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Human rights situations that require the Council's attention

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2024]

* Issued as received, in the language of submission only.



Criminalisation of Indigenous Rights in the Russian Federation: 55 Organisations Arbitrarily Declared “Extremist”

The undersigned organisations welcome the report of the Special Rapporteur documenting the continuing crackdown of civil society in the Russian Federation. Since the first report of the Special Rapporteur, the situation of Indigenous rights defenders in the Russian Federation has further deteriorated drastically. On 25th July, the Russian Ministry of Justice has stepped up the criminalization of Indigenous rights defenders by the highly unusual step of arbitrarily declaring 55 organisations “members” of an organisation it calls the “anti-Russian separatist movement”, This organisation doesn’t exist yet it was declared “extremist” by the Russian Federation’s Supreme Court on 7 June 2024 . This poses a severe threat not only to the enlisted organisations but also to any individual that is in some way connected to one of the organisations.

The Indigenous peoples of the Russian Federation, as has been noted by UN treaty bodies many times, one of the Russian Federation’s most marginalised and vulnerable population groups. They have extremely limited capacity to defend their rights and very few advocates supporting them in doing so. Virtually all remaining Indigenous peoples’ organisations within the Russian Federation are now fully state controlled and thus unable to safeguard and enforce the rights of their communities.

There is an extreme power imbalance between Indigenous communities on the one side and the state-business nexus (1) on the other. Indigenous communities lack effective remedies against the destruction of their means of existence and other violations of their basic human rights, to which they are entitled according to international human rights law, including the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The Russian Federation has not endorsed the UNDRIP and has withdrawn from the Framework Convention for the Protection of National Minorities (FCNM). The Russian Federation also ceased to be a party to the European Convention on Human Rights (ECHR) as of September 2022. Since the early 2000s, legal safeguards of essential Indigenous rights have been continuously watered down. E.g. almost a quarter of a century since its adoption, the Federal Act on Territories of Traditional Nature Use has not been put into practice.

Despite the growing repression, Aborigen Forum an informal network of Indigenous rights defenders, which tops the list, continued to advocate for the rights of Indigenous peoples in the Russian Federation. It played a crucial role in supporting remote Indigenous communities in protecting their territories from the impacts of extractive companies and defending their access to resources such as hunting and fishing grounds. By arbitrarily declaring Aborigen Forum a “member” of an “extremist” movement, the Russian government deprives Indigenous communities from one of the last remaining advocates for their rights. Due to the repressive environment and the drastic limitations of freedom of speech, remote Indigenous communities will thus lose the last potentially effective remedy against violations of their human rights.

Second on the list is the International Committee of Indigenous Peoples of Russia (ICIPR), an organisation founded by Indigenous rights defenders in exile after the start of the Russian Federation’s full-scale invasion of Ukraine. ICIPR plays a crucial role by reporting on violations of Indigenous rights and invoking UN mechanisms. By declaring ICIPR “extremist”, every person who is in contact with the Committee or with a members becomes liable for prosecution and may face years of prison in inhuman conditions. Thus, independent reporting on violations of Indigenous rights will be drastically impeded by exposing Indigenous rights defenders still residing in the Russian Federation to extreme legal risk. This follows harassment against members of the Committee and Indigenous rights defenders from the Russian Federation related to their engagement with UN bodies. During the 17th Session of the Expert Mechanism on Indigenous Peoples, a Russian diplomat openly intimidated Russian fellows under the UN fellowship program.

As the UNDRIP notes, “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

We note with grave concern, that the Russian Federation is persecuting Indigenous peoples for simply laying claim to what is their inalienable right under international law. Self-determination can be realised in a variety of ways. For some Indigenous peoples, the ultimate goal may be independence, while for others, autonomy within a larger state is their chosen path. Neither goal is inherently “criminal” or “extremist”. While the Russian state has been committing unspeakable acts of violence and terror every day since 24 February 2022, we are not aware of any organisation included in the list using violent means in furtherance of their goals.

The Russian Federation is persecuting any expression of the right to self-determination – not just what it calls “separatism” - is exemplified by the list. The two aforementioned organisations – Aborigen Form and the International Committee of Indigenous Peoples of Russia do not and have never pursued any secessionist ambitions. In a recent article, two ICIPR representatives even warned, that a disintegration of the Russian Federation might not improve the situation of their peoples. Therefore, having AF and ICIPR top what is supposed to be a list of separatist organisations, demonstrates the Russian Federation’s unwillingness to tolerate any expression of self-determination whatsoever. The absurdity of this process furthermore suggests that the Russian Federation is lacking a functioning judicial and executive system.

The Russian legal system conflates the terms “terrorism” and “extremism” and the latter’s definition is so broad that it potentially encompasses all sorts of social activity and protest. The Human Rights Committee has repeatedly urged the Russian Federation to revise without undue delay its Federal Law on Extremism to prevent its arbitrary application (See e.g. CCPR/C/RUS/CO/7, para 20). Regulations and penalties for extremism have been getting stricter and also closer to those for terrorism-related offences. “Repeated demonstration of extremist symbols”, which in the case of Indigenous peoples and minorities in the Russian Federation, could mean a regional flag, can lead to prison sentences up to four years.

Given the arbitrary and unusual procedure – first banning a non-existent organisation and then declaring existing organisations members of that group - it stands to reason that the Russian Federation’s failure to comply with the HRC’s recommendation is on purpose. The sequence of events suggests, that it has been chosen precisely to avoid having to provide any evidence of an “extremist” agenda for the real organisations. In addition, it must be noted that in the Russian Federation, acquittals in political cases are exceedingly rare. If a person is charged, a guilty verdict is the virtually guaranteed outcome.

Apart from the risk of prosecution and imprisonment, those accused of “extremism” are also at risk of losing their access to banking services through usually including them in public registry. As this designations are made without trial and lack any foundation in internationally recognized crimes, they gravely violate the right to a fair trial. (3) They are also violate the right to freedom of association as recognized in international law.

The criminalisation of Indigenous peoples’ organisations has been preceded by a host of measures by the Russian Federation to cut indigenous peoples off from international partners and deny them access to international support to which they are entitled in accordance with UNDRIP Art. 39. This includes that in recent years, many of their international partners were declared “undesirable”, often ending decades long cooperation overnight. Further, the Russian Federation has a track record of excessive travel bans against foreign human rights defenders, without justification. For instance, in 2018 it banned two indigenous rights defenders for 50 years for allegedly endangering its national security, though the reasons for the ban were never disclosed. In a paper published in 2020, 50 such travel bans have been investigated. However, these were only select cases. The list is far from exhaustive. (4)

Recommendations/Demands:

The undersigned organisations support the recommendations made by the Special Rapporteur on human rights in the Russian Federation. Considering the further deteriorating human rights situation, the continuous crackdown of civil society and the increasing criminalisation of Indigenous rights defenders, further monitoring is essential.

We therefore urge the Human Rights Council to renew the mandate and to ensure that the work is equipped with sufficient resources. In future work, we ask the Special Rapporteur to pay special attention to procedural aspects of criminalisation of members of minorities, such as members of the LGBTIQ community and Indigenous peoples. By inventing new organisations, subsequently ruling them “extremist” and then declaring independent organisations members of this entity, a new pattern of criminalisation is emerging in the Russian Federation that completely contravenes the rule of law.

The undersigned organisations further urge the Human Rights Council to pay special attention to the growing criminalisation of the legitimate demand of Indigenous peoples to self-determination, a right enshrined in art. 1 of ICCPR and ICESCR as well as UNDRIP Art. 3.

Institut für Ökologie und Aktions-Ethnologie (INFOE), ADC Memorial NGO(s) without consultative status, also share the views expressed in this statement.

(1) UNGP Art. 4 defines the state-business nexus as “business enterprises that are owned or controlled by the State, or that receive substantial support and services from State agencies”.

(3) Amnesty International: Terrorising the dissent: Abuse of terrorism-related charges in Russia, 19 Februar 2024, eur-4677052024-statement_-terrorising-the-dissent_-_abuse-of-terrorism-relatet-charges-in-russia.pdf (amnesty.ch)

(4) Latz, Lukas. "Russland:„Einreise verboten!“." Osteuropa 70.12 (2020): 41-58., <https://www.jstor.org/stable/27122477>