



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the twenty-third and twenty-fourth periodic reports of the Russian Federation\*

1. The Committee considered the twenty-third and twenty-fourth periodic reports of the Russian Federation (CERD/C/RUS/23-24), submitted in a single document, at its 2552nd and 2553rd meetings (see CERD/C/SR.2552 and 2553), held on 3 and 4 August 2017. At its 2570th and 2572nd meetings, held on 16 and 17 August 2017, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the twenty-third and twenty-fourth periodic reports of the State party, which included responses to the concerns raised by the Committee in its previous concluding observations. The Committee wishes to commend the open dialogue with the State party's multi-sectoral delegation. The Committee also notes the additional information submitted in writing after the dialogue.

#### B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative, institutional and policy measures:

(a) The creation of the Federal Agency for Ethnic Affairs, established pursuant to Presidential Decree No. 168 of 31 March 2015;

(b) The development of the State Nationalities Policy;

(c) The extension until 31 December 2020 of the simplified naturalization procedure for former Soviet Union citizens envisaged by the State party's Federal Law on Citizenship;

(d) Government decision No. 1156 of 16 December 2013, approving rules of conduct for spectators at official sporting events, and Ministry of Sport order No. 702 of 2 September 2013, approving the procedure for the recognition of different sports and sporting disciplines and their incorporation in a national register of sport.

4. The Committee further welcomes the ratification by the State party on 24 September 2013 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

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\* Adopted by the Committee at its ninety-third session (31 July-25 August 2017).



## C. Concerns and recommendations

### Visibility of the Convention

5. Bearing in mind the direct applicability of the Convention in the State party's legal order, the Committee regrets the scarcity of the information on court cases in which the Convention's provisions were invoked before, or applied by, domestic courts (art. 2).

6. **The Committee recommends that the State party take appropriate measures, including through training, to ensure that judges, prosecutors and lawyers have sufficient knowledge of the provisions of the Convention to enable them to apply them in relevant cases. It requests the State party to include in its next periodic report specific examples of the application of the Convention by domestic courts.**

### Disaggregated data

7. The Committee notes the information provided by the State party on studies carried out during the period under review, including concerning ethnic groups, yet is concerned that the data provided do not provide a comprehensive appraisal of the enjoyment of economic and social rights, such as housing, education, employment and health care, disaggregated by ethnic groups, including Roma and indigenous peoples (art. 1).

8. **Bearing in mind the guidelines for reporting under the Convention (see CERD/C/2007/1, para. 7) and recalling its general recommendation No. 24 (1999) concerning article 1 of the Convention, the Committee recommends that the State party provide statistical data, disaggregated by sex, on the socioeconomic situation and representation in education, employment, health, housing and public and political life of ethnic groups, including Roma and indigenous peoples, in order to provide it with an empirical basis to evaluate the equal enjoyment of rights under the Convention.**

### Anti-discrimination legislation

9. The Committee regrets that, despite its previous recommendation, comprehensive anti-discrimination legislation is still absent from the State party's legal order. Moreover, while noting the existence of equality guarantees in a number of federal and regional legislative acts, including as contained in article 136 of the State party's Criminal Code, the Committee is concerned that such legislation covers only limited spheres of life and is not compliant with the requirements of article 1 of the Convention (arts. 1 and 4).

10. **The Committee reiterates its previous recommendation (CERD/C/RUS/CO/20-22, para. 7) and urges the State party adopt comprehensive anti-discrimination legislation containing a clear definition of direct and indirect forms of racial discrimination covering all fields of law and public life in accordance with article 1 (1) of the Convention. It also recommends that the State party bring the definition of discrimination as contained in article 136 of its Criminal Code in line with the Convention.**

### Laws on combating extremism and on "foreign agents" and "undesirable organizations"

11. The Committee is concerned that the definition of extremist activity as contained in the Federal Law on Combating Extremist Activity remains vague and broad, which is further exacerbated by the new Criminal Code provisions with similar contents, and that no clear and precise criteria on how materials may be classified as extremist are provided in the law. The Committee is particularly concerned that such broad definitions can be used arbitrarily to silence individuals, in particular those belonging to groups vulnerable to discrimination, such as ethnic minorities, indigenous peoples or non-citizens. It is also concerned about the continuous classification of some non-governmental organizations (NGOs) as foreign agents, which can have a negative impact on their operational activities and in some instances has led to their closure. Many NGOs promote and protect the rights of ethnic or religious minorities and indigenous peoples. The Committee is further

concerned about Federal Law No. 129-FZ, adopted in 2015, which empowers the Prosecutor General and deputies to declare foreign or international organizations “undesirable” if they decide that the organization is a threat to national security (arts. 2 and 4).

**12. The Committee reiterates its recommendation (CERD/C/RUS/CO/20-22, para. 13) that the State party amend the definition of extremism in the Law on Combating Extremism and in articles 280 and 282 of the Criminal Code to ensure that it is clearly and precisely worded, in accordance with article 4 of the Convention. The State party is also requested to do away with the federal list of extremist materials. The Committee also recommends that the Federal laws on Non-commercial Organizations and on “Undesirable Organizations” be reviewed to ensure that NGOs, including those working with ethnic minorities, indigenous peoples, non-citizens and other vulnerable groups that are subjected to discrimination, are able to carry out their work effectively to promote and protect, without any undue interference, the rights contained in the Convention.**

#### **Complaints of racial discrimination**

13. The Committee is concerned that the data provided by the State party on the implementation of anti-discrimination provisions do not explicitly indicate the number or extent of incidents, complaints submitted, investigations launched, ex officio prosecutions, convictions, administrative sanctions or disciplinary measures handed down, in relation to cases of discrimination solely on grounds of race or ethnic origin. The Committee is also concerned about the limited number of complaints of racial discrimination submitted to the Commissioner for Human Rights in the Russian Federation (arts. 2 and 6).

**14. Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee:**

(a) **Requests updated disaggregated statistics and detailed information on the number and types of complaints on racial discrimination reported to the penal, civil and administrative bodies and to the police, and their outcome, including convictions or disciplinary measures handed down and compensation to victims;**

(b) **Recommends that the State party take measures to ensure that cases of racial discrimination brought before the Commissioner for Human Rights in the Russian Federation are investigated effectively, and that it provide updated detailed information in its next periodic report on the work of the Commissioner, including its consideration of complaints of racial discrimination;**

(c) **Calls on the State party to undertake public education campaigns on the rights provided in the Convention and domestic legislation under which those rights can be invoked, on the work of the Commissioner and on the methods for filing complaints of racial discrimination.**

#### **Hate crimes and racist hate speech**

15. While noting the information that violent racist attacks have decreased in recent years, the Committee expresses its concern that:

(a) **Violent racist attacks undertaken by groups such as neo-Nazi groups and Cossack patrols, targeting particularly people from Central Asia and the Caucasus and persons belonging to ethnic minorities including migrants, Roma and people of African descent, remain a pressing problem in the State party;**

(b) **De facto racial profiling by the police persists in the State party, targeting in particular migrants, people from Central Asia and the Caucasus and persons of Roma origin, and manifests itself inter alia by arbitrary identity checks by the police and unnecessary arrests;**

(c) **Racist hate speech is still used by officials and politicians, especially during election campaigns, and remains unpunished;**

(d) Some media outlets continue to disseminate negative stereotypes and prejudices against ethnic minority groups, including Roma (arts. 2, 4 and 6).

16. **Recalling its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party:**

(a) **Concentrate its efforts to respond seriously to racist attacks carried out by ultra-nationalist and neo-Nazi groups and Cossack patrols, and ensure that the perpetrators of such attacks are prosecuted and, if convicted, adequately punished;**

(b) **Develop training programmes on racial discrimination with law enforcement officers, including police, prosecutors and the judiciary, including on racial profiling and on proper methods for identifying, registering, investigating and prosecuting racist incidents, hate crimes and cases of hate speech;**

(c) **End the practice of racial profiling by the police and undertake prompt, thorough and impartial investigations into all allegations of racial profiling, holding those responsible accountable and providing effective remedies, including compensation and guarantees of non-repetition;**

(d) **Effectively investigate and, as appropriate, prosecute and punish acts of hate speech, including those committed by politicians during political campaigns;**

(e) **Ensure that media regulatory bodies investigate and repress manifestations of racism, xenophobia and intolerance, adequately discipline and punish perpetrators, and take effective measures to ensure that the media implement decisions of the Public Board on Complaints Against the Press;**

(f) **Intensify its efforts to raise the awareness of the public, civil servants and law enforcement officials on the importance of cultural diversity and inter-ethnic understanding in order to combat stereotypes, prejudices and discrimination against migrants, especially from Central Asia and the Caucasus, Roma, indigenous peoples, Muslims and people of African descent.**

#### **Racism in sport**

17. The Committee welcomes the measures taken by the State party to prevent manifestations of racial discrimination in sport, including the implementation of a cooperation arrangement with the Office of the United Nations High Commissioner for Human Rights (OHCHR) on combating racial discrimination in sport and the development of a special handbook for the prevention of discrimination in sport, as well as steps taken to discipline perpetrators of racist statements and manifestations during sporting events. However, in the light also of the upcoming World Cup in 2018, the Committee expresses its concern that racist displays remain deeply entrenched among football fans, especially against persons belonging to ethnic minorities and people of African descent (arts. 2 and 4).

18. **The Committee recommends that the State party intensify its measures to vigorously combat racist behaviour in sport, particularly in football, and ensure that sporting regulatory bodies, investigate manifestations of racism, xenophobia and intolerance, including by imposing deterring fines and other administrative sanctions. The Committee encourages the State party to pursue its intent to create and operationalize a system of inspectors under the Russian Football Union and to develop means to eliminate any possible racist manifestations during the World Cup in 2018.**

#### **Convention rights of residents of Crimea**

19. The Committee notes that, in its periodic reports, the State party reported on the situation in Crimea. Without prejudice to the legal status of Crimea under international law, and emphasizing the fundamental importance of the principle of territorial integrity of all States Members of the United Nations, the Committee notes that Crimea is under the effective control of the Russian Federation. The Committee appreciates the delegation's statement that the State party considers mandatory the Order of the International Court of Justice dated 19 April 2017 in the case *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the*

*Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*. In that Order, the Court indicated provisional measures “[w]ith regard to the situation in Crimea”, to the effect that the Russian Federation must “[r]efrain from maintaining or imposing limitations on the ability of the Crimean Tatar to conserve its representative institutions, including the Mejlis” and “[e]nsure the availability of education in Ukrainian language”. With regard to the situation in Crimea, the Committee also is particularly concerned about the ban and strict limitations on the operation of Crimean Tatar representative institutions, such as the outlawing of the Mejlis and the closure of several media outlets, and about violations of Crimean Tatars’ human rights, including allegations of disappearances, criminal and administrative prosecutions, mass raids and interrogations. The Committee is further concerned about restrictions on using and studying the Ukrainian language since the conflict erupted in 2014 (arts. 2, 5 and 6).

20. **The Committee recommends that the State party allow OHCHR full access to Crimea to take stock of the human rights situation. The Committee urges the State party to repeal any administrative or legislative measures adopted since the State party started to exercise effective control over Crimea that have the purpose or effect of discriminating against any ethnic group or indigenous peoples on grounds prohibited under the Convention, including in relation to nationality and citizenship rights, the registration of religious communities and the operation of Crimean Tatar representative institutions. It also recommends that the State party investigate effectively the allegations of violations of human rights of the Crimean Tatars, in particular abductions, enforced disappearances, arbitrary detention and ill-treatment, and bring perpetrators to justice and provide victims or their families with effective remedies. Moreover, the Committee recommends that the State party take effective measures to ensure that the Ukrainian language is used and studied without interference.**

#### **Roma**

21. While taking note of the information about the adoption of a plan for social, economic, ethnic and cultural development of Roma in the period 2013-2014, the Committee remains highly concerned that Roma continue to be discriminated against. The Committee is particularly concerned about:

(a) The continuous absence of an overarching policy for overcoming structural discrimination against Roma;

(b) The persistence of de facto segregation in education faced by Roma children, combined with very low education outcomes and school completion rates, especially at the secondary school level;

(c) The lack of genuine solutions to address the deficit of adequate housing for Roma, as they remain concentrated in informal settlements lacking access to basic services, and at the risk of removal due to lack of security of tenure;

(d) The persistence of forced evictions of Roma and house demolitions, without offering alternative housing or compensation to affected Roma individuals and families, many of whom as a result have become homeless (arts. 2, 3 and 5).

22. **Recalling its general recommendation No. 27 (2000) on discrimination against Roma, the Committee urges the State party to adopt and implement without further delay a comprehensive policy to address the structural discrimination faced by Roma and to ensure that the policy contains a particular focus on the rights of Roma women in accordance with its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, and supplemented with an effective and well-resourced action plan with timelines and concrete targets. In doing so, the Committee recommends that the State party engage Roma communities and representatives in the design, implementation and evaluation of the policy and action plan and consult with civil society organizations, especially those working on the promotion and respect of Roma rights. The Committee further recommends that the State party:**

(a) **Put an end to de facto segregation in education and ensure that all children, including Roma, enjoy their right to inclusive and quality education;**

(b) **Take effective measures, including special measures in accordance with its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, with a view to enhancing rates of school attendance and completion among Roma children and to improving their educational achievements. To that end, the State party should also intensify its efforts aimed at increasing preschool enrolment among Roma children;**

(c) **Provide genuine solutions for Roma housing problems while engaging Roma in such an undertaking. In that regard, the State party is requested to halt immediately any incident of forced eviction of Roma and house demolition. Instead, the State party should prioritize security of tenure to all Roma communities and consider legalizing informal settlements and ensure that such settlements have access to basic services and are not subject to punitive measures by the authorities, such as gas supply cuts and police raids. Alternatively, when resettlement is absolutely necessary, the State party should provide alternative adequate housing and compensation to affected Roma individuals and families.**

### **Indigenous peoples**

23. The Committee is concerned that:

(a) The legal definition of indigenous peoples in the State party imposes a numerical ceiling of 50,000 individuals, beyond which a self-identified indigenous group may not be classified as indigenous and is thus prevented from enjoying legal protection of their lands, resources and livelihoods;

(b) Since the adoption in 2001 of the Federal Law on Territories of Traditional Nature Use of Small Indigenous Peoples of the North, Siberia and the Far East, the State party failed to establish any federally protected territories under the Law. Moreover, the Committee is concerned that new legislation, namely Federal Laws Nos. 171-FZ and 499-FZ dated 2014, have further weakened indigenous peoples land rights;

(c) Extractive and development projects have caused irreparable damages on indigenous peoples' right to use and enjoy their traditionally owned lands and natural resources, and that the State party has frequently failed to respect the principle of free, prior and informed consent of indigenous peoples;

(d) Indigenous fisheries face various bureaucratic barriers for obtaining fishing rights in addition to unnecessary restrictions on how to practise fishing, such as the prohibition to use nets, which are not imposed on commercial or recreational fishing (arts. 2, 5 and 6).

24. **In line with its general recommendation No. 23 (1997) on the rights of indigenous peoples (1997), the Committee urgently calls upon the State party to:**

(a) **Undertake the legal revision necessary with a view to ensuring that indigenous peoples, regardless of their numbers, are recognized as such and can enjoy legal and constitutional protection of their cultural, territorial and political rights;**

(b) **Take immediate measures to establish federally protected territories under the 2001 Federal Law on Territories of Traditional Nature Use of Small Indigenous Peoples of the North, Siberia and the Far East, and repeal recent legislation that weakens the implementation of that Law;**

(c) **Take appropriate steps to ensure that, with a view to securing free, prior and informed consent, consultations are carried out systematically, in good faith, in a timely fashion and with the appropriate information being provided to the indigenous peoples concerned;**

(d) **Ensure that all projects for development or exploitation of natural resources and all legislative or administrative measures that could affect indigenous**

peoples are subjected to a process of prior consultation with a view to securing their free, prior and informed consent;

(e) **Remove any discriminatory restrictions on indigenous fisheries;**

(f) **Consider ratifying the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) and formally endorse the United Nations Declaration on the Rights of Indigenous Peoples.**

25. The Committee is concerned that, despite the information provided by the delegation, the rights of Shor people originally from the village of Kazas that was destroyed in 2013 have not yet been restored and that a resettlement plan has yet to be adopted. Moreover, the Committee is concerned that Shor people are prevented from visiting their original village, including their cemetery, because of armed checkpoints. Finally, the Committee is alarmed by the relocation of the sacred site of Shor people to another village, which was reportedly carried out by the State party without seeking the free, prior and informed consent of the concerned people (arts. 2, 5 and 6).

26. **The Committee recommends that the State party take effective measures to restore fully the rights of Shor people, in close consultation with Shor representatives and bodies. To that end, the Committee recommends that the State party: (a) provide compensation to Shor people for the loss of their lands and houses, including in the form of land substitution; (b) ensure that Shor people can gain access to their ancestral lands and cemetery; and (c) guarantee that the principle of free, prior and informed consent is respected in all decisions affecting Shor people.**

#### **Migrant workers**

27. The Committee is concerned about reports concerning labour exploitation of migrant workers, mostly coming from Central Asian countries and the Caucasus, who are concentrated in the informal economy and whose working conditions are characterized by low salaries, long working hours and no access to social security. The Committee is also concerned about the limited information about the coverage and effectiveness of labour inspections to detect labour violations and measures introduced to bring exploitative perpetrators to justice and compensate victims (arts. 2 and 5).

28. **The Committee reiterates its recommendation (CERD/C/RUS/CO/20-22, para. 19) that the State party ensure that migrant workers, regardless of their legal status, are effectively protected against exploitative conditions at work and discrimination during recruitment, including by facilitating access to effective remedies. The Committee also recommends that the State party take effective measures to ensure that labour inspections and other administrative or legal procedures reach all industries, in particular those in which migrant workers are overrepresented, with a view to detecting labour rights violations, bringing perpetrators to justice and compensating victims. The Committee requests that the State party provide in its next periodic report comprehensive data on the coverage of labour inspections and other administrative or legal procedures, including statistics of inspection visits, violations detected and sanctions or penalties imposed over the review period and compensation provided to victims, disaggregated among others by type of violation, industry or occupation, age, sex and ethnic origin of the victim.**

#### **Unregistered persons**

29. While noting some measures taken to simplify residency registration procedures, the Committee remains concerned about the high number of persons still not registered in the State party, including stateless persons, refugees and holders of temporary asylum and individuals belonging to some minority groups, including migrants and Roma, whose access to social services such as education, health care, employment and housing is as a result impeded (arts. 2, 5 and 6).

30. **In accordance with its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party take urgent measures to expedite the registration of all those seeking registration in a transparent**

manner. The Committee also recommends that the State party take measures to bring to an end any discriminatory or arbitrary behaviour by officials involved in registration activities. Moreover, the State party is requested to guarantee that the enjoyment of rights by all individuals in the Russian Federation is not dependent on residence registration. Finally, the State party is encouraged to accede to the 1954 Convention relating to the Status of Stateless persons and the 1961 Convention on the Reduction of Statelessness.

#### **Multi-ethnic-based education**

31. The Committee notes with appreciation the information provided by the delegation on education, in particular with regard to access and the preparation of students by being taught various disciplines, in addition to measures taken to ensuring literacy and linguistic competence and respect for cultures and mother tongues. However, it expresses its concern at the lack of information about the way in which history education is provided (arts. 2, 5 and 7).

32. **In the light of the multi-ethnic, multicultural and religiously diverse nature of the population of the State party, and its different historical experiences, the Committee recommends that history education be taught in such a way as to prevent a dominant historical narrative and ethnic hierarchizing.**

### **D. Other recommendations**

#### **Ratification of other instruments**

33. **The Committee encourages the State party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.**

#### **Follow-up to the Durban Declaration and Programme of Action**

34. **In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009.**

#### **International Decade for People of African Descent**

35. **In the light of General Assembly resolution 68/237, the Committee requests that the State include in its next periodic report precise information on the concrete measures adopted in the framework of the International Decade for People of African Descent, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.**

#### **Consultations with civil society**

36. **The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.**

**Amendment to article 8 of the Convention**

37. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

**Follow-up to the present concluding observations**

38. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 20 and 26 above.

**Paragraphs of particular importance**

39. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 12, 16, 22 and 28 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

**Dissemination of information**

40. The Committee recommends that the State party's reports be made readily available to and accessible by the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.

**Preparation of the next periodic report**

41. The Committee recommends that the State party submit its combined twenty-fifth and twenty-sixth periodic reports, as a single document, by 6 March 2020, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

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