



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/RUS/CO/19
22 September 2008

Original: ENGLISH

**COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION**
Seventy-third session
28 July-15 August 2008

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

RUSSIAN FEDERATION

1. The Committee considered the combined eighteenth and nineteenth periodic reports of the Russian Federation (CERD/C/RUS/19) at its 1882nd and 1883rd meetings (CERD/C/SR.1882 and 1883), held on 31 July and 4 August 2008. At its 1897th and 1898th meetings (CERD/C/SR.1897 and 1898), held on 13 August 2008, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the detailed report and written replies by the Russian Federation (CERD/C/RUS/Q/19/Add.1). It appreciates the comprehensive answers and explanations provided by the high-level delegation in response to the Committee's questions, as well as the constructive dialogue between the Committee and the delegation.

B. Positive aspects

3. The Committee welcomes the qualification of certain criminal offences in the revised Criminal Code (2007) as offences for which the motive of ethnic, racial or religious hatred or enmity is an aggravating circumstance, including homicide (art. 105), bodily harm (arts. 111, 112 and 115), threat of murder or infliction of grave injury to health (art. 119), involvement of minors in crime (art. 150), hooliganism (art. 213), vandalism (art. 214) and desecration of moral remains or places of burial (art. 244).

4. The Committee notes with appreciation the adoption in 2006 of a Federal Law on Advertising which prohibits the use in commercial advertisements of indecent and offensive images, comparisons and expressions, based on race and ethnicity.

5. The Committee welcomes the adoption in 2006 of the Federal Law on Migration Registration of Foreign Nationals and Stateless Persons in the Russian Federation and of amendments to the Federal Law on the Legal Status of Foreign Citizens in the Russian Federation, simplifying the procedure for obtaining work permits and temporary residence permits especially for non-citizens who have newly arrived in the State party.

6. The Committee notes with appreciation that the Federal Law on General Principles of Organization of Local Self-Government in the Russian Federation of 6 October 2003 confers the competence for ensuring the rights of national and cultural autonomies on the local self-governments, including support to educational institutions in the field of learning national languages.

7. The Committee welcomes the establishment of an institutional framework for the protection of the rights of ethnic minorities and small indigenous peoples, in particular:

(a) The establishment in 2004 of a Ministry of Regional Development comprising a Department on Inter-Ethnic Relations with primary responsibility in this field;

(b) The establishment in 2004 of the Presidential Council for Promoting the Development of Civil Society Institutions and Human Rights and the important range of its activities;

(c) The creation in 2006 of the 'Social Forum' comprising a Commission for Tolerance and Freedom of Conscience with a mandate to proactively combat all forms of nationalism and intolerance;

(d) The newly established Advisory Council on the Affairs of Autonomous Ethnic Cultural Organizations.

8. The Committee notes with appreciation that the State party has made substantial voluntary contributions to the Office of the High Commissioner for Human Rights, earmarked for the preparation of the 2009 Durban Review Conference.

C. Concerns and recommendations

9. While noting that the Federal Law amending and supplementing the Criminal Code of 8 December 2003 inserted a definition of punishable discriminatory acts into article 136 of the Criminal Code, based exclusively on violations of the rights, freedoms and legitimate interests of individuals and citizens in connection with, inter alia, their race or ethnic background, the Committee is concerned that there is no comprehensive definition of racial discrimination covering all fields of law and public life (art. 1, para.1)

The Committee recommends that the State party consider adopting a clear and comprehensive definition of racial discrimination in its legislation, including all acts of direct as well as indirect discrimination, that covers all fields of law and public life, in accordance with article 1, paragraph 1, of the Convention.

10. The Committee notes the State party's explanation that it refrains from collecting comparative statistical data on the enjoyment by ethnic minorities of the rights protected under the Convention in order to prevent any discrimination on the basis of ethnicity. It is nevertheless concerned that, without such data, it is very difficult to assess the socio-economic status of the different ethnic groups in the State party and, on that basis, adopt special measures to address any inequalities in the enjoyment of those rights (art. 2).

The Committee requests the State party to provide detailed information in its next periodic report on the enjoyment by ethnic minorities and non-citizens of the rights protected under the Convention, including the rights to work, housing, health, social security and education, disaggregated by gender, ethnic group and nationality, and recommends that a mechanism for systematic data collection be developed for that purpose.

11. While noting that a number of sectoral laws such as the Labour Code include anti-discrimination provisions, the Committee nevertheless expresses concern that the State party has not yet adopted comprehensive civil and administrative legislation to prevent and combat racial discrimination in all areas (art. 2, para. 1 (d)).

The Committee recommends that the State party consider adopting comprehensive anti-discrimination legislation, covering direct as well as indirect discrimination and providing for a shared burden of proof in civil and administrative court proceedings concerning acts of racial discrimination.

12. The Committee notes that article 286 of the Criminal Code criminalizes violations of rights and lawful interests of individuals and organizations committed in an official capacity while exceeding official powers. It is nevertheless concerned that, despite this provision, ethnic minorities such as Chechens and other persons originating from the Caucasus or from Central Asia, as well as Roma and Africans, reportedly continue to be subject to disproportionately frequent identity checks, arrests, detentions and harassment by the police and other law enforcement officers (arts. 2, para. 1 (a), 5 (b) and 5 (d) (i)).

The Committee recommends that the State party take appropriate action, including disciplinary or criminal proceedings, against public officials who engage in racially selective arrests, searches or other unwarranted acts based solely on the physical appearance of persons belonging to ethnic minorities, provide continuous mandatory human rights training to police and other law enforcement officers to prevent such profiling, and amend the performance targets for the police accordingly. In this connection, the Committee draws the attention of the State party to general recommendation 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system.

13. Taking into consideration the dialogue held with the Russian delegation, the Committee notes with concern reports about searches of Georgian businesses, police demands for lists of names of Georgian students, identity checks, destruction of identity papers, detention in inhumane conditions, deportations under a simplified procedure and other repressive measures against Georgian nationals and ethnic Georgians in 2006 (arts. 2, para. 1 (a), 5 (b) and 5 (d) (i)).

The Committee recommends that the State party undertake a thorough investigation, through an independent body, into all allegations of unlawful police conduct against Georgian nationals and ethnic Georgians in 2006 and adopt measures to prevent the recurrence of such acts in the future.

14. The Committee is concerned at the absence of a federal government programme addressing the social and economic marginalization of the Roma (art. 2 and 5 (e)).

The Committee recommends that the State party adopt a national plan of action that includes special measures for the promotion of access by Roma to employment, personal documents, residence registration, adequate housing with legal security of tenure, education and other economic, social and cultural rights, in accordance with general recommendation 27 (2000) on discrimination against Roma, and allocate sufficient resources for the effective implementation of that plan.

15. While noting the information provided by the State party on the substantial federal funds allocated to the federal target programme for the economic and social development of the small indigenous peoples until 2011, the Committee is nevertheless concerned about the reportedly ineffective implementation of the programme and about the lack of information on its concrete results (art. 2).

The Committee recommends that the State party further intensify its efforts to effectively implement the federal target programme for the economic and social development of the small indigenous peoples, extend it to all peoples that

self-identify as ‘indigenous’, and provide information on the concrete results achieved under the programme in its next periodic report.

16. While acknowledging the State party’s efforts to combat incitement to racial, ethnic and religious hatred in the media and, albeit to a more limited extent, in political discourse, the Committee notes with concern the increase in the number of racist and xenophobic statements in the media, including in mainstream media and publications by established publishing houses, on the internet, and in the discourse of public officials and political parties, targeting ethnic minorities such as Chechens and other persons originating from the Caucasus or from Central Asia, Roma, Africans, as well as ethnic minorities of Muslim or Jewish faith (arts. 4 (a) and (c)).

The Committee recommends that the State party intensify its efforts to combat ethnically motivated hate speech in the media, on the internet and in political discourse, by publicly condemning such statements, imposing adequate sanctions for publicly making racist statements, making full use of official warnings under articles 4 and 16 of the Federal Law on the Means of the Mass Media, and by closing, if appropriate, any media outlets inciting to racial hatred. It also recommends that the State party effectively cooperate with third States from where Russian-speaking internet sites operate, and that it train judges, procurators, the police and law enforcement officers on the application of article 282 of the Criminal Code and other relevant criminal law provisions.

17. The Committee is concerned about reports that the broad scope of the Law on Combating Extremist Activities lends it to arbitrary application and that the law is not systematically applied against ultra-nationalist, skinhead and neo-nazi groups in the State party which harass and assault members of ethnic minorities (arts. 4 (b), 5 (d) (vii) and 6).

The Committee recommends that the State party give primary consideration to combating extremist organizations, and their members, engaging in activities motivated by racial, ethnic or religious hatred or enmity, when applying the Law on Combating Extremist Activities as well as article 282 of the Criminal Code.

18. While noting with appreciation the explanation given by the Head of the Russian delegation concerning the root causes of racist and xenophobic attitudes among parts of Russian society, the Committee is nevertheless gravely concerned about the alarming increase in the incidence and severity of racially motivated violence, especially by young persons belonging to extremist groups and, in some cases, by extremist elements of Cossack organizations, against Chechens and other persons originating from the Caucasus or from Central Asia, Roma, Meshketian Turks, Muslims, Africans and other ethnic minorities (art. 5 (b)).

The Committee recommends to the State party to further intensify its efforts to combat racially motivated violence, including by ensuring that judges, procurators and the police take into account the motive of ethnic, racial or religious hatred or enmity as an aggravating circumstance in any proceedings under the criminal law provisions mentioned in paragraph 3 above, and to provide updated statistical data on the number and nature of reported hate crimes, prosecutions, convictions and sentences imposed on perpetrators, disaggregated by age, gender and national or ethnic origin of victims.

19. The Committee notes the absence of statistical data on the number of asylum applications and applications for refugee status lodged with the competent authorities of the State party, as well as on the number of cases where such applications were granted (art. 5 (b)).

The Committee requests the State party to include in its next periodic report updated statistical data on the number of asylum and refugee applications received per year and on the number of cases where such applications were granted, disaggregated by national or ethnic origin of the applicants.

20. The Committee notes with concern that none of the small indigenous peoples of the State party are represented in the State Duma of the Federal Assembly and that, according to information from intergovernmental bodies, the provisions in the Law on Guaranteeing the Rights of Small Indigenous Peoples, which envisaged quotas for indigenous peoples in the legislative bodies of the territorial entities of the State party, were abrogated in 2004 (art. 5 (c)).

The Committee recommends that the State party consider introducing guaranteed seats or mandatory quotas to ensure that the small indigenous peoples of the North, Siberia and the Russian Far East are represented in the legislative bodies, as well as in the executive branch and in public service, at the regional and federal levels, and ensure their effective participation in any decision-making processes affecting their rights and legitimate interests.

21. While noting the information from the Russian delegation concerning the considerable number of internally displaced persons (IDP) who have returned to the Chechen Republic and the substantial funds allocated to facilitating their return, the Committee is nevertheless concerned about reports that IDPs from Chechnya are sometimes pressured to return and to relocate from temporary accommodation centres in Ingushetia and Grozny, and that IDPs within Chechnya are not eligible for, and those outside Chechnya are sometimes denied, forced migrant status (art. 5 (d) (i) and 5 (e) (iii)).

The Committee recommends that the State party ensure that internally displaced persons from Chechnya are not pressured to return to their pre-conflict places of residence if they fear for their personal safety, that returnees who are relocated from temporary accommodation centres in Ingushetia and

Grozny are provided with adequate alternative housing, and that all IDPs are granted forced migrant status and the related benefits.

22. While noting that Federal Act No. 5242-1 of 1993 on Russian citizens' rights to freedom of movement, choice of address and place of residence in the Russian Federation provides that registration shall not constitute a precondition for the exercise of citizens' rights, the Committee is concerned about reports that, in practice, the enjoyment of many rights and benefits depends on registration, and that the police is often reluctant to grant residence registration to Chechens and other persons originating from the Caucasus, Roma, Meshketian Turks, Yezidis, Kurds and Hemshils in Krasnodar Krai, Tajiks, non-citizens from Africa and Asia, as well as asylum-seekers and refugees (art. 5 (d) (i)).

The Committee recommends that the State party carefully monitor the implementation of its system of residence registration, sanction officials who deny registration on ethnically discriminatory grounds, and provide effective remedies to victims, with a view to eliminating any discriminatory impact of the registration system on ethnic minorities.

23. The Committee is concerned about reports that former Soviet citizens who did not acquire Russian citizenship in the early 1990s, including many Meshketian Turks, Yezidis, Kurds and Hemshils in Krasnodar Krai, Afghans, as well as Armenians and Russians who fled from Azerbaijan to Moscow, Moscow Oblast, Krasnodar Krai, Stavropol Krai and Rostov Oblast between 1998 and 1992, are barred from the simplified procedure for granting Russian citizenship under article 14 of the Federal Law on Citizenship of the Russian Federation of 2002 if they cannot prove residence registration, and must undergo the same cumbersome and reportedly arbitrary procedure for obtaining temporary residence permits as any foreign citizen or stateless person, subject to regional quotas, since the entry into force of the Federal Law on the Legal Status of Foreign Citizens on 1 November 2002 (art. 5 (d) (i) and (iii)).

The Committee recommends that the State party facilitate access to residence registration and Russian citizenship by all former Soviet citizens on the basis of a simplified procedure and irrespective of the ethnicity of applicants.

24. The Committee notes with concern that recent changes to federal legislation regulating the use of land, forests and water bodies, in particular the revised Land (2001) and Forest (2006) Codes and the new Water Code, deprive indigenous peoples of their right to preferred, free and non-competitive access to land, fauna and biological as well as aquatic resources, on which they rely for their traditional economic activities, and that the grant of licences to private companies for activities such as logging, extraction of subsoil resources and the construction of pipelines or hydroelectric dams leads to privatization and ecological depletion of territories traditionally inhabited by indigenous peoples (art. 5 (d) (v)).

The Committee recommends that the State party take legislative and other effective measures to implement the Federal Law on Territories of Traditional Nature Use (2001); reinsert the concept of free-of-charge use of land by indigenous peoples into the revised Land Code and the Law on Territories of Traditional Nature Use, and the concept of preferential, non-competitive access to natural resources into the Forest and Water Codes; seek the free informed consent of indigenous communities and give primary consideration to their special needs prior to granting licences to private companies for economic activities on territories traditionally occupied or used by those communities; ensure that licensing agreements provide for adequate compensation of the affected communities; and withdraw support for the Evenkiiskaya dam and other large scale projects threatening the traditional lifestyle of indigenous peoples.

25. The Committee is concerned about reports that non-citizens and ethnic minority workers are often subject to exploitative conditions of work as well as discrimination in job recruitment (art. 5 (e) (i)).

The Committee recommends that the State party intensify its efforts to protect non-citizens and ethnic minority workers against exploitative work conditions and discrimination in job recruitment, e.g. by providing effective remedies for victims and by training judges and labour inspectors on the application of articles 2 and 3 of the Labour Code.

26. The Committee is concerned about the destruction of Roma settlements, often on the basis of court orders to demolish illegally constructed dwellings, in numerous cities and regions of the State party, and about the disproportionate effects that such demolitions and forced evictions may have on the Roma families concerned (art. 5 (e) (iii)).

The Committee recommends that the State party review its policy of demolishing illegally constructed Roma settlements when the dwellings have existed for a long time, legalize existing settlements to the extent possible, and provide adequate alternative housing whenever forced evictions of Roma take place.

27. The Committee notes with concern reports about segregation of children belonging to ethnic minorities, in particular Roma, in special remedial classes, as well as about instances where ethnic minority children whose parents lack residence registration were denied access to education by local school authorities, despite contrary instructions from the Federal Ministry of Education (art. 5 (e) (v)).

The Committee recommends that the State party carefully review the criteria by which children are allocated to special remedial classes and take effective measures to ensure that ethnic minority children, including Roma, are fully integrated into the general education system. It further recommends that the

State party ensure that local school authorities admit all children, irrespective of ethnicity and registration status of their parents.

28. The Committee notes the absence of information on complaints or court decisions in civil or administrative proceedings concerning acts of racial discrimination (art. 6).

The Committee requests the State party to provide updated information in its next periodic report on the number of complaints about acts of racial discrimination and on the decisions taken in civil and administrative court proceedings. It reminds the State party that the absence of complaints and legal action by victims of racial discrimination may be merely an indication of a lack of awareness of the availability of legal remedies or of insufficient will on the part of the authorities to apply such remedies. In that regard, the Committee calls on the State party to ensure that victims of racial discrimination have access to effective legal remedies enabling them to seek redress, and to inform the public about such remedies.

29. The Committee is concerned about the increase of racist and xenophobic attitudes especially among young Russians (art. 7).

The Committee recommends that the State party further intensify its education and awareness-raising campaigns to combat prejudices against ethnic minorities and to promote inter-ethnic dialogue and tolerance within society, in particular among the Russian youth.

30. The Committee encourages the State party to consider ratifying the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as Convention No. 169 (1989) of the International Labour Organization concerning Indigenous and Tribal Peoples in Independent Countries.

31. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I) when implementing the Convention in its domestic legal order, particularly with regard to articles 2 to 7 of the Convention. The Committee also urges the State party to include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

32. The Committee recommends that the State party ratify the amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the 14th meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee cites Assembly resolution 61/148, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures

with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

33. The Committee recommends that the State party's reports be made readily available to the public at the time of their submission, and that the observations of the Committee with respect to those reports be similarly publicized.

34. The Committee recommends that the State party consult widely with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of its next periodic report.

35. The Committee invites the State party to update its core document in accordance with the requirements of the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the human rights treaty bodies in their fifth inter-committee meeting, held in June 2006 (see HRI/GEN/2/Rev.4).

36. In accordance with article 9, paragraph 1, of the Convention and article 65 of its amended rules of procedure, the Committee requests the State party to provide information, by 15 August 2009 at the latest, on the measures it has taken to implement the recommendations contained in paragraphs 16, 18, 23 and 26 above during the year following the adoption of the present concluding observations.

37. The Committee recommends that the State party submit its combined twentieth to twenty-second periodic reports in a single document, due on 6 March 2012, taking into account the guidelines for the CERD-specific document (CERD/C/2007/1), as adopted by the Committee at its seventy-first session, and that the report be an update document and address all points raised in the present concluding observations.
