

# Observations on the State of Indigenous Women's Human Rights in Russia

prepared for

## Committee on the Elimination of Discrimination Against Women

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### Submitting organizations:

**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](http://www.cs.org).

**The American Indian Law Clinic of the University of Colorado**, established in 1992 as one of the first of its kind, represents individuals, Indian Tribes and Tribal entities in a variety of settings involving federal Indian law and involving the law and legal systems in Indian Country, as well as work with the United Nations.

<https://www.colorado.edu/law/academics/clinics/american-indian-law-clinic>

**The International Indigenous Fund for Development and Solidarity «Batani»** was created as an initiative of the indigenous peoples in 2004 to organize development projects for indigenous peoples in Russia and implemented several successful programs of the IPs economic development in Sakhalin and other regions of the Russian Far East. The fund also developed tools and mechanisms for negotiations between indigenous communities and private businesses and promoted international cooperation between indigenous peoples of Russia, the US, Canada, Norway, Bolivia, and other countries.

<https://batani.org/>

# Executive Summary

Indigenous women in the Russian Federation face mounting pressure to quickly adapt to a changing landscape as climate change and environmental destruction caused by extractive industries continue to impede on their traditional ways of living causing detrimental effects to their well-being. The Russian Federation is doing little to protect the rights of Indigenous women, and is not taking adequate steps to provide Indigenous women and girls access to education or healthcare. State actors are actively silencing and threatening Indigenous human rights defenders and their participation in public and political spaces.

## I. Background Information

The Russian Federation is home to millions of people of diverse ethnicities, including an Indigenous population spread across roughly two-thirds of Russian territory representing 2% of that region's population.<sup>1</sup> There are 46 legally recognized Peoples in the Russian Federation, defined as "Indigenous small-numbered Peoples of the North, Siberia, and the Far East." 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.<sup>2</sup> This State-imposed definition prevents approximately 140 Indigenous Peoples, including for example, Buryats, Altaians, and Peoples of southwestern Russia, from claiming Indigenous rights through official recognition by Russia. Article 69 of the Constitution of the Russian Federation guarantees "the rights of the Indigenous small-numbered Peoples according to the universally recognized principles and norms of international law and international treaties and agreements of the Russian Federation,"<sup>3</sup> however, little has been done to effectively implement this norm, and even less has been done that specifically focuses on the unique needs of Indigenous women. The Russian Federation has consistently abstained from voting for the UN Declaration on the Rights of Indigenous Peoples.<sup>4</sup> 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. However, overall, Indigenous Peoples in Russia remain one of the most impoverished sectors of the population. Their social and economic development, as well as their life expectancy, is far below the national average.<sup>5</sup> Their traditional livelihoods are often based on fishing, hunting, reindeer husbandry, sea hunting, and gathering. More than two-thirds of Indigenous people continue to live in rural areas where these activities

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<sup>1</sup> First Peoples Worldwide, Who are the Indigenous Peoples of Russia, Cultural Survival ([Feb. 19, 2014](#)).

<sup>2</sup> Id.

<sup>3</sup> Article 69 of the Russian Federation's Constitution.

<sup>4</sup> Id.

<sup>5</sup> <https://indigenous-russia.com/wp-content/uploads/2020/07/Aborigen-Forum-position-paper-on-COVID-19-1.pdf>

are indispensable sources of food and income. As political targeting of rights defenders continues, fewer grassroots Indigenous organizations are allowed to exist and speak freely, and there continues to be a lack of data and reporting available on Indigenous women in Russia specifically.

## II. Concluding Recommendations from previous CEDAW Review

Following Russia's 2015 review, the CEDAW made the following recommendations regarding Indigenous Women that remain to be implemented:

- A. *Ensure that Indigenous women are represented in decision-making bodies at the local, regional and federal levels, and adopt measures to ensure the full and effective participation of Indigenous women in all decision-making processes that may affect their rights;*
- B. *Guarantee that indigenous women have full and unrestricted access to their traditional lands and the resources on which they depend for food, water, health and to maintain and develop their distinct cultures and identities as peoples;*
- C. *Regularly collect disaggregated data on Indigenous women and girls, using specific health and social indicators*

For the 2021 session, Russia was asked to report on the following question regarding Indigenous women: *Please explain how federal Act No. 49-FZ of 2001 and the draft federal act submitted to the Government in 2018 (para. 177) ensure that indigenous women have full and unrestricted access to their traditional lands and resources.*

We appreciate CEDAW's attention to this issue and note that Russia's response to this question lacks substance and accuracy. In fact, the law on the Territories of Traditional Natural Resource Use, as it stands today, is ineffectual. It does not carry protective or other functions to ensure the rights of Indigenous Peoples. Although the negotiations for this law included Indigenous Peoples, its current iteration does not support the implementation of Indigenous rights in effect, due to a lack of preservation of Indigenous rights concepts within the larger ecosystem of laws related to the use and management of natural resources in Russia, including the forest code-laws on hunting, fishing, subsoil, etc. Unfortunately, after its adoption of the law of the Territories of Traditional Natural Resource Use (TTPs by Russian acronym) Russia changed all the above-mentioned natural resource laws without safeguarding within them the rights of Indigenous Peoples. There have been zero federally approved TTPs since the law went into effect in 2001.

Functionally speaking, this legislation is empty and does not protect Indigenous Peoples generally, nor does it make any mention of the rights of Indigenous women specifically.

### III. Ongoing Violations of Indigenous Women’s Rights

#### A. Silencing of Indigenous Voices

*CEDAW Article 7, Gen Rec 34 section A.15*

There continues to be a distinct lack of Indigenous leadership in local and federal government which takes a paternalistic view towards Indigenous Peoples.<sup>6</sup> There are no advocacy groups which specifically represent Indigenous women and Indigenous women continue to lack legal and political representation.<sup>7</sup> The state does no institutional promotion of the rights of Indigenous women. Indigenous organizations have been founded by Indigenous women, but women’s issues are rarely named as the focus of advocacy.<sup>8</sup> However, many of the Indigenous organizations, although not specifically women’s organizations, address issues of importance and relevance to Indigenous women’s rights under CEDAW, and therefore attacks against these organizations, in violation of CEDAW article 7(c), are also attacks against Indigenous women’s political and public participation. There are numerous reports of the Russian government using intimidation tactics like the threat of criminal prosecution to dissuade Indigenous rights activists.<sup>9</sup>

Indigenous organizations and their leaders are often labeled as “foreign agents” to retaliate and discredit their work.<sup>10</sup> This was the case most recently for a young reindeer herder Eiko Serotetto, who leads a grassroots movement *Golos tundry* (Voice of the Tundra),<sup>11</sup> after he had organized a petition “To preserve the home of the Nenets” advocating against oil and gas production.<sup>12</sup> Below we provide a number of further examples that violate Indigenous women’s right to Indigenous women’s public participation:

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<sup>6</sup> Arbakhan K. Magomedov, “Where Is Our Land?”: Challenges for Indigenous Groups in the Russian Arctic Wilson Center (2019), <https://www.wilsoncenter.org/blog-post/where-our-land-challenges-for-indigenous-groups-the-russian-arctic> (last visited Nov 6, 2020).

<sup>7</sup> Observations on the State of Indigenous Human Rights in the Russian Federations (2018), <https://www.culturalsurvival.org/sites/default/files/UPR-Report-Russian-Federation-2017.pdf> (last visited Nov 12, 2020).

<sup>8</sup> Arbakhan K. Magomedov, “Where Is Our Land?”: Challenges for Indigenous Groups in the Russian Arctic Wilson Center (2019), <https://www.wilsoncenter.org/blog-post/where-our-land-challenges-for-indigenous-groups-the-russian-arctic> (last visited Nov 6, 2020).

<sup>9</sup> New Report Highlights Indigenous Rights Violations in Russia, Cultural Survival (2019), <https://www.culturalsurvival.org/news/new-report-highlights-indigenous-rights-violations-russia>

<sup>10</sup> Id.

<sup>11</sup> Arbakhan K. Magomedov, Challenges for Indigenous Peoples in the Russian North RIDDLE Russia (2019), <https://www.ridl.io/en/challenges-for-indigenous-peoples-in-the-russian-north/> (last visited Nov 6, 2020).

<sup>12</sup> Arbakhan K. Magomedov, Oil Derricks or Reindeer? A Clash of Economics and Traditional Lifeway in Russia’s Far North Wilson Center (2019), <https://www.wilsoncenter.org/blog-post/oil-derricks-or-reindeer-clash-economics-and-traditional-lifeway-russias-far-north> (last visited Nov 6, 2020).

In 2019, the Moscow City Court dissolved the Center for Support of Indigenous Peoples of the North/Russian Indigenous Training Center (CSIPN/RITC). CSIPN had been labeled in 2015 as a group of 'foreign agents' for accepting grant funding from international sources.<sup>13</sup> In 2014, six Indigenous leaders, from Moscow, Crimea, Buryatia Republic, Karelia and Murmansk were prevented from attending the World Conference on Indigenous Peoples at UN Headquarters in New York.<sup>14</sup> Some of them were beaten by unknown attackers, and passports of others were intentionally torn by border control officers during the border monitoring procedure. Two Indigenous women, Sami activists Valentina Sovkina and Alexandra Artieva, missed their plane to New York because of several suspicious events. They were not able to use their own car to go to the airport as they found out in the morning that their car's tires were punctured. They got a taxi but were stopped by police three times to check their documents because according to police, the car similar to their taxi vehicle was wanted by authorities. During one stop some unknown attacker in the presence of the police assaulted the Sami women and tried to steal a purse with passports while police officers did nothing to stop him. As a result, the delegates missed their plane to New York and were unable to participate in this important public forum.<sup>15</sup>

Many Indigenous representatives who choose to participate in public forums that are critical of Russia, for example in public interventions at the UN events in Geneva, New York or other international human rights forums, are met with smear campaigns in media or pressure from the police, FSB (Federal Security Service) or their employers when they return home to Russia. At least three Indigenous women have publicly spoken about this pressure in public: Yana Tannagasheva, a Short activist from Kemerovo region; Daria Egereva, a Selkup activist from the Tomsk region, Valentina Sovkina, a Sami representative.<sup>16</sup> In 2014, Yana Tannagasheva's home was burned in an arson attack by unknown arsonists after she had been outspoken against a coal mining company operating in her village.<sup>17</sup>

The organization Lach, an ethno-ecological information center that aimed to disseminate information on Indigenous Peoples' rights in Kamchatka peninsula, directed by Indigenous woman Nina Zaporotskaya, were victims of a smear campaign by anonymous authors publishing articles in Kamchatka mass-media about Lach and Ms. Zaporotskaya personally. Subsequently, their access to funding has reduced in scope.

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<sup>13</sup> The Barents Observer, Sami Parliaments, EU Concerned by Russia Shutting Down Indigenous Rights Group The Moscow Times (2019), <https://www.themoscowtimes.com/2019/11/13/sami-parliaments-eu-concerned-by-russia-shutting-down-indigenous-rights-group-a68153> (last visited Nov 15, 2020).

<sup>14</sup> New Report Highlights Indigenous Rights Violations in Russia, Cultural Survival (2019), <https://www.culturalsurvival.org/news/new-report-highlights-indigenous-rights-violations-russia> (last visited Nov 9, 2020).

<sup>15</sup> Arctic Consult, <https://arctic-consult.com/archives/10604> (2014)

<sup>16</sup> New Report Highlights Indigenous Rights Violations in Russia, Cultural Survival (2019), <https://www.culturalsurvival.org/news/new-report-highlights-indigenous-rights-violations-russia>

<sup>17</sup> 2015 Submission to the Committee on the Elimination of all Forms of Racial Discrimination regarding Shor communities in Kemerovo Oblast - <https://arctic-consult.com/archives/12502>

Some Indigenous organizations that do exist today have been subject to take-over by the state. This is the case for RAIPON, the Russian Association of Indigenous Peoples of the North, which in 2012, was suspended by the Russian Ministry of Justice after the group attempted to rally support for a ban on oil drilling on traditional lands.<sup>18</sup> The group was reinstated only after amendments were made to the group's charter,<sup>19</sup> and is no longer representative of community voices.

### ***State Discrimination and Surveillance of Indigenous Peoples***

CEDAW General Recommendation 34, in section A 15, notes that State parties should eliminate all forms of discrimination against disadvantaged and marginalized groups or rural women including Indigenous women, and ensure that they have access to education, employment, water and sanitation, health care, etc. However, in Russia, the arbitrary cap on the State definition of which ethnic groups can identify as Indigenous Peoples discriminates against Indigenous Peoples whose group population numbers higher than 50,000, preventing them from claiming their rights.

There are currently 46 legally recognized Peoples in the Russian Federation, defined as “Indigenous small-numbered peoples of the North, Siberia, and the Far East. 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.<sup>20</sup> This State-imposed definition discriminates against approximately 140 Indigenous Peoples, including for example, Buryats, Altaians, and peoples of southwestern Russia, from claiming Indigenous rights through official recognition by Russia.

In 2020, a new registry, managed by the Federal Agency of Ethnic Affairs, discriminates against Indigenous people, including women, if they choose to reside outside of their traditional territories or engage in economic activity other than what the Russian government considers “traditional,” such as handicrafts, animal-skinning, or ice fishing.<sup>21</sup> This is particularly troubling given the increased contamination of Indigenous traditional territories by Russian industries, the impacts of climate change on these lands, and the history of forced eviction by the Russian state of Indigenous Peoples from their lands. The development of this list was initiated in 2015 by the FSB under the guise of facilitating access to benefits for Indigenous Peoples. In practice, it is viewed by Indigenous leaders as an attempt to discredit Indigenous leadership and human defenders who are more likely to be educated, or living in urban areas, by allowing the government to remove them from the list of registered Indigenous Peoples. Gennady Shchukin, head of the Taimyr

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<sup>18</sup> Russia: Stop the Silencing of Indigenous Voices. Reinstatement RAIPON., Cultural Survival (2012), <https://www.culturalsurvival.org/take-action/russia-stop-silencing-indigenous-voices-reinstatement-raipon> (last visited Nov 16, 2020).

<sup>19</sup> Campaign Victory! Russia: RAIPON Reinstated, Cultural Survival (2013), <https://www.culturalsurvival.org/news/campaign-victory-russia-raipon-reinstated> (last visited Nov 16, 2020).

<sup>20</sup> Id.

<sup>21</sup> Tatiana Britskaya, “They are no longer counted as indigenous people” Barents Observer, [October 2020](#).

Dolgan community, explained, “Is anyone sure that our lives will change for the better with this registry? They divide our people with this registry. They separate the intelligentsia from the tundra people, the children from their parents, the pensioners from their grandchildren and the wives from their husbands.”<sup>22</sup>

## B. Impacts of Climate Change on Indigenous Women

### *CEDAW Articles 3, 11, 12, CEDAW GR 34 section A.12*

According to the Intergovernmental Panel on Climate Change (IPCC), the Arctic region is among the most vulnerable areas in the world to climate change. The climate crisis within the Russian Federation and the government’s response disproportionately affects Indigenous Peoples in the Arctic, of which half the population are women. The impacts on Indigenous women’s lives and livelihoods violate CEDAW Article 3 (guarantee of basic human rights and fundamental freedoms), Article 11 (equal work), Article 12 (health), and Article 14 (rural work). CEDAW General Recommendation 34 specifically states, “State parties should address specific threats posed to rural women by climate change... extractive industries... they should alleviate and mitigate these threats and ensure that rural women enjoy a safe, clean, and healthy environment. They should effectively address the impact of such risks on rural women in the planning and implementation of all policies concerning the environment, climate change, and ensure full participation of rural women in designing, planning and implementing such policies.”

Indigenous Peoples’ ways of life and traditional types of economic activity, such as fishing, reindeer herding, and agriculture, are directly dependent on climate conditions. This means that any change to climate will directly affect their ability to continue living traditionally.<sup>23</sup> As the climate warms in Russia, the levels of ice and permafrost are significantly decreased, which results in changes in migration patterns of reindeer, deer, marine mammals and fish— all animals that Indigenous communities rely on.<sup>24</sup> Furthermore, as global temperatures continue to rise, scientists warn that “a few degrees of warming in the Arctic could trigger an abrupt thaw of the permafrost that makes up two-thirds of Russia’s landmass.” The melting permafrost releases additional greenhouse gases, such as carbon and methane, which further exacerbates the climate crisis.<sup>25</sup>

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<sup>22</sup> Id.

<sup>23</sup> Maria Stambler, The Impact of Climate Change on Indigenous Peoples Has Received Little Attention in Russia Climate Scorecard (2020), <https://www.climatecorecard.org/2020/08/the-impact-of-climate-change-on-indigenous-peoples-has-received-little-attention-in-russia/>.

<sup>24</sup> Id.

<sup>25</sup> The Moscow Times, Slight Arctic Warming Could Trigger Abrupt Permafrost Collapse (2020), <https://www.themoscowtimes.com/2020/10/20/slight-arctic-warming-could-trigger-abrupt-permafrost-collapse-study-a71805>.

Increased global carbon emissions have caused increasing temperatures and changes in precipitation patterns in the Siberian environment. Additionally, mining, waste disposal, the oil industry, and logging have great impacts on the local communities. Scientists have observed that these environmental changes have affected the composition of flora and fauna, the permafrost levels, changes in hydrology, biogeochemical cycles, and coastal sea ice retreat in the Arctic region. As previously mentioned, climate change also impacts the weather system increasing the intensity and frequency of extreme weather events in the area. This includes hurricanes, tornadoes, extreme dry/wet periods, forest fires, and rapid methane release from below-ground reservoirs which increases the risk of explosion of extractive industry infrastructures located on Russia's permafrost layers.<sup>26</sup> From January through August of 2019, 130,000 square kilometers of land and forest, the size of Greece burned in Siberia, which has had adverse effects on the Indigenous Peoples who rely on the forest for their lives and livelihoods. During this time, understaffed and under-equipped firefighters were only able to put out 4% of the fires.<sup>27</sup> Officials said putting out the fires would be "pointless" ignoring the ecological catastrophe occurring in the North. Officials stated that the fires were not a direct threat because they were occurring in "remote, uninhabited areas" and were, therefore, not a direct threat to people or their livelihoods. This is false. As Greenpeace pointed out, there are Indigenous groups living in those areas whose lives and livelihoods are threatened by the fires.<sup>28</sup> According to Nikita Kaplin, an Indigenous activist, 33 - 90% of the forests relied on by Indigenous Peoples have been burned. Kaplin stated, "Such a disaster is difficult to evaluate. These fires are effectively the destruction of the whole of our traditional economic activities. We have no idea what will be next, but we are preparing for the worst."<sup>29</sup>

Melting permafrost also makes Indigenous communities and their environment more vulnerable to infrastructure collapse. Melting permafrost is believed to have caused, alongside corporate negligence and failure of government regulation, one of the worst oil spills in the history of the Arctic in May 2020 when approximately 21,000 metric tons of diesel fuel were released into the Ambarnaya River and 6,000 into the surrounding soil."<sup>30</sup> As the permafrost continues to melt, more disastrous oil spills could occur as much of the extractive infrastructure in Russia sits on the permafrost.<sup>31</sup> Melting permafrost also causes flooding, leading to the destruction of homes and other infrastructure.<sup>32</sup> The melting ice has increased the dangers associated with using winter roads that Indigenous communities rely on for the procurement of salt, sugar, flour, and other essentials. The

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<sup>26</sup> Terry V. Callaghan, Olga Kulikova, Lidia Rakhmanova, Elmer Topp-Jorgensen, Niklas Labba, Lars-Anders Kuhmanen, Sergey Kirpotin, Olga Shadyuko, Henry Burgess, Arja Rautio, Ruth S. Hindshaw, Leonid L. Golubyatnikov, Gareth J. Marshall, Andrey Lobanov, Andrey Soromotin, Alexander Sokolov, Natalia Sokolova, Praskovia Filant, Margareta Johansson, Improving dialogue among researchers, local and indigenous peoples and decision-makers to address issues of climate change in the North, Springer Link 1161, 1163 ([Nov. 12, 2019](#)).

<sup>27</sup> Siberian fires having catastrophic effects on indigenous peoples and livelihoods, IWGIA ([Oct. 15, 2019](#)).

<sup>28</sup> Shamans Summon Rains to Put Out Siberian Wildfires, The Moscow Times ([July 31, 2019](#)).

<sup>29</sup> Siberian fires having catastrophic effects on indigenous peoples and livelihoods, IWGIA ([Oct. 15, 2019](#)).

<sup>30</sup> Evan Gershkovich, In Siberian Fuel Spill, Climate Change Is Seen as Major Factor, The Moscow Times ([June 5, 2020](#)).

<sup>31</sup> Evan Gershkovich, In Siberian Fuel Spill, Climate Change Is Seen as Major Factor, The Moscow Times ([June 5, 2020](#)).

<sup>32</sup> Maria Stambler, The Impact of Climate Change on Indigenous Peoples Has Received Little Attention in Russia, Climate Scorecard ([Aug. 31, 2020](#)).

winter roads are also relied on for hunting, but as the ice thins, the frequency of drownings during hunts increases.<sup>33</sup>

All these environmental changes continue to threaten traditional ways of life such as reindeer husbandry, fishing, and the collection of certain plants for food and medicinal purposes. As the flora of the land changes, it affects the type of feed available for reindeer, causing Indigenous communities to have to relocate in order to be able to feed their herds. As the plants become more and more limited, reindeer weight has been decreasing, lowering the value of the animal.<sup>34</sup> The fish stocks in rivers and lakes have been declining, adversely affecting the food security of Indigenous Peoples who rely on fish for the basis of their diet.<sup>35</sup> Indigenous communities have also begun to adapt by introducing new cultivated plant species into their agricultural methods; however, although these changes allow the communities to adapt to the changing environment, they come at the expense of dismantling traditional systems.<sup>36</sup>

Because of the changing climate in the Arctic, new species of flora and fauna are inhabiting the region, bringing with them a host of new diseases to which the vulnerable permanent species of the Arctic have no immunity. This causes an increase in disease among the already vulnerable populations of reindeer and fish, threatening the food security and livelihoods of Indigenous Peoples.<sup>37</sup> Ongoing climate change also affects Arctic biodiversity through species increase, decrease, immigration or emigration. Resulting dramatic changes in the migration patterns of wild animals, birds and fish change the fishing, hunting and conservation practices of local communities.<sup>38</sup>

More specifically, higher temperatures in the Arctic are resulting in a loss of livelihoods for Indigenous reindeer herders and their way of life under threat.<sup>39</sup> The 2,000 person nomadic Indigenous Sàmi population of Russia is particularly vulnerable due to their reliance on reindeer herding as a large part of their livelihood and Indigenous identity.<sup>40</sup> The Nenets Peoples are also nomadic reindeer herders in North-west Siberia. Like the Sàmi, they heavily depend on their herds for food, clothes, transport and shelter and have migrated across their ancestral homelands for centuries. Currently, the entire region is under threat from climate change as temperatures are on a steep rise and Russia's ancient permafrost is melting.<sup>41</sup> An increase in rainfall due to melting ice caps is resulting

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<sup>33</sup> Maria Stambler, *The Impact of Climate Change on Indigenous Peoples Has Received Little Attention in Russia*, Climate Scorecard ([Aug. 31, 2020](#)).

<sup>34</sup> Terry V. Callaghan, Olga Kulikova, Lidia Rakhmanova, Elmer Topp-Jorgensen, Niklas Labba, Lars-Anders Kuhmanen, Sergey Kirpotin, Olga Shaduyko, Henry Burgess, Arja Rautio, Ruth S. Hindshaw, Leonid L. Golubyatnikov, Gareth J. Marshall, Andrey Lobanov, Andrey Soromotin, Alexander Sokolov, Natalia Sokolova, Praskovia Filant, Margareta Johansson, *Improving dialogue among researchers, local and indigenous peoples and decision-makers to address issues of climate change in the North*, Springer Link 1161, 1165 ([Nov. 12, 2019](#)).

<sup>35</sup> *Id.* at 1167.

<sup>36</sup> *Id.* at 1165.

<sup>37</sup> *Id.* at 1168.

<sup>38</sup> *Id.* at 1168.

<sup>39</sup> *Minority and Indigenous Trends 2019*, Minority Rights p. 29 ([2019](#)).

<sup>40</sup> *Id.* at 30.

<sup>41</sup> *The Daily life of Nenets Indigenous women in the Siberian Arctic*, Greenpeace International, Youtube ([Oct. 17, 2016](#)).

in more rain-on-snow and refreezing events. This negatively impacts the reindeer pasture conditions because the reindeer cannot dig for their lichen-based nutrition underneath the hard layer of ice.<sup>42</sup> The increased unpredictability of weather patterns makes it much harder for herders to foresee changes that they normally would be able to plan for.<sup>43</sup> Furthermore, the reindeer population continues to steadily decrease, making the situation of the Indigenous Peoples like the Sàmi and Nenets even more dire. The reindeer population of Russia, which plays a vital role in the cultures and traditions of over 40 different Indigenous Peoples, is on the verge of extinction. Russia's Natural Resources and Ecology Ministry stated that there are now 400,000-450,000 reindeer in the Far North region of Russia, down from 1 million in 2000.<sup>44</sup> Despite this decrease in population, the Russian government, instead of expanding preventative measures, stopped vaccinating reindeer against anthrax in 2007.<sup>45</sup> As the permafrost melts, long dormant pathogens and bacteria are being exposed. A government-approved planned construction of a new oil depot in Siberia could cause another anthrax outbreak by further speeding up permafrost destruction.<sup>46</sup> The Nenets specifically were affected by a 2016 outbreak of anthrax which killed a 12-year old boy as well as thousands of reindeer.<sup>47</sup> Humans can contract anthrax from affected animals. In 2016, to deal with the threat of disease on the Yamal Peninsula, the government made plans to slaughter 250,000 of the currently 700,000 reindeer living on the peninsula rather than treat the animals, without consultation with the communities who herded these reindeer nor made plans for compensation.<sup>48</sup> The slaughter was narrowly avoided due to campaigns led by Indigenous Peoples.

A report on climate justice published by Minority Rights Group International summarized: "As the Arctic climate shifts, the use of traditional knowledge for future operational decision-making is likely to prove more challenging. While potentially remaining relevant in supporting community structures and coherence, climate change is likely to change the relationship of Sámi to their northern environments and to their traditional livelihoods. These pressures are likely to be exacerbated by national infrastructure developments such as windfarms and hydroelectric dams."<sup>49</sup> The report continues, "For the thousands of reindeer herders in the northern regions of Russia and the Nordic countries, ice loss has disrupted traditional migration routes and exposed their animals to hunger, disease and population decline. Furthermore, as the changing environment has opened up larger swathes of Indigenous territory to development, communities are now contending with encroachments on their land by companies and governments with mining, oil and other projects that endanger their way of life."<sup>50</sup>

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<sup>42</sup> Minority and Indigenous Trends 2019, Minority Rights p. 30 ([2019](#)).

<sup>43</sup> Id.

<sup>44</sup> Russia's Natural Resources Ministry Calls for Urgent Action to Save Wild Reindeer, The Moscow Times ([Oct. 17, 2019](#)).

<sup>45</sup> Tatiana Vasilieva, If you're left without reindeer, there is nothing else, Greenpeace ([Sept. 16, 2016](#)).

<sup>46</sup> Greenpeace: New Russian Oil Depot Poses Anthrax Outbreak Risk, The Moscow Times ([Dec. 1, 2016](#)).

<sup>47</sup> Tatiana Vasilieva, If you're left without reindeer, there is nothing else, Greenpeace ([Sept. 16, 2016](#)).

<sup>48</sup> Indigenous peoples in Russia, IWGIA <https://www.iwgia.org/en/russia.html?start=6>

<sup>49</sup> Minority and Indigenous Trends 2019, Minority Rights p. 31 ([2019](#)).

<sup>50</sup> Id. at 135.

Because these changes to climate are pushing communities to abandon their traditional systems of nomadic life, there have been negative impacts on both physical and mental well-being.<sup>51</sup> These impacts are gender-nuanced due to the differences in gender roles within Indigenous communities.<sup>52</sup> For a continued discussion on the impact climate change has had on the health of Indigenous women, please see the “Health” section below.

In order to prevent loss of traditional ways of life, it is necessary for scientists, researchers, and policy makers to engage with the local Indigenous communities and Indigenous scientists to develop adaptation plans and strategies.<sup>53</sup> Traditional knowledge and the first-hand experiences of Arctic women and their communities are invaluable tools for adapting and documenting the shifts in climate, but international spaces for policymakers on climate have rarely invited and valued their participation. It is necessary that Indigenous women are included in the discussions regarding adaptation and mitigation strategies with the Free, Prior and Informed Consent of the communities in question and with the inclusion of protocols that would protect the Indigenous communities’ intellectual property from exploitation by corporations and governments.<sup>54</sup> This is true on both the global scale and on the domestic scale within the Russian federation.

## C. Violations of Indigenous Women’s Rights as a result of Impacts from Extractive Industries

*CEDAW Art. 14, 15, CEDAW GR 34*

Extractive industries are regularly and continuously violating Indigenous women's rights as stipulated under CEDAW, including Article 15, Article 14, as well as CEDAW General Recommendation 34 G.2.d which states that states should “Obtain the free and informed consent of rural women prior to the approval of any acquisitions or projects affecting rural lands or territories and resources. Section F.54.e recommends that states should ensure that “rural development projects are implemented only after participatory gender and environmental impact assessments have been conducted with full participation of rural women, and after obtaining their free, prior, informed consent. Effective measures should be taken to mitigate possible adverse environmental and gender impacts.”

Russia has failed to regulate extractive industries that are having massive impacts on Indigenous Peoples including Indigenous women, and has made no efforts to gain the

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<sup>51</sup> Terry V. Callaghan, Olga Kulikova, Lidia Rakhmanova, Elmer Topp-Jorgensen, Niklas Labba, Lars-Anders Kuhmanen, Sergey Kirpotin, Olga Shaduyko, Henry Burgess, Arja Rautio, Ruth S. Hindshaw, Leonid L. Golubyatnikov, Gareth J. Marshall, Andrey Lobanov, Andrey Soromotin, Alexander Sokolov, Natalia Sokolova, Praskovia Filant, Margareta Johansson, Improving dialogue among researchers, local and indigenous peoples and decision-makers to address issues of climate change in the North, Springer Link 1161, 1167 (Nov. 12, 2019).

<sup>52</sup> Bogdanova E, Andronov S, Lobanov A, Kochkin R, Popov A, Asztalos Morell I, Odland J. Indigenous women's reproductive health in the Arctic zone of Western Siberia: challenges and solutions. *Int J Circumpolar Health*. 2021 Dec;80(1):1855913. doi: 10.1080/22423982.2020.1855913. PMID: 33287680; PMCID: PMC7733886.

<sup>53</sup> *Id.* at 1165.

<sup>54</sup> *Minority and Indigenous Trends 2019, Minority Rights p. 32 (2019).*

Free, Prior and Informed Consent of Indigenous Peoples and Indigenous women who are affected.<sup>55</sup>

## 1. Nickel Mining

This most recent example of this has been Nickel mining and smelting operations carried out by Nornickel which have caused extensive environmental damage to the territories of Indigenous Sámi, Nenets, Nganasan, Enets, Dolgan and Evenk communities in the Arctic. These communities have occupied the land for generations, but suffer as a result of Nornickel's negative impacts on their herding, hunting, fishing, and overall economic and subsistence activities, as well as their physical health and well-being.

Nornickel has long been a top polluter in the region and has caused substantial environmental damage. Most recently, on May 29, 2020, a Nornickel fuel storage tank failed and released 21,000 tons of diesel fuel into local rivers.<sup>56</sup> The spill has been devastating to the inhabitants of the region and is deemed one of the worst environmental disasters in the Arctic after the 1989 Exxon Valdez oil spill in Alaska. The company's processing practices are also a major source of air pollution from sulfur dioxide emissions with significant human health impacts. Several days in January 2020 saw emissions levels that triggered the health-warning alarm in downwind border communities in Norway, at levels up to 7-800 microgram per cubic meter, 50% higher than maximum allowed concentrations. These sulfur clouds also kill trees and vegetation surrounding smelters on the Kola Peninsula and Taimyr region.<sup>57</sup> A 2018 Greenpeace analysis of NASA data ranked Norilsk, Russia as the number one hotspot for sulfur dioxide emissions in the world.<sup>58</sup> The company has exhibited complete disregard for the proper disposal of toxic byproducts. On June 28th, 2020, one of Nornickel's enrichment plants dumped wastewater into nearby tundra, spilling approximately 6,000 cubic meters of waste.<sup>59</sup> On June 29th, 2020 a Nornickel landfill burst into flames, spreading smoke across the tundra and harming wildlife and nearby humans. The Arctic region is particularly vulnerable to environmental damage, and it can take decades to recover from the effects of this pollution. As of now, Nornickel has devastated substantial land areas that Indigenous Peoples of the Arctic, including Indigenous women, rely upon for their ways of life, food security, food sovereignty, their healthy environment, well-being.

## 2. Coal Mining

The Russian coal industry has systematically displaced Siberian Indigenous Peoples out of their traditional lands in the region of Kuzbass—one of the world's largest coal deposits

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<sup>55</sup> Comply with the principle of free, prior and informed consent, CSIPN ([Oct. 26, 2020](#)).

<sup>56</sup> <https://www.bloomberg.com/news/articles/2020-06-04/russia-declares-state-of-emergency-over-arctic-city-fuel-spill>

<sup>57</sup> <https://thebarentsobserver.com/en/ecology/2020/08/russian-indigenous-peoples-call-elon-musk-not-buy-battery-metals-nornickel?fbclid=IwAR0lueyOU170dfumMgXszGj2pL34OjKb6FBH-803LPTtasnICi4vm80oPvI>

<sup>58</sup> <https://www.euronews.com/2019/08/23/india-russia-china-among-top-sulfur-dioxide-emitters-report>

<sup>59</sup> <https://www.themoscowtimes.com/2020/06/29/explainer-russias-arctic-environmental-disasters-a70730>

where over 50 percent of Russian coal is extracted.<sup>60</sup> Eight out of nine Shor settlements in the Kuzbass region have been forced to leave their ancestral lands due to the excavation of coal in the area.<sup>61</sup> In 2016, over 2000 residents of Myski district signed an appeal to stop the ongoing destruction of the Shor ancestral land which they fear is leading up to their genocide.<sup>62</sup> The Russian government is not properly regulating mining operations.<sup>63</sup> Coal mining has had particularly disastrous consequences for Indigenous Peoples and especially for Indigenous women. Studies have shown that coal-mining-impacted communities see lower birth-weights and higher instances of a variety of cancers and diseases.<sup>64</sup> Protests over the opening of new mines, operation of existing mines, and against the open-air transport of coal have increased in recent years.<sup>65</sup> The open-air transport of coal contributes pounds of coal dust throughout the region with each and every load, affecting even those communities not located nearby coal mining.<sup>66</sup> Despite clear understanding of the impacts of coal on global warming, Russia has plans to continue intensification of coal production through 2030.

### *3. Arctic Development*

Areas in which Russia is directing funds for economic development are often in conflict with the interests of the Indigenous Peoples living there and these development policies have been put in place without their Free, Prior and Informed Consent. In 2017, a strategic plan for further development of the Arctic was approved by the Russian Federation, devoting \$3.6 billion to boost the Arctic economy, particularly the facilitation of oil and gas extraction, although the plan also indicates “support of Indigenous people” as an element of the plan.<sup>67</sup> However, the majority of funds went towards the building of nuclear icebreaker vessels that allow for increased shipping routes through the arctic.<sup>68</sup> Putin has announced that by 2035, Russia’s Arctic fleet would operate at least 13 heavy-duty icebreakers, nine of which would be powered by nuclear reactors.<sup>69</sup> In 2019, nuclear-powered icebreakers accompanied a total of 510 vessels, an increase of 54 percent compared to 2018. With global warming, regular commercial shipping in the Arctic will increase the likelihood of accidents triggered by extreme weather and climate events, such as stronger winds, storms, and higher waves. One plausible incident scenario involves a collision of a foreign-owned tanker and Russian nuclear powered icebreaker

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<sup>60</sup> Alex Levinson, FIELD UPDATE: If Russians Start Worrying About Coal..., Pacific Environment ([Sept. 12, 2016](#)).

<sup>61</sup> Indigenous Leader Fights to Save Her Ancestral Lands from Coal Devastation, Pacific Environment ([Dec. 16, 2016](#)).

<sup>62</sup> Russia: ‘People of the earth, do whatever you can to stop this genocide’, IWGIA ([Nov. 10, 2016](#)).

<sup>63</sup> Protecting Russian Rivers from Illegal Mining, Pacific Environment ([Dec. 21, 2016](#)).

<sup>64</sup> Dan Ferber, Research finds additional harm from coal dust exposure, Energy News Network ([Feb. 20, 2013](#)).

<sup>65</sup> NEWS FROM THE FIELD: The Birth of Russia’s Anti-Coal Movement, Pacific Environment ([Mar. 1, 2018](#)).

<sup>66</sup> Communities Stand Up to Coal in Putin’s Russia, Pacific Environment ([Oct. 7, 2017](#)).

<sup>67</sup> The Strategy for the Development of the Arctic Zone of Russia until 2035 was approved, CSIPN ([Oct. 27, 2020](#)).

<sup>68</sup> Russia pledges \$3.6 Bln to Boost Arctic Foothold, The Moscow Times ([Feb. 27, 2017](#)).

<sup>69</sup> Reuters, ‘Russia Launches the First Ship in Its Powerful New Series of Nuclear Icebreakers’, Arctic Today, 28 May 2019, <https://www.arctictoday.com/russia-launches-the-first-ship-in-its-powerful-new-series-of-nuclear-icebreakers/>.

escort in a winter storm, with a serious potential for release of radioactive contaminants.<sup>70</sup> In addition to potential accidents on the icebreakers themselves, the maintenance of the ships, re-fueling, and storage of nuclear waste all pose risks for people who reside, hunt, fish, and gather in these regions. These icebreaker ships also contribute to the further depletion of Arctic ice. Additionally, because cargo ships can now travel to more areas, ecosystems and habitats that were previously untouched are quickly seeing the direct consequences of multiple kinds of pollution. Besides the chance of oil spills, ships dump sewage, food waste and wastewater into the ocean, as well as garbage and debris. Underwater noise affects marine mammals, driving them away from their breeding and feeding grounds, hindering social communication, and scaring away food sources.<sup>71</sup> Ships powered by heavy fuel oil, the dirtiest fuel on the planet, are especially threatening, although there is support from the International Maritime Organization (IMO) to establish new regulations, but the process is unlikely to see results for years.<sup>72</sup> Oil spills have different effects when they occur in cold waters as opposed to in warm water.<sup>73</sup> The breakdown rates are much slower which means the contamination remains a problem for longer.<sup>74</sup> An oil spill could have negative impacts on flora and fauna of the fragile Arctic ecosystem and affect the lives of Indigenous Peoples, especially women, who in many communities occupy the traditional role of gatherers.<sup>75</sup> Without the ability to gather as they traditionally did, women are unable to subsist without additional supplies, which are extremely costly in remote regions.

#### 4. *Oil and Gas Pipelines*

Russia is one of the biggest oil and gas producers in the world with one-quarter (25.2%) of discovered global gas reserves and 6.5% of world oil reserves. The Arctic holds oil and gas reserves equivalent to 412 billion barrels of oil, about 22 percent of the world's undiscovered oil and gas, the U.S. Geological Survey estimates. Pipelines and natural resource extraction are crucial when it comes to the relationship between China and Russia.<sup>76</sup> A massive east-west pipeline, Gazprom's Power of Siberia pipeline, which started construction in 2012 and became operational in October 2019, has blocked and decreased access to traditional lands and resources of Indigenous Peoples.<sup>77</sup> There are continuing concerns raised regarding the impact of the Power of Siberia pipeline on the Indigenous Peoples along its 3,968 km length.<sup>78</sup> The meetings that Gazprom held

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<sup>70</sup> Sherri Goodman et al., 'Inclusive Planning for Changing Arctic Futures: Demonstrating a Scenario-Based Discussion' (Arctic Futures 2050 Conference, Washington, D.C., 2019), <https://councilonstrategicrisks.org/2019/09/19/planning-for-a-changing-arctic-a-scenario-baseddiscussion-paper/>.

<sup>71</sup> Dj Tyson, More Ships, More Risks: How We're Protecting the Arctic, Pacific Environment ([June 11, 2019](#)).

<sup>72</sup> Kevin Harun, Big Decision on Toxic Oil to Keep Arctic Ocean Life Safe, Pacific Environment ([July 6, 2017](#)).

<sup>73</sup> Arctic Heavy Fuel Oil Ban Inches Forward, but loopholes denounced as "outrageous", Pacific Environment ([Feb. 21, 2020](#)).

<sup>74</sup> Sue Libenson, The True Cost of Oil Spills, Pacific Environment ([Feb. 9, 2017](#)).

<sup>75</sup> Russian oil spill exposes history of Indigenous Peoples' rights violations, IWGIA ([June 23, 2020](#)).

<sup>76</sup> Ariel Cohen, The Strategic Upside Behind Russia's \$55 Billion 'Power of Siberia' Pipeline To China, Forbes ([Dec. 6, 2019](#)).

<sup>77</sup> Id.

<sup>78</sup> Marc Ozawa, Chi Kong Chyong, Kun-Chin Lin, Tim Reilly, Caroline Humphrey, Corine Wood-Donnelly, The Power of Siberia: A Eurasian Pipeline Policy 'Good' for Whom, Cambridge University Press 305, 327 ([June 2019](#)).

regarding its plans for the Power of Siberia pipeline did not adequately engage the Indigenous communities that are now affected by its operations and did not achieve their Free, Prior and Informed consent. Increases to capacity are already being proposed as of June 2020.<sup>79</sup>

Leaks from aging pipeline infrastructure have contributed to major environmental contamination on Indigenous lands. For example, in 2020, two leaks occurred on the 1970s Okha-Komsomolsk-on-Amur crude oil pipeline: on July 13 and again on November 25. The company, Rosneft-Sakhalinmorneftegaz, did not allow the public to the accident site, making it impossible to objectively assess the situation and determine the degree to which oil spilled into Lake Goloye which would affect the local people of Khabarovsky province as well as all those who rely on the Amur River downstream.<sup>80</sup> This is representative of a systemic problem: after the collapse of the Soviet Union, repairs to facilities such as oil pipelines were delayed. In 1999, it was estimated that more than 45,000 km of the national pipeline system needed replacement. Although this number has reduced since then, significant damage was done during this time and ongoing leaks continue to affect Indigenous women, their communities, and lands. Looking toward the future, massive updates are needed to pipeline infrastructure that currently traverse the rapidly melting permafrost. Leaks from pipelines along with flaring of waste gas have also led to an increase in forest fires. All of these factors have contributed to declines in fish and wild game in the territories inhabited by Indigenous Peoples, thereby aggravating the ability to pursue a traditional way of life.

## *5. Commercial Fishing*

CEDAW's General Recommendation states that the Committee considers rural women's rights to land, natural resources, including... fisheries, as fundamental human rights." It elaborates in section G1.59 (b): " State parties should enhance rural women's role in fisheries and aquaculture, as well as their knowledge on sustainable use of fishery resources." In the Far East province of Khabarovsky, the livelihoods of the Indigenous Nanai people have for centuries depended on the salmon that spawn in the Amur River. However, overfishing by commercial industries have left the salmon population decimated, affecting food security of Indigenous women and their families who can often no longer afford to purchase fish nor fish sufficiently for their own consumption. "The whole of the Amur lives off this fish. Yes, we aren't wealthy, but we have this. It's our wealth, we don't need anything else," explained Lyubov Odzyl, Indigenous woman and president of the Association of Indigenous Peoples of the North of Khabarovsky province. Since 2017, Odzyl's group has been conducting public monitoring of the spawning grounds of salmon species on the Amur river and its tributaries. The data are submitted to the structures

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<sup>79</sup> Stuart Elliott, Russia's Gazprom mulls Power of Siberia capacity expansion to 44 Bcm/year, S&P Global ([June 26, 2020](#)).

<sup>80</sup> Elena Starostina, WWF DEMANDS PUBLIC ADMISSION TO THE OIL SPILL SITE IN KHABAROVSKY PROVINCE, [Dec 1 2020](#)

responsible for fishing management. Odzyal summarized their 2019 observations as such: “Very few fish. We can say that the fish were not there, especially pink salmon. It is possible that salmon population in these rivers is completely exhausted. This year, our public monitoring confirmed that it is necessary to introduce a ban on the commercial fishing of summer salmon in the Amur River for at least 5-8 years, and support monitoring of filling spawning grounds with summer chum and pink salmon. In future, we would like to continue this work, which shows the real level of Amur salmon reproduction.”<sup>81</sup> In 2020, the monitoring activities were joined by representatives of the government research institution *KhabarovskNIRO*.<sup>82</sup> Commercial salmon fisheries in Nikolayevsk-on-Amur have admitted to overfishing over the previous decade. Some of those companies were supported by a federal program that aimed to boost the Far East’s economy by giving companies tax breaks and other benefits.<sup>83</sup> Local city officials report that their efforts to stop companies from overfishing and poachers from illegally fishing and roe-stripping — tearing egg sacks out of female salmon before they can spawn, were fruitless as violators were often warned before they could be caught or fined, and budgets for monitoring in recent years has faced cuts. For example, while in past years the city of Nikolayevsk-on-Amur had over 40 fish inspectors, that number has now dwindled to four.<sup>84</sup>

## D. Indigenous Women’s Health

### *CEDAW article 12*

Indigenous women in Russia face disproportionate challenges to their health, which the growing climate crisis has further exacerbated. The survival of Indigenous Peoples in Russia is dependent upon women’s reproductive health and behavior. Recent research indicates that Indigenous women in Russia are disproportionately burdened by higher infant mortality rates compared to non-Indigenous women, contributing to the depopulation of Indigenous Peoples in Russia.<sup>85</sup> The government’s lack of support in providing sufficient access to health care services with qualified medical staff and establishing effective health policies is a violation of Article 12 of CEDAW.

The Russian Federation has policies that aim to incentivize women to have children since they can obtain benefits for childbirth. However, Indigenous women in the Arctic face barriers in access to perinatal maternity care, qualified emergency medical staff in remote communities and challenges with the evacuation of childbearing women from remote

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<sup>81</sup> <https://wwf.ru/en/resources/news/bioraznoobrazie/obshchestvenniki-podveli-itogi-letney-lososevoy-putiny-na-amure/>

<sup>82</sup> <https://wwf.ru/en/resources/news/amur/podvedeny-itogi-obshchestvennogo-monitoringa-i-kontrolya-vo-vremya-letnego-khoda-lososey-na-amure/>

<sup>83</sup> <https://www.themoscowtimes.com/2020/08/08/salmon-is-disappearing-from-russias-amur-river-its-taking-local-tradition-with-it-a71070>

<sup>84</sup> *Ibid.*

<sup>85</sup> Elena Bogdanova, Sergei Andronov, Andrey Lobanov, Ruslan Kochkin, Andrei Popov, Ildiko Asztalos Morell and JonØyvind Odland, Indigenous women’s reproductive health in the Arctic zone of Western Siberia: challenges and solutions, *International Journal of Circumpolar Health*, ([Nov. 20, 2020](#)).

areas in the event of emergencies.<sup>86</sup> The lack of reporting provided by the state on Indigenous women's issues in Russia contributes to the shortcomings of current policies.<sup>121</sup> Monitoring and dissemination of reliable data on Indigenous women's issues in Russia is imperative for the development of effective health policies.

As mentioned previously, some nomadic Peoples of the North have been forced to adapt by establishing more permanent settlements and abandoning the normal ways of moving through their ancestral lands. Other communities have adapted by moving further North, further away from the established towns, in order to seek the environment they are more used to. As abrupt transitions into a more settled life become more common, there has been a rise in psychological instability, reduced immunity, and more frequent cases of certain diseases such as cardiovascular disease and diabetes.<sup>87</sup> An increase in sedentary lifestyles has also increased the rates of obesity, which affects the reproductive health of the female population.<sup>88</sup>

As nomadic communities in the North need to migrate increasingly further from town, they become more isolated, which decreases their access to services such as health care. The international human rights organization, Minority Rights Group International, reports that "Given their isolation in the Russian far north, climate change is already expected to have far-reaching consequences on access to health care, as well as on the social fabric of local Indigenous communities reliant upon a threatened species and its grazing lands for their subsistence and cultural life. Women are likely to be at a disadvantage when they require antenatal care, giving an indication of the extra vulnerabilities faced by more vulnerable segments of the Indigenous communities in these regions."<sup>89</sup> The lack of access to adequate prenatal care could be a contributing factor to the fact that Russia's Indigenous women are "six times more likely to die in childbirth than non-Indigenous women."<sup>90</sup> All of these factors combine to create a startling fact: a lowered life expectancy due to the declining quality of life for the Indigenous Peoples of the North.<sup>91</sup>

Access to services for women who experience domestic violence has been hard to come by for women since a 2017 law decriminalized some acts of domestic violence.<sup>92</sup> First-time offenses do not result in incarceration and aggravated assaults incur fines of a maximum

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<sup>86</sup> *Id.*

<sup>87</sup> Terry V. Callaghan, Olga Kulikova, Lidia Rakhmanova, Elmer Topp-Jorgensen, Niklas Labba, Lars-Anders Kuhmanen, Sergey Kirpotin, Olga Shadyko, Henry Burgess, Arja Rautio, Ruth S. Hindshaw, Leonid L. Golubyatnikov, Gareth J. Marshall, Andrey Lobanov, Andrey Soromotin, Alexander Sokolov, Natalia Sokolova, Praskovia Filant, Margareta Johansson, *Improving dialogue among researchers, local and indigenous peoples and decision-makers to address issues of climate change in the North*, Springer Link 1161, 1167-1168 ([Nov. 12, 2019](#)).

<sup>88</sup> *Id.* at 1168.

<sup>89</sup> *Minority and Indigenous Trends 2019*, Minority Rights p. 32 ([2019](#)).

<sup>90</sup> Emily Couch, *In Russia, women's rights are still not human rights*, International Observatory on Human Rights ([Dec. 9, 2019](#)).

<sup>91</sup> Terry V. Callaghan, Olga Kulikova, Lidia Rakhmanova, Elmer Topp-Jorgensen, Niklas Labba, Lars-Anders Kuhmanen, Sergey Kirpotin, Olga Shadyko, Henry Burgess, Arja Rautio, Ruth S. Hindshaw, Leonid L. Golubyatnikov, Gareth J. Marshall, Andrey Lobanov, Andrey Soromotin, Alexander Sokolov, Natalia Sokolova, Praskovia Filant, Margareta Johansson, *Improving dialogue among researchers, local and indigenous peoples and decision-makers to address issues of climate change in the North*, Springer Link 1161, 1168 ([Nov. 12, 2019](#)).

<sup>92</sup> Anastasia Ultergasheva, *Indigenous Youth, Gender, and Domestic Violence in the Russian Sub-Arctic*, Gender Equality in the Arctic Phase 3 ([2020](#)).

of \$500 or 15 days in jail.<sup>93</sup> Only repeated aggravated assaults are likely to result in criminal charges.<sup>94</sup> Most shelters and resources for women have closed and a study in 2020 found that a majority of those who experience domestic violence are unlikely to pursue charges due to the State's policies normalizing domestic violence.<sup>95</sup> Women who kill their abusers in self-defense face prison time without consideration to their victimization.<sup>96</sup>

Indigenous women's health is further burdened by a lack of regulation on polluting industries. Industrial pollution leads to the contamination of traditional foods and disproportionately affects Indigenous women due to its complications for maternity. A study done on 697 Russian Indigenous people living in the Arctic, found high concentrations of persistent contaminants in the food, homes, and blood of Indigenous Peoples, resulting in unacceptable risk of infectious diseases including tuberculosis, respiratory diseases, pathological processes in endocrine and urogenital systems, impaired development and adverse pregnancy outcomes.<sup>97</sup> Breastfed children are particularly vulnerable because they have a higher intake of environmental pollutants relative to their body weight and are in a stage of rapid neurological development. The primary source of exposure to toxic chemicals to Indigenous peoples is contaminated food supply as a result of pollutants to the environment and bioaccumulation in fish and game. They are additionally exposed through surfaces in the home that are used to prepare traditional foods. Indigenous Peoples in Arctic Russia have not been informed of the risks related to exposure to these pollutants nor ways to prevent exposure. Furthermore, there is no existing regulation in Russia that defines and enforces a safe concentration of environmental contaminants in traditional foods including fish and sea mammals.

### COVID-19

Starting in 2020, the COVID-19 has proven to be another threat to Indigenous women's health as the pandemic has spread throughout the Russian Federation. Many demographers agree that the most reliable data for COVID-19 deaths in Russia is the *total excess fatality count* (the number of deaths in excess of average annual deaths pre-pandemic), which, since the start of the pandemic is above 422,000 as of February 2020, giving Russia one of the highest excess death tolls in the world, including after adjusting for population size.<sup>98</sup> The number of COVID-19 cases among Indigenous communities are not disaggregated in official reporting. Cases of COVID-19 have been reported in even the most remote regions of the Russian Federation.

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<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> Chashchin V, Kovshov AA, Thomassen Y, et al. Health Risk Modifiers of Exposure to Persistent Pollutants among Indigenous Peoples of Chukotka. *Int J Environ Res Public Health*. 2019;17(1):128. Published 2019 Dec 23. doi:10.3390/ijerph17010128.

<sup>98</sup> Jake Cordell. "Russia's Excess Death Toll Hits 422K" April 6 2021

Over the last 15 years, the Russian state healthcare system has been restructured and a large number of small medical facilities located in rural areas have been closed by authorities. The remote villages of the Russian Arctic, Siberia, and the Far East, where most Indigenous Peoples live, became the most sensitive to the closure of the medical facilities due to the size of the territory, harsh climatic conditions, and the low transport accessibility. Russia's under-funded healthcare system has been poorly prepared for the pandemic: protective equipment such as masks and gloves is often lacking, and there are not enough beds and other necessary equipment and medical supplies for intensive-care patients especially in remote rural territories. Many medical care workers reported that they are poorly protected from the virus and do not receive the required salary payments from the state. Because the Russian Federation is a vast country that has weak and expensive transport linkages between regions, initially that prevented the quick spread of the virus in remote territories of the Russian Arctic, Siberia, and the Far East where many Indigenous peoples live. However, later it was brought to the Northern regions in abundance by the workers of extractive industries. The local authorities in remote areas had no resources to react appropriately to the virus spread. The federal government tried to react to the remote regions' needs and send military field hospitals, organized by the Russian Ministry of Defense and the Ministry of Emergency Situation. Such hospitals were organized in Zabaikalsk, Krasnoyarsk, Murmansk, and some other regions. However, in some cases, these efforts led to the higher spread of viruses in remote areas where Indigenous Peoples live. For example, the mass virus infection in the Kamchatka region started among construction workers of the new military hospital who were invited by the Ministry of Defense from other regions of Russia. There were several cases around the Russian Arctic where the virus spread in restricted-access industrial camps of the oil and gas companies. For example, in the Murmansk region in the construction camp for the new liquid natural gas facility of the NOVATEK company near Belokamenka village in May 2020 officially registered 2045 coronavirus infected of 2,416 total affected in the entire Murmansk region. Similar cases were registered in several other northern regions including the Krasnoyarsk Krai (gold-mining company "Polus" camp near Eruda village), the Yamal region ("Novatek" company LNG project in Sabetta), Yakutia Republic ("Gazprom" company Chayanda natural gas project), Kamchatka peninsula (shift workers of fishing companies)<sup>99</sup>.

Although RAIPON reports that local authorities have been actively providing resources to combat the virus in remote regions, NGOs and local residents describe Indigenous people facing major barriers in trying to receive treatment. Ekaterina Khudi, a female Indigenous medical worker from Yamal, reports "I begged doctors to start a course of treatment, but as we received once again the negative tests for COVID-19, they said that we were not subjects for treatment. So they sent me back home even though [...] I felt terrible and could only drink water." The San Francisco Times reports, "Khudi was required to return to work despite a high fever, a loss of smell and intense body aches. However, after she

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<sup>99</sup> <https://indigenous-russia.com/wp-content/uploads/2020/07/Aborigen-Forum-position-paper-on-COVID-19-1.pdf>

developed a fever of 39.4 degrees and started to vomit, she was taken to the hospital. There, she underwent tests which showed that she was positive for COVID-19 and that she had lung damage. She expressed concern about her future, as she had developed partial paralysis in her legs and lost some of her speaking ability, adding: “How long [will] all this shame [...] continue in our hospital? All people know what terrible things are going [on] at our hospital but everybody [is] silent.”<sup>100</sup>

Another major problem has been the lack of reliable, consistent, and trustworthy information provided by the government about COVID-19 and the COVID-19 vaccine that is culturally and linguistically appropriate to inform Indigenous Peoples. This will be especially important as Russia moves forward in vaccination campaigns to ensure Indigenous Peoples, including Indigenous women, understand the benefits of and have access to immunizations.

## E. Access to Culturally Appropriate Education

### *CEDAW Article 10, GR/34*

CEDAW GR/34 in section IV D.43 states that a) “States should protect rural girls and women’s right to education and ensure that quality education is accessible and affordable for all rural girls and women... by improving education infrastructure in rural areas... and ensuring education is provided in local languages and in a culturally appropriate manner”, and b) “systematic training [should be] provided for teaching personnel... to combat discriminatory sex and/or gender based ethnic and other stereotypes that limit rural girls’ educational opportunities.” However, for Russian Indigenous girls, the educational system reflects the dominant culture at the expense of Indigenous languages and cultures.<sup>101</sup> Indigenous youth report negative experiences of stereotyping within mainstream Russian education settings and are encouraged to assimilate.<sup>102</sup>

Of those who go to university, many Indigenous youth report feelings of isolation and othering which impact their ability to be successful socially and academically.<sup>103</sup> Because universities are not located within rural areas, youth who go to university reported that they are unable to see their families for prolonged periods of time ranging as long as several years due to the high cost of transportation between rural and urban areas.<sup>104</sup> Indigenous students are more likely to drop out of university and return to their villages without

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<sup>100</sup> Russia’s indigenous peoples are in the crosshairs of COVID-19, *The San Francisco Times* (Nov. 12, 2020).

<sup>101</sup> Daria Khanolainen, Yulia Nesterova & Elena Semenova, *Indigenous education in Russia: opportunities for healing and revival of the Mari and Karelian Indigenous groups?*, *Compare: A Journal of Comparative and International Education* 6 (2020).

<sup>102</sup> *Id.* at 12.

<sup>103</sup> Anastasia Ultergasheva, *Indigenous Youth, Gender, and Domestic Violence in the Russian Sub-Arctic*, *Gender Equality in the Arctic Phase 3* (2020), <https://arcticgenderequality.network/gea-times/2020/4/2/indigenous-youth-gender-and-domestic-violence-in-the-russian-sub-arctic> (last visited Oct 28, 2020).

<sup>104</sup> *Id.*

completing their degrees.<sup>105</sup> Indigenous youth who do finish their programs report that they experience difficulty finding jobs and reported discrimination when applying to government jobs, wherein Indigenous applicants are not hired even when they are better educated than non-Indigenous applicants.<sup>106</sup> Private employers are reported to be wary of hiring Indigenous youth because they consider them to “lack experience”.<sup>107</sup>

Support for Indigenous-language instruction in school in Russia is minimal. In the absence of policies and programs that promote and facilitate the study native languages by youth, the number of Indigenous language speakers continues to deteriorate rapidly with an aging population of native speakers.

Currently only 23 out of 40 Indigenous languages of the North, Siberia and the Far East of Russia are used in published textbooks. However, none of the Indigenous languages are used as the language of formal instruction in schools. Rather, the study of Indigenous languages is carried out in separate courses which are elective and not obligatory, and represent just a small number of per week, rather than an immersive program, which linguistics experts agree is not effective as a means of additive bilingualism.<sup>108</sup>

In Karelia, the Karelian language is not considered the second official language of the Republic; it is the only Republic to recognize Russian as its only official language.<sup>109</sup> Of schoolchildren in the Republic, less than 1% studied the Karelian language as a school subject.<sup>110</sup> Similarly, in the Republic of Mari El, schools used a federal policy to downsize teaching staff by replacing Mari language lessons with English or Russian lessons.<sup>111</sup> As a result, students opting to learn Mari in school have decreased to only 10.5% of students in the 2018/2019 school term.<sup>112</sup>

A main contributing factor of this ongoing issue is the continued lack of Indigenous participation in political and decision-making spheres, in violation of CEDAW’s previous recommendations to Russia to “Ensure that indigenous women are represented in decision-making bodies at the local, regional and federal levels, and adopt measures to ensure the full and effective participation of Indigenous women in all decision-making processes that may affect their rights.”

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<sup>105</sup> Id.

<sup>106</sup> Varvara Korkina, Chapter 8: Indigenous Youth in Russia: Challenges and Opportunities, in *Global Indigenous Youth 151* (Andrey Petrov tran., 2019), <https://academiccommons.columbia.edu/doi/10.7916/d8-raaa-rd34> (last visited Nov 6, 2020).

<sup>107</sup> Id at 152.

<sup>108</sup> Jim Cummins (1989) Language and literacy acquisition in bilingual contexts, *Journal of Multilingual and Multicultural Development*, 10:1, 17-31

<sup>109</sup> Khanolainen, Daria; Nesterova, Yulia; Semenova, Elena (2020). Indigenous education in Russia : opportunities for healing and revival of the Mari and Karelian Indigenous groups?. *Compare: A Journal of Comparative and International Education*, Early online. DOI: 10.1080/03057925.2020.1834350.

<sup>110</sup> Id.

<sup>111</sup> Id

<sup>112</sup> Id

## V. Recommendations

We urge the Committee on the Elimination of Discrimination against Women to consider the following recommendations to Russia:

1. Consult with Indigenous women, especially from Arctic regions, in the creation of policies for mitigation and adaptation to climate change.
2. Facilitate the full and independent assessment of the environmental damage of mining for nickel and other metals in Russia's Taymyr Peninsula and Murmansk Oblast, including an assessment of the harm from ongoing Norilsk diesel oil spill and taking into consideration the damage done by industrial production to traditional economic activities of Indigenous Peoples.
3. Compensate Indigenous communities for the damages done to their traditional lands by nickel and coal mining operations in alignment with CEDAW General Recommendation 34, article 28 of the UN Declaration on the Rights of Indigenous Peoples, and the Russian constitution art.8, para.8.
4. Prepare and implement a plan for re-cultivating contaminated lands in the Taymyr Peninsula and Murmansk Oblast.
5. Ensure that extractive industries adhere to the minimum standards set by UNDRIP, CEDAW, ILO Convention 169, and other bodies, to obtain free prior informed consent of Indigenous Peoples, including Indigenous women, prior to the approval of any project affecting Indigenous lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
6. Ensure that strategic plans for the development of the Arctic gain the Free, Prior and Informed Consent of Indigenous Peoples.
7. Devoting adequate resources, work in collaboration with Indigenous Peoples to monitor and protect the threatened salmon populations, especially on the Amur river and in Kamchatka; and, ensure that commercial fishing bans, if enacted, do not violate Indigenous women's fishing rights and access to food as established under CEDAW and other human rights bodies.
8. Regulate the use of and disposal of toxic chemicals by Russian industries to prevent exposure of Indigenous women, and educate rural communities on the risks and prevention of exposure through food sources and surface transmission.
9. Ensure Indigenous women have access to culturally and linguistically relevant, high quality healthcare, especially prenatal and antenatal care.
10. Take steps to ensure Indigenous Peoples, including Indigenous women, have timely access to COVID-19 vaccines.
11. Increase access to culturally and linguistically relevant education for Indigenous girls and women, especially towards promoting the revitalization of Native languages.
12. Create a state disaggregated database on Indigenous Peoples with special attention to women and indicators of living conditions including health issues.

13. Ensure Indigenous women's right to non-discrimination by facilitating the self-determination of Indigenous Peoples to their own cultural identities.
14. Draft a national plan of action based on the 2014 Outcome Document of the World Conference on Indigenous Peoples.
15. Invite the UN Special Rapporteur on Indigenous Peoples rights to visit Russia
16. Invite the UN Special Rapporteur on Human Rights Defenders to visit Russia
17. Endorse and implement the UN Declaration on the Rights of Indigenous Peoples
18. Ratify ILO Convention 169