



MUSLIM PROBLEM RESEARCH CENTER IN RUSSIA

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The Report for General Discussion of Women and Girls' Right to Education

(to Committee on the Elimination of Discrimination against Women (CEDAW) at OHCHR)

Today in Russian Federation it is an uneasy situation with human rights in general and in specific areas of life of Russian citizens including women.

If we talk about the situation of human rights of women and girls to education in Russia, it is worth to say that Russia is a member-country that signed the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180 of 18 December 1979), thus it has a duty to fulfill its international obligations regarding the provision of services and support the right to education, to recognize the primacy of international and regional legal instruments over domestic legislation as a means to ensure the widest possible protection of the rights of women and girls to education.

In the Constitution of the RF Article 43 ensures the right of everyone to education, in particular it states that:

1. Everyone has the right to education.
2. Accessibility and gratuity of pre-school, basic secondary and vocational education in the state and municipal educational institutions and enterprises are guaranteed.
4. Basic education is mandatory.

The federal law № 273-FL of 29 December 2012, regulating the activity of the Russian Ministry of Education, also states:

Article 3.1.1 the right of everyone to education, non-discrimination in the area of education

including Article 3.1.4 protection and development of ethno-cultural characteristics and traditions of the peoples of the Russian Federation in a multinational state

Article 3.1.6 secular education in the state and municipal organizations engaged in educational activities;

Article 3.1.8 the right to education throughout whole life in accordance with the needs of the individual

Thus, from the standpoint of the basic legislative acts one can say that Russia fully complies with the provisions of Article 10 Convention on the Elimination of All Forms of Discrimination against Women.

But of late years the real situation in Russia has assumed an alarming character and often differs from the provisions contained in international conventions, treaties, the Constitution of the Russian Federation.

The following tendency is a matter of concern, in our view, focused on the appearance of discrimination against women and girls practicing Islam, this creates a major obstacle to the implementation of the right to education in the first, second and third levels, the implementation of the right to realize themselves in a social and political life of the country, thus hampering their progress in society. These create unequal conditions for the successful implementation of themselves as individuals between men and women practicing Islam, between women of other ethno-religious groups and women practicing Islam. The prerequisites are created for the confrontation of the rights of access to education and cultural, religious rights. A breeding ground for Muslim women's marginalization and estrangement from the means of the legal protection appears. Girls are experiencing psychological and sometimes physical pressure, which leads to psychological trauma, which may subsequently affect their health and motherhood. This does not promote "understanding, tolerance and friendship among all nations, racial or religious groups", but rather the contrary sows prejudice and xenophobia among Russian citizens.

The problem manifested itself more explicitly in 2012, when in Kara-Tyub village of the Stavropol region the head master forbade 5 school girls to enter school (the Muslim girls wearing a Muslim kerchief (hijab)). They did not let the girls in school for 2 weeks. The head master explained her actions saying that in Russia the education had a secular character.

This case received a wide resonance in the Russian Federation. The society was divided. The Muslims who are the indigenous people in Russia including Muslim spiritual leaders confirmed that the Muslim women and girls being out their homes must wear kerchiefs (hijabs)

according to the Islamic culture. The staff members of the Ministry of Education, prosecutor's office and the court took the head master's side. That forced the Government of the Stavropol region to render the Resolution "On approval of the basic requirements for school clothes and appearance of students" (31 October 2012), guided by the fact that the nature of education in Russia is secular they banned the wearing of religious clothing and head hats at school. Many legal experts had critical attitude to the Resolution of the Government of the Stavropol region, noting that it was contrary to an international law and the Russian constitution.

The Russian President V. Putin was asked the question about the legality of wearing religious clothing in educational institutions during his live TV interview on 18 October 2012, during which he called for a ban of the religious clothing (hijab) in Russian schools, as arguing the fact that Russia was a secular state and the church was separated from the state.

Such a statement of the head of the state became the support for Russian officials, prosecutors, teachers who did not let Muslims-girls study in their traditional Muslim clothing (hijab) and the signal to make various regulations prohibiting girls to wear religious clothing in Russian educational institutions.

The Russian Ministry of Education sent a letter numbered DL-65/08 of 28 March 2013 to regional executive authorities with the recommendation to accept a normative act establishing the requirements for students' clothing in educational institutions. It also applied a model regulatory normative act establishing some requirements for students' clothing:

1. The uniform requirements for students' clothing are introduced to eliminate the signs of religious differences between them
7. The appearance and students' clothing must be secular

During 2013 in all regions of the Russian Federation the regional authorities adopted the provisions which established the certain requirements for students' clothing in general educational institutions. They prohibited wearing religious clothing and attributes (symbols) in the walls of the institution in order to ensure the secular character of education.

The implementation of these regulations was entrusted to the regional Ministry of Education, local municipal governments and educational institutions.

In all educational institutions head masters made an order to approve the requirements for the appearance and clothing of the students, which would correspond to the secular character of education and prohibit students from wearing religious clothing and attributes that mainly

affected the Muslim girls. If these requirements are disregarded they apply some administrative sanctions: make notes in student's gradebook, call parents and in some cases do not let students to classes, which subsequently leads to the exclusion of a student from school because of student's missing classes and school failure.

In June 2014 in Russia the federal law 148-FL "On Amending the Federal Law "On Education in the Russian Federation" dated 06.04.2014 entered into force. It legislates the above procedure of the establishing the requirements for students' appearance and clothing.

After the adoption of these normative acts the cases of non-admission to classes have significantly increased.

If earlier it was possible to fix only few cases of non-admission of the girls in hijabs to school, for example:

In 2010 in Ingushetiya a fifth-form girl was pushed out the school because of her hijab. Lidiya Gomkargieva, the head master of School 3 in Karabulak town, expelled the fifth-form girl because of her refusing to put the hijab off.

In April 2011 in Bashkir state medical institute a teacher demanded a student girl to put her hijab off, saying that there is a secular character of education in the institute and threatening to put bad marks during examination in case of not carrying her requirements out.

Since 2012 such cases have increased:

In September 2012 the head master of Lyceum 155 in Ufa city also demanded a student girl to put her hijab off, in case of her refusal threatened not to let her to classes. She recommended girl's parents to transfer her to another school. A similar incident occurred in Gymnasium 93 in Ufa with the student girl Adelya Kh.

In 2012 in Kara-Tyub village of the Stavropol region the head master forbade 5 school girls to enter school (the Muslim girls wearing a Muslim kerchief (hijab)), the Central Asia migrant workers' children. They did not let the girls in school for 2 weeks. The head master explained her actions saying that in Russia the education had a secular character. As a result they had to get fee-paying classes.

In November 2012 in Bashkortostan the head master of the State college of law in Tuymazy demanded 3 student girls not to attend classes in hijabs. One of them had to put her hijab off under that psychological pressure.

In November 2012 in Bashkortostan the head master of the Medical College of Sterlitamak town demanded student girl Dinara S. put her hijab off.

In April 2013 the head of municipality of Temir KhanShury (town Buynaksk) one Gamzatov Guseyn pushed all student girls in hijabs out three schools № 3, №7, №10. He said: "Let them wear hijabs in their houses, but we will not allow them do it at school". The girls had to miss classes.

On 2 September 2013 in Mordoviya the head master of Akxyunsk secondary school Alfiya Badretdinova tore the kerchief (hijab) off a student girl, the same situation happened in town Saransk and Elkhovka village.

In the Astrakhan region in Astrakhan the Muslim family bringing up several girls had to move because of hijab ban at school.

In Tatarstan in Kazan the head master of the secondary school № 65 packed the student girl in hijab off the school before her parents. In the district center Apastovo the school administration addressed to school girls' parents and asked their girls not to wear the Muslim kerchiefs.

The cases when teachers demanded student girls to put hijabs off with the threats of expelling were fixed in Bashkortostan in Ufa and Meleuz.

In May 2013 N.P. Spars, the deputy director of the Ufa fuel and energy college, demanded Diana Gayfullina to put her hijab off. The girl refused. In response to this the teacher said that the girl should seek other profession, threatened that would not allow her to classes. Also advised her to transfer to another educational institution. The teacher, Biktemerov Fidalit Khamitovich, made fun of her before her groupmates. He laughed at her being a Muslim. As a result, the girl had to leave that educational institution.

In 2014 there were fixed 2 cases of non-admission of the student girls in hijabs to classes in Ufa.

Thus, it becomes apparent that there are already a few dozen of cases with the creation of barriers for the Muslim girls and women for their attending the educational process or even non-admission to it. The tendency for increase is too obvious. All these cases are accompanied with the psychological, and in some cases, physical pressure on the Muslims, their mothers, grandmothers. All these happen in public, when other students and teachers are present.

The basis for such discrimination of the Muslim girls and women became the normative acts contradicting to Article 26 of the Universal Declaration of Human Rights, Article 10 Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights (Article 13), the International Convention on the Elimination of All Forms of Racial Discrimination (Article 5), the International Convention

on the Protection of the Rights of All Migrant Workers and Their Family Members (Article 30), the Declaration on the rights of Persons Belonging to National or Ethnic, religious and Linguistic Minorities (Article 4) and Convention 1960 against Discrimination in Education, as well as the first protocol to the European Convention on Human Rights and Fundamental Freedoms (Article 2) and the European Convention on the Legal status of Migrant Workers (Article 14) and many CEDAW's recommendations.

As already mentioned, all these normative acts adopted by Russia in recent years, create some favorable conditions and regulate the discrimination against women and girls practicing Islam, this creates a major obstacle to the implementation of their right to education in the first, second and third levels. They perpetrate their right to realize themselves in a social and political life of the country, thus hampering their progress in society. These normative acts create unequal conditions for the successful implementation of themselves as individuals between men and women practicing Islam, between women of other ethno-religious groups and women practicing Islam. The prerequisites are created for the confrontation of the rights of access to education and cultural, religious rights. A breeding ground for Muslim women's marginalization and estrangement from the means of the legal protection appears. Girls are experiencing psychological and sometimes physical pressure, which leads to psychological trauma, which may subsequently affect their health and motherhood. This does not promote "understanding, tolerance and friendship among all nations, racial or religious groups", but rather the contrary sows prejudice and xenophobia among Russian citizens.

In connection with the above stated, we consider it essential that during the discussion CEDAW OHCHR will be able to define the terms "secular", "secular state", will consider whether the students' form of clothing (the Muslim kerchief) is a threat to the secular character of education in educational institutions, whether the students' uniforms contradict the principle of the secular character of the educational program (as we believe that the secular character of education implies a lack of mandatory religious subjects and religious rituals in the educational program). And as a result of the discussion it is necessary to accept some recommendations by all member-countries of the Convention on the Elimination of All Forms of Discrimination against Women, in which there will be no connection between the secular character of education and the appearance, the student girls' uniform (the Muslim kerchief (hijab)). As well as it is essential to establish the fact that such an approach to the form of clothing in educational institutions contrasts with the international normative acts and the guidelines of CEDAW OHCHR mentioned in this report.

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