

Convention on the Elimination
of All Forms of Discrimination Against
Women

Shadow Report Submission:
**Discrimination Against Indigenous
Women in the Russian Federation**

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Submitted by Cultural Survival
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CEDAW Shadow Report Submission Discrimination Against Indigenous Women in the Russian Federation

I. Reporting Organization

Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC since 2005. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous Peoples' rights in countries throughout the world and publishes its findings in its magazine, the *Cultural Survival Quarterly*; and on its website: www.cs.org.

This report was informed mainly by domestic and international academic experts that specialize in Russian Indigenous Peoples and members and affiliates of organizations of Indigenous Peoples of the North. Scholars included Stephan Dudeck, Gail Fondahl, Victoria Kallenbach, Dan Plumley, and Liliia Vinokurova. They provided significant insight into Indigenous social structure and women's status within their respective communities, as well as the nation. Contributors associated with Indigenous Peoples' organizations were particularly helpful in providing a comprehensive image of Indigenous life, painting scenes of communities struggling to reconcile traditional convention with modern policy and practice.

II. Introduction and Summary

This report focuses on the Indigenous women of the Russian Federation. The Russian Federation is an enormous state, home to millions of diverse peoples, including a large Indigenous population spread across roughly two-thirds of Russian territory.¹ Within the Federation, to be recognized as "Indigenous," a group must fit distinct qualities, including numbering under 50,000 individuals, practicing traditional customs, inhabiting a remote area, and maintaining a distinct ethnic identity. Sixteen of the officially recognized 40 groups are considered endangered, according to First Peoples Worldwide.² Article 69 of the Constitution of the Russian Federation guarantees "the rights of the indigenous small peoples according to the universally recognized principles and norms of international law and international treaties and agreements of the Russian Federation."³ It is necessary that the Federation uphold this statement, fully representing all of its Indigenous inhabitants. Due to the great size of the country, the Indigenous Peoples are not easily generalized as one. They live in different geographies and climates, following unique social, economic, and political patterns. Throughout this report, it is important to bear in mind that each community is distinct in its composition, practices, and ideals.

Indigenous women across the Russian Federation are discounted demographically as no disaggregated data exists on them. Little research centers on their experience, and there are no organizations exclusively devoted to promoting their cause. Ignored by the media, the national political arena, and academia, Indigenous women are neglected and overlooked. As a result, they are left marginalized and disempowered, unable to take advantage of the rights guaranteed to them as Indigenous Peoples, women, Russian citizens, and human beings. Despite their high educational attainment and competency, many face discrimination once they expand beyond their local community and attempt to advance professionally. Women are also barred from taking full advantage of resources designated to them, including fishing rights and land claims. Abuse is common, but is a little discussed topic socially, politically, and academically, leaving battered women with minimal mobility to exit dangerous situations.

III. CEDAW Articles Violated

¹ First Peoples Worldwide, "Who are the Indigenous Peoples of Russia," <http://firstpeoples.org/wp/who-are-the-indigenous-peoples-of-russia/>

² First Peoples Worldwide, "Who are the Indigenous Peoples of Russia," <http://firstpeoples.org/wp/who-are-the-indigenous-peoples-of-russia/>

³ Article 69 of the Russian Federation's Constitution

The Russian government has failed to comply with its obligations under the CEDAW, either by actions taken such as the discontinuation of public services in remote settlements, by omissions and neglect such as lack of disaggregated data on Indigenous women, and by failure to monitor issues like domestic violence and to protect against violations of women's rights by third parties.

Article 3

The Underrepresentation of Indigenous Women

The Indigenous women of the Russian Federation are largely ignored in human rights reporting and monitoring. Little disaggregated data on any facet of Indigenous women's lives exists, illustrating a concerning lack of material information on their well-being. Very few reports that concentrate on the Indigenous Peoples of the Russian Federation or Russian women discuss Indigenous women, underscoring again that there is a disturbingly limited focus on them. In academia, many scholars express great concern about this shortfall, however research continues to skirt around the topic. In order to improve their situations, it is important that both the Russian government and international scholars undertake more studies on Indigenous women's experiences to ensure their proper representation both nationally and internationally. Presently, no advocacy organizations are devoted solely to Indigenous women. Although Indigenous women are often the spearheads behind Indigenous organizations, their personal rights rarely receive emphasis. With no distinct advocacy groups directed towards them, Indigenous women lack political and legal representation on the governmental level. On the side of the State-party, there is no institutionalized promotion of Indigenous women's rights.

Equality in Political and Public Life

Gender shift has become a common phenomenon across Indigenous communities, where women are inclined towards more settled spaces, while men are pressed to work beyond their communities. Remote regions of the Arctic North and the Far East are in the process of industrial development by the Russian state and international investors respectively, as the lands are rich with oil, gas, and minerals. This has had a deep impact on the operation of day-to-day activities within local communities. In some cases, Indigenous men are drawn towards employment away from homes. As a result of this, along with alcoholism and premature death, women are left to manage community life. Multiple scholars have noted that Indigenous women are known for their elevated local roles in the spheres of politics, religion, business, and education. They are the ones who help to keep their respective communities peaceful, dynamic, and progressive, especially in the most remote locations. However, gender shift also functions in reverse: women since their advancement in the Soviet era have been gravitating to more urban spaces, away from their traditional Indigenous domains, leaving villages created under sedentarization and semi-nomadic pastoral communities with a higher proportion of men. Yet, despite Indigenous women's qualifications and executive roles on the local level, they often find themselves bound by their social categorization, unable to gain high leadership positions in larger, national organizations.

Article 5a

In traditional, mainstream Russian culture, patriarchal systems strangle female rights. Abuse is common and oftentimes ignored. Although Indigenous communities do not always echo dominant Russian norms, this culture of abuse has permeated some Indigenous societies. In the 1990s, as Indigenous women began to reconcile their empowered Soviet experience with post-Soviet policies, elite Indigenous women came to the forefront, acting as representatives for their disadvantaged counterparts. However, when speaking on the topic of discrimination against Indigenous women, these leaders often ignored the domestic discrimination and abuse inherent to the

accepted treatment of women. Instead, they focused on the critically important but already well-covered themes of employment and maternity. As a result, abuse of Indigenous women remains neglected.

Article 8

In September of 2014, as publicized by Al Jazeera, four indigenous delegates were prohibited from exiting the country in order to attend the United Nations World Conference on Indigenous Peoples. Two of the four representatives were females.⁴ The Chairwoman of the Sami Parliament, Valentina Sovkina, and Alexandra Artieva were forced to take a taxi to Norway from the Russian Federation after her car's tires were punctured, and during the drive, police pulled the taxi over three times. Similarly, Anna Naykanchina, who had been a representative at the United Nations Permanent Forum on Indigenous Issues, was barred from boarding her flight, because her passport was allegedly invalid.⁵ These obstructions are suspected to have been orchestrated by the government of the Russian Federation and are in clear violation of the representatives' basic rights to movement and to participate in international forums. The February 2015 Joint Communications Report of Special Procedures for the Human Rights Council reported on the case, citing it as a concern of freedom of expression.⁶ The Russian Federation replied with the legal interpretation of the situation, finding all the events to be in accordance with federal policy.⁷

Article 11c

As highlighted under article 3, Indigenous women have progressed on the local level as community leaders in social, economic, religious, and political circles as a result of their educations. However, their ethnicity and gender typically bar them from advancing to the national level of their chosen career. They are unable to achieve the same status as their mainstream male counterparts. The World Bank noted that the ratio of female to male participation in the workforce was 79.6% in 2013.⁸ This issue is also pertinent to article 7 of CEDAW, which ensures that women can participate in government at all levels. Within the Russian Federation's parliament, only 12.1% of seats are held by women, compared to Europe and Central Asia where typically 18.2% of seats are dedicated to women.⁹ In the State Duma, there are only two male Indigenous members and no females. In the Federation Council, there is only one Indigenous female member.

Article 12.2

Many remote, rural communities lack access to critical resources, most crucially health care. In recent years, public services, including health care facilities, in many remote settlements have been closed when their overall population fell below a legally defined threshold that grants settlements their status. In communities that have no local health facility, all members of society are affected, regardless of gender. However, this does pose a high level of concern in the realm of maternal care. In order to ensure a safe and healthy pregnancy and birth, it is imperative that mothers receive appropriate care.

RAIPON in partnership with IGWIA and INFOE reported the following in 2013 to the Convention on the Elimination of Racial Discrimination: "The poor state of healthcare in remote villages is exemplified by the death

⁴ Jon Letman, "Indigenous Leaders Prevented from Leaving Russia," *Al Jazeera*, 25 Sept. 2015, <http://america.aljazeera.com/articles/2014/9/25/russian-indigenousrepspreventedfromleavingcountry.html>

⁵ Letman, "Indigenous Leaders Prevented from Leaving Russia."

⁶ "HRC Communications Report of Special Procedures," 19 Feb. 2015, p. 90, <<http://www.ohchr.org/Documents/HRBodies/SP/A-HRC-28-85.doc>>.

⁷ Russian Federation's Response to Joint Communications Report concerning the situation with some representatives of the indigenous peoples organizations, 28 Nov. 2014, <[https://spdb.ohchr.org/hrdb/28th/Russia_09.12.2014_\(8.2014\)_Trans.pdf](https://spdb.ohchr.org/hrdb/28th/Russia_09.12.2014_(8.2014)_Trans.pdf)>.

⁸ "World Bank Data: The Russian Federation," <<http://datatopics.worldbank.org/gender/country/russian-federation>>.

⁹ "Russian Federation HDI values and rank changes in the 2014 Human Development Report," 2014, <http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/RUS.pdf>.

of a girl from Chumikan village who died of tuberculosis in a hospital in Khabarovsk in April 2012. Her parents had taken her to the [health clinic] in her native village as early as November 2011, where she was diagnosed with TB. However, no adequate treatment was available locally and she was not transferred to the regional capital Khabarovsk until February, by which time doctors were unable to save her life. As reported by the Khabarovsk association of Indigenous Peoples, mortality in the Tuguro-Chumikanski District exceeds the birth rate several times over. Doctors are working only in the District center of Chumikan and will not risk the journey to other settlements.”¹⁰

RAIPON also commented on medical concerns in their submission to the CRC: “Paren is a Koryak village of 60 inhabitants in Penzhinski District in Northern Kamchatka territory. In October 2009, the “Lach” Indigenous information center reported that the inhabitants of Paren were left with no food other than fish and wild plants, and without access to medicine and clothing. The children had not been attended by any doctor or nurse for two years. No treatment was available for sick children. When the report was published, the children had been suffering from an unknown virus for a number of months. Young mothers had nothing to eat or to feed their babies. In the winter months, the inhabitants had come close to starvation. After a complaint was submitted to the UN Special Rapporteur on the rights of indigenous peoples, a one-off shipment of food and other products was delivered to the village; however, by spring 2010, no further supplies had reached the village.”¹¹

Article 15.2

The Right to Conclude Contracts on Land Claims

A difficult concept to navigate, the topic of land claims proves to be a great challenge for Indigenous women. In the autonomous region of Khanty-Mansiysk, the state requires that the heads of families register land claims, which include “territories of traditional nature-use.”¹² Customarily, men are considered to be the heads of families, thus women encounter great difficulty in obtaining registration. When widowed, women struggle to gain the title of head of family, and consequently face serious difficulty in continuing or gaining land ownership.

The Right to Access Allocated Resources

Women across the Russian Federation typically realize a higher standard of education than men, and this holds true for Indigenous women as well, as noted above. This is a Soviet legacy, as women were pressed to work and have active, functional roles in society under the communist regime. The achievement of higher education has permitted Indigenous women to depart isolated communities and nomadic lifestyles, allowing them instead to relocate to more urban areas in order to pursue academia and ultimately secure jobs in white-collar professions.

As Indigenous women are venturing out of their communities to follow their educational and professional pursuits, they establish themselves independently of their cultures, often electing to marry non-Indigenous men. In the Far East, women of Itelmen, Kamchadal, Evenk, and Even descent who have married outside the Indigenous sphere are now facing policy and resource discrimination as a result of their choice in partner. Indigenous members of the aforementioned Far East communities are allocated a certain amount of fish that they are allowed to harvest. However, in order to fish, one must hold a specific Indigenous fishing license, and fishing is a traditionally masculine task designated to men, so women do not engage in the activity. As a result, women who have married non-Indigenous men are unable to access their allotted fish, because their non-Indigenous husbands are unlicensed.

¹⁰ RAIPON, IWGIA, INFOE, “Parallel Information: Discrimination against indigenous small-numbered peoples of the North, Siberia and the Far East of the Russian Federation to CERD 82nd Session (11 February to 1 March 2013),” 2013, p. 13, <http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/RUS/INT_CERD_NGO_RUS_13740_E.pdf>.

¹¹ RAIPON, IWGIA, INFOE, “Children belonging to the indigenous small-numbered peoples of the North, Siberia and the Far East of the Russian Federation: CRC 65th pre-session working group” June 2013, p.5-6 <http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/RUS/INT_CRC_NGO_RUS_15817_E.doc>.

¹² Email from Stephan Dudeck

Women are not compensated for the fish they are unable to harvest, depriving them of any gain from this resource to which they are supposedly entitled.

IV. Concluding Observations

The Concluding Observations from the 46th session of CEDAW¹³ made no comment on Indigenous women. However, paragraphs 42 and 43 address rural women, and paragraphs 44 and 45 address ethnic minority women. Paragraph 14 underscores the concern that many women, particularly rural women, are unaware of and unable to claim the rights they receive through the Convention.

On rural women, it was requested that the Russian Federation define its advancement mechanisms for rural women and that it promote rural women's rights and awareness. It was also noted in paragraph 39 that women in rural areas have a right to full medical services, particularly family-planning resources. On ethnic minority women, the Committee called for the Russian Federation to adopt anti-discrimination legislation in order to protect minority women and girls. It also solicited the Russian Federation to include disaggregated data on ethnic women and information on the effectiveness of programs and policies initiated for their benefit.

V. Russian Federation Government Report

The Russian Federation outlined methods by which to advance women in rural communities and mentioned the prohibition of discrimination on the basis of ethnicity, both of which encompass Indigenous women. However, no specific mention of Indigenous women was made.

In paragraph 84, the Russian Federation discussed the measures that it has included in its "Economic Development and the Innovation of the Economy" that have the potential to serve female entrepreneurs in rural communities. Paragraphs 196 and 199 outline improved medical and maternity care in all spaces, including rural areas.

The Russian Federation interpreted the Committee's use of "ethnic minority" to mean "immigrant," resulting in their response to the Concluding Observations' paragraphs 44 and 45 to exclude the experience of native minorities and Indigenous Peoples.

VI. CEDAW General Recommendations

General Recommendation No. 24 (1999), in reference to article 12 (women and health)

"6. While biological differences between women and men may lead to differences in health status, there are societal factors which are determinative of the health status of women and men and which can vary among women themselves. For that reason, special attention should be given to the health needs and rights of women belonging to vulnerable and disadvantaged groups, such as migrant women, refugee and internally displaced women, the girl child and older women, women in prostitution, indigenous women and women with physical or mental disabilities."

VII. Other UN Body Recommendations

UNCERD has repeatedly called for disaggregated data. In 2008, CERD asked the Russian Federation to provide data disaggregated by ethnicity with regard to i.a. the rights to work, housing, health, social security and education (CERD/C/RUS/CO/19, para 10).¹⁴ The action plan for implementing the Outline for the sustainable

Commented [1]: <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.RUS.CO.19.pdf>

¹³ "Concluding observations of the Committee on the Elimination of Discrimination against Women," July 2010 <http://www.bayefsky.com/pdf/russia_t4_cedaw_46.pdf>.

¹⁴ "Concluding observations of the Committee on the Elimination of Racial Discrimination RUSSIAN FEDERATION," August 2008, <<http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.RUS.CO.19.pdf>>.

development of the Indigenous small-numbered Peoples of the North for 2009-2011 stipulates that a system of indicators measuring life quality of indigenous small-numbered peoples should be developed and incorporated into the state statistics system. However, while the Ministry of Regional Development commissioned a study for the development of such indicators, no further action was taken, leaving this item of the action plan uncompleted. In its report published in late 2011, the Federal Accounts Chamber (schetnaya palata) identifies this failure as one of the root causes of the limited effect that the socio-economic measures taken by the Ministry of Regional Development to support indigenous peoples are having. In a written reply dated 29 December 2011 to an inquiry from RAIPON, the Ministry for Regional Development declared that, because Art. 29 of the Russian Constitution stipulates that ethnic affiliation is determined through self-identification, no ethnic statistics are kept. Therefore, no official data is available on the status of health, employment, income or education of indigenous peoples. This also means that the efficacy and adequacy of any state policy measures aimed at improving the socio-economic situation of Indigenous Peoples cannot be objectively assessed nor can adjustments to those measures be made.

In 2008 CERD recommended that:

“The State party further intensify its efforts to effectively implement the federal target programme for the economic and social development of the small indigenous peoples, extend it to all peoples that self-identify as ‘indigenous’, and provide information on the concrete results achieved under the programme in its next periodic report.”¹⁵ It further prompted that the “State party take legislative and other effective measures to implement the Federal Law on Territories of Traditional Nature Use (2001); reinsert the concept of free-of-charge use of land by indigenous peoples into the revised Land Code and the Law on Territories of Traditional Nature Use, and the concept of preferential, non-competitive access to natural resources into the Forest and Water Codes; seek the free informed consent of indigenous communities and give primary consideration to their special needs prior to granting licences to private companies for economic activities on territories traditionally occupied or used by those communities; ensure that licensing agreements provide for adequate compensation of the affected communities; and withdraw support for the Evenkiiskaya dam and other large scale projects threatening the traditional lifestyle of indigenous peoples.”¹⁶

James Anaya, the former Special Rapporteur on the Rights of Indigenous Peoples, reviewed the situation of Indigenous Peoples in the Russian Federation in June 2010. However, the report only explicitly mentions women once: “Special attention should be paid to the well-being of women and children, and more data should be collected on women’s and children’s specific health and social indicators during the next nationwide census (scheduled for 2014).”¹⁷

During the Universal Periodic Review of the Russian Federation in February of 2009, the delegation of the Russian Federation made no reference to progress that it had made upholding the rights of Indigenous Peoples or Indigenous women. However, this topic was not overlooked in the recommendations component of the review. In the Review from April of 2013, the delegation of the Russian Federation devoted two sections to Indigenous Peoples, entitled “The Rights of Indigenous Peoples and Sustainable Development” and “Use of Native Languages and Education in Minority Languages.” Again, the recommendations from other nation states recognized Indigenous Peoples.

Across both cycles, recommendations included the following:

¹⁵ “Concluding observations of the Committee on the Elimination of Racial Discrimination RUSSIAN FEDERATION,” August 2008, p.5 <<http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.RUS.CO.19.pdf>>.

¹⁶ “Concluding observations of the Committee on the Elimination of Racial Discrimination RUSSIAN FEDERATION,” August 2008, p.8 <<http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.RUS.CO.19.pdf>>.

¹⁷ James Anaya, “Situation of Indigenous Peoples in the Russian Federation,” June 2010, p.22 <<http://unsr.jamesanaya.org/country-reports/situation-of-indigenous-peoples-in-the-russian-federation-2010>>.

“Introduce a definition of direct and indirect discrimination to prevent discrimination in specific spheres, such as those relating to women, children, migrants and indigenous peoples” (Paraguay 140.75). “Increase its efforts to ensure full respect of the rights of persons belonging to minorities and indigenous groups, including education of their children” (Sweden).

“Implement the recommendations raised by CERD as to how to improve the situation of the indigenous communities”(Denmark).

“Comply with the principles contained in the Declaration on the rights of indigenous people” (Mexico).

The Russian Federation overall received fifteen recommendations on the topic of Indigenous Peoples, trending around the ratification of ILO co. no. 169, compliance with UNDRIP, and more favorable treatment of Indigenous Peoples. It received 35 recommendations on the topic of women’s rights, such as promotion of equality, prevention of violence, and the prevention of discrimination.

VIII. Recommended Questions

1. What information does the State-party have regarding domestic violence affecting Indigenous women in rural settlements? Are efforts being undertaken to collect and analyze such information? Are measures being taken to protect indigenous women from such violence?
2. What information does the State-party hold regarding the situation of Indigenous single mothers? What monitoring efforts are being undertaken to determine whether special measures in support of indigenous single mothers are necessary?
3. What information does the State-party hold regarding the situation of female indigenous pensioners in rural areas, including their health status, their access to adequate food and whether their pensions permit a dignified life? [How] Is such information being collected?

IX. Recommendations

Cultural Survival urges the government of the Russian Federation to:

1. Invite the UN Special Rapporteur on the Rights of Indigenous Peoples to visit Russia.
2. Establish a body that centers on the rights of Indigenous Women in the Russian Federation.
3. Promote more research on both national and international fronts on the topic of Indigenous women in the Russian Federation in order to have insight into their wellbeing and to provide them with representation.
4. Disaggregate data on Indigenous women.
5. Create more navigable processes by which Indigenous women can register land and gain land titles, eliminating all male-favored elements of policy and procedure by creating a new framework guided by equality.
6. Ensure that Indigenous women can continue their education to the highest level they desire by initiating campaigns about equality and respect in higher learning institutions.
7. Alter legal and social systems that obstruct Indigenous women from accessing resources to which they are rightfully entitled.
8. Construct more infrastructure in remote communities, such as health care facilities.
9. Create networks of Indigenous women in leadership positions to allow for exchange between communities.
10. Establish treatment programs with the aim of eliminating alcoholism in local communities, employing incentivizing tools to ensure participation of Indigenous women.
11. Recognize Indigenous Peoples as such in Russian legislation and include the concept of “Free, Prior and Informed Consent” in legislation.
12. Ratify ILO Convention 169 and endorse the UNDRIP.