persecution and expulsion measures.
 - Ensure that those who have served criminal convictions have access to citizenship, and ensure that they are not deemed "unwanted" and arbitrarily detained, with no prospect of removal.
 - Put in place a mechanism for the periodic judicial review of the lawfulness of detention in deportation centers, including in relation to legitimate purpose, time limit and conditions.
 - Provide guarantees for free legal assistance and public control over the administrative detention centers, including visits by public monitoring commissions, UN agencies, NGOs and other interested persons (including relatives, friends, journalists, volunteers, human rights defenders, ombudspersons, lawyers).
 - Improve detention conditions in the deportation centers, including provision of connection for detainees with the outside world, the unobstructed use of toilets, shower and laundry rooms, good nutrition, the opportunity for education and leisure activities, appropriate gender segregation and balanced gender ratios in staff and guards in mixed facilities.
 - Review the provisions for the deprivation of nationality of naturalized Russian citizens, taking into consideration that deprivation of nationality is not an appropriate punishment, and ensuring, that no person is made stateless as a result.

- Stop violations of the IV Geneva Convention and return the deported Ukrainian children back to their parents or guardians in Ukraine.