



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

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Committee on the Elimination of Racial Discrimination
Eighty-second session

Summary record of the 2207th meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 12 February 2013, at 3 p.m.

Chairperson: Mr. Avtonomov

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* No summary records were issued for the 2205th and 2206th meetings.

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The meeting was called to order at 3.10 p.m.

Informal meeting with non-governmental organizations

1. *At the invitation of the Chairperson, the representatives of non-governmental organizations took places at the Committee table.*

Information relating to the twentieth to twenty-second periodic reports of the Russian Federation (CERD/C/RUS/20-22)

2. **Ms. Kulaeva** (Anti-Discrimination Centre MEMORIAL – SOVA Centre for Information and Analysis) said that the absence of anti-discrimination legislation in her country and the lack of a definition of racial discrimination in Russian legislation posed major obstacles when attempting to bring discrimination-related cases to court. Migrant workers from former Soviet states continued to suffer racist attacks on the streets and were often subjected to ethnic profiling by the police and immigration authorities. The scant legal protection for their employment rights often resulted in exploitation, sometimes in conditions that constituted modern forms of slavery. Roma communities lived in poor housing and faced a constant risk of eviction. When Roma settlements were demolished or families evicted, they lost their rights to all social benefits, including education. Roma children continued to be segregated in special classes and schools, which resulted in their receiving a lower standard of education. Regular Cossack patrols had begun to appear in 2012 in various regions of Russia, where they carried out law enforcement functions together with the police on so-called “contractual conditions”, despite their public espousal of Russian nationalist ideals. Small indigenous peoples continued to suffer numerous forms of direct and indirect discrimination, including poor access to education, health care, employment and housing and violations of their right to preserve their languages.

3. **Mr. Grib** (Civic Chamber of the Russian Federation) said that inter-ethnic tension between the 182 ethnic groups present in the Russian Federation often involved young people and football hooligans, sometimes resulting in violence against religious leaders and vandalism of religious sites. There was an urgent need for effective human rights education in schools in order to curb the xenophobic tendencies visible in major cities, which particularly targeted migrant workers. Legislative amendments and changes to police practice were also necessary. While liberalized legislation on political parties had paved the way for some nationalist leaders to attempt to create parties based on ethnic hatred, the situation was generally better than in previous years. Nonetheless, there was a clear need for measures to be implemented in the regions to reduce ethnic and religious conflict. The State and NGOs should help migrants to become familiar with Russian language, history and legislation in order to facilitate their integration.

4. **Ms. Murashko** (Russian Association of Indigenous Peoples of the North (RAIPON)) said that the 41 small indigenous peoples of the North, Siberia and the Russian Far East lived in harsh natural conditions where they lacked access to social services, including health care and education. Many indigenous communities had suffered a significant reduction in their access to traditional resources and ways of life, such as fishing grounds and reindeer-herding. Almost 12 years after its adoption, the Federal Act on Areas of Traditional Resource Use had still not been implemented. On the contrary, the increasing number of land and resource concessions being issued to extractive industries was reducing the possibility of establishing such territories. Furthermore, owing to negligible environmental monitoring in those remote parts of the country, gross violations of environmental legislation were common, leading to the pollution of vast swathes of areas of traditional land use.

5. RAIPON and other NGOs working to uphold the rights of small indigenous peoples were increasingly monitored by the authorities, and recent legislative amendments would

deprive such organizations of financial assistance from abroad. Federal and local authorities were also forcing small indigenous peoples to carry out their traditional activities for their personal needs only. That jeopardized the future of the indigenous cooperatives, which were typically the only providers of employment and income in the indigenous territories.

6. **Ms. Crickley** (Country Rapporteur) asked whether domestic legislation contained a definition of the term “discrimination”. She would welcome additional details of the use of profiling by the police when dealing with migrants. It would be useful to know whether migrants could enter and reside in the State party legally but then face problems concerning work permits. She asked whether the NGOs had proposed a moratorium on evictions and the provision of culturally-appropriate alternative accommodation in order to improve the housing situation for the Roma community. It would be interesting to learn whether there was a direct link between the Cossack patrols and the problem of police profiling.

7. She would appreciate clarification of the mandate of the Civic Chamber of the Russian Federation and asked whether it was in effect a partnership between the State and the NGO community. Additional information should be provided on the specific initiatives the Civic Chamber had taken in different regions of the State party and their results. She asked what effects hooliganism had on the vulnerable groups that were of concern to the Committee.

8. She requested additional information on the limitations being placed on the small indigenous peoples of the North and preventing them from engaging in economic activities. Updated details of any progress in the implementation of the Federal Act on Areas of Traditional Resource Use would also be welcome. The Committee would appreciate information on the particular forms of discrimination suffered by women members of minority groups.

9. **Mr. Diaconu** asked whether the suspension of the activities of RAIPON remained in place and why the suspension had been imposed. He also wished to know why the Committee of the Federation Council on Northern Affairs and Affairs of Indigenous Small-numbered Peoples had been dissolved in November 2011 and whether it had since been replaced. It would be useful to learn whether indigenous people came under federal or regional protection in the State party.

10. **Mr. de Gouttes** asked which NGOs had been consulted in the preparation of the periodic report and whether the NGO community had been satisfied with their level of cooperation in that process. It was regrettable that, despite the Committee’s recommendation to that effect (CERD/C/RUS/CO/19, para. 9), there was still no definition of racial discrimination in the State party’s legislation. It would be useful to learn whether the NGOs considered the Interdepartmental Working Group on inter-ethnic relations to be an effective body. He would also appreciate the comments of the NGO representatives on the effectiveness of the cooperation and dialogue between religious organizations, which allegedly fostered inter-ethnic understanding. He wondered whether victims of racial discrimination had effective access to the criminal justice system.

11. **Mr. Murillo Martínez** asked whether the apparently significant increase in the number of neo-Nazi groups in the State party was symptomatic of a growth in racial discrimination. It would be interesting to know how such groups were regarded by the authorities and the general public. Additional details on racism in sport in the State party would be appreciated.

12. **Mr. Ewomsan** requested information on the situation of migrants of African descent in the State party.

13. **Mr. Saidou** asked whether NGOs were represented on the Presidential Council on the development of civil society and human rights and within the Office of the Human Rights Ombudsman.

14. **Ms. Kulaeva** (Anti-Discrimination Centre MEMORIAL – SOVA Centre for Information and Analysis) said that there was no definition of racial discrimination in domestic legislation. While some laws contained anti-discriminatory elements, they did not use the term “discrimination”. Clear definitions of the terms “discrimination”, “direct discrimination”, “indirect discrimination” and “segregation” were imperative for the effective implementation of the Convention.

15. Victims of hate speech had effective access to the Russian courts, particularly if they had also suffered violence, under anti-extremism legislation. Civil cases could be brought by victims of discrimination in education. However, access to the judicial system was severely limited for victims of racial discrimination, even in cases of racist statements by public figures.

16. Women in minority groups often faced double discrimination. They included migrant women, who were not allowed to work in certain professions, despite the fact that their Russian counterparts faced no such restrictions.

17. Migrants could enter the Russian Federation without visas, but could only stay for three months if they did not have a work permit. Those with a work permit could stay for one year. Those regulations discriminated harshly against the children of migrants, who were forced to leave after three months as they could not obtain work permits.

18. There was one very positive example of alternative housing for the Roma in Tyumen. As a Roma settlement was to be demolished to make way for business development, the company concerned had agreed to build alternative housing and each Roma family had received a fully equipped house and legally registered land. Her organization welcomed that practice, which should be emulated in other regions, where settlements were simply demolished and inhabitants forced into extreme poverty, creating a cumulative form of discrimination against the Roma.

19. The situation for African migrants was very different, as most needed visas to enter the country. Many of the African migrants in Russia were on student visas. Those who entered Russia on tourist visas faced major difficulties if they stayed in the country after expiry of their visa. Refugee status was almost never granted, and people could remain in refugee centres for up to 10 years without any progress in their situation. Those who remained in the country illegally risked being held in detention centres before being deported to their country of origin.

20. The difficulties with the Cossacks had arisen because they had always openly declared it their priority to act as Russia’s border guards and protect the Russian nation from internal and external enemies; they now considered migrants to be such enemies. Although there was a special law on the police that prohibited racial abuse, it was more difficult to control the Cossack patrols.

21. There had not been any major increase in neo-Nazi incidents over the past 10 years, but there were now more convictions for racially motivated crimes.

22. **Mr. Grib** (Civic Chamber of the Russian Federation) said that the Chamber was made up of representatives from the regions, NGOs, the business community, indigenous peoples and women’s groups, among others; it was not a political organization. The Chamber’s tasks included monitoring State bodies, the implementation of legislation and the activities of NGOs. The Chamber was involved in the drafting and implementation of a number of State programmes, including the strategy for a national ethnic policy, which was intended to address the problem of the definition of racial discrimination.

23. Regarding discrimination in sport, when people used racist language in football, it was brought to the attention of the law enforcement bodies. However, it was not a widespread phenomenon in Russia. It was important to have the support of the football clubs themselves and other stakeholders, such as sponsors, in order to counter problems.

24. The Chamber would draft a report by the end of the year on how racial tension was dealt with in a number of regions, and the mechanisms that could be applied.

25. **Ms. Murashko** (RAIPON) said that there was no conflict as such between indigenous rights and regular civil rights, but indigenous peoples in Russia were covered by special laws under which they had a number of rights protecting the area where they lived and their traditional lifestyles, and providing for their participation in the drafting and implementation of decisions relating to them.

26. Regarding a community's right to economic development, the destruction of the traditional territories of indigenous peoples for the exploitation of natural resources was a real problem, and the indigenous peoples endeavoured to protect their lands against such encroachment. They were accorded certain economic privileges in those areas when the use and processing of certain natural resources were involved, based on their right to use their traditional territories and pursue their traditional lifestyles. However, many of the provisions relating to the territories of traditional natural resource use were not being properly implemented. Although technically there were special territories for indigenous peoples, the Government could at any stage simply overturn the law and thus undermine the lifestyle of indigenous peoples.

27. Women were not discriminated against in the indigenous communities of the north. In fact, they had higher employment and education rates than men, whose traditional role as hunters and farmers meant that they were more likely to face discrimination in the workforce.

28. It was true that the activities of her organization had been suspended by the Ministry of Justice between 1 November 2012 and 30 April 2013 on bureaucratic grounds. The organization had taken steps to address the suspension, but did not know what decision would ultimately be taken by the authorities.

29. There was a department in the Ministry of Regional Development that dealt with issues relating to the peoples of the north and inter-ethnic relations. A number of regions now had regional legislation on indigenous peoples, and the existence or absence of such laws and policies could have an influence on the variations in indigenous populations in certain regions.

30. **Ms. Badmaeva** (RAIPON), referring to the interdepartmental working group on inter-ethnic relations, said that as it was a relatively new body, it was too early to judge its effectiveness. The group's third meeting had been held that week, when some interesting and important issues had been addressed. It had set up a special body that was currently drafting a professional code of ethics for journalists working on inter-ethnic issues.

31. A council on inter-ethnic relations had been set up in June 2012, composed of representatives of the prosecutor's office, various ministries, civil society and small indigenous peoples and chaired by the Russian President. The authors of the national strategy on ethnic policy had sought to ensure that the rights of indigenous peoples were spelled out in the greatest possible detail. Indigenous organizations had been invited to meetings on the drafting of the strategy, but unfortunately not all their comments had been taken into account.

32. **Ms. Abramenko** (ADC Memorial) said that NGOs had not been invited to discussions on the drafting of the State party report. In her view, religious organizations did not play a constructive role in inter-ethnic dialogue in Russia. There were human rights

councils in many regions, and a presidential human rights council in Moscow, on which human rights NGOs were represented.

Information relating to the fifteenth to nineteenth periodic reports of Algeria
(CERD/C/DZA/15-19)

33. **Ms. Taya** (National Advisory Commission for the Promotion and Protection of Human Rights) said that her organization had always participated in the drafting of the periodic reports submitted by Algeria to the international treaty bodies. The Commission was the independent national human rights mechanism. On its establishment in 2001, it had been awarded “A” status by the International Coordinating Committee of National Human Rights Institutions. However, following the Committee’s review of its reaccreditation procedure, it had recommended that the Commission adapt its statutes in accordance with the Paris Principles and granted it “B” status. The Commission had submitted the new statutes to the Government, and they had been promulgated in an order of August 2009 and adopted as law by parliament in October 2009.

34. Throughout that period, the Commission had continued to carry out activities for the protection and promotion of human rights. In the course of its work, it had established that constitutional provisions and national legislation, including the electoral, civil and criminal codes, prohibited all forms of discrimination regardless of the grounds. Domestic anti-discrimination legislation reinforced the international conventions against racial discrimination ratified by Algeria. Algerian society embodied the principles of equality and solidarity, and rejected all forms of exclusion and discrimination. Access to justice in Algeria was based on the principle of equality for all and excluded all forms of discrimination. In the area of economic rights, national legislation provided for, inter alia, equality between all citizens in terms of the right to work, equal pay for equal work and the right to social security.

35. As a monitoring and early warning mechanism, the Commission had not received any complaints from citizens concerning discriminatory practices.

36. **Ms. Faroudja** (AMUSNAW) said that her organization had noted a number of violations of the Convention in Algeria, particularly in relation to the Amazigh culture and language. In order to address those violations, the State party should be recommended to grant official status to the Tamazight language, in accordance with the recommendation made by the Committee on Economic, Social and Cultural Rights in 2001. Education should be provided in Tamazight throughout the country at all levels, and sanctions should be imposed on those who infringed violations governing the teaching of Tamazight. The ban on Amazigh first names should be lifted, in accordance with the recommendation made by the Committee on the Rights of the Child in 2012. Effective measures should be taken to combat racial discrimination directed against the Amazigh people in certain Arabic newspapers and hate speech in some mosques and by representatives of public institutions. Her organization also expressed concern about the murder of the singer Matoub Lounes, the events in Kabylia in 2001 and 2002 that had gone unpunished, the events in the Chaoui village of Tkout in 2004, and the events in Berriane in 2008 and 2009.

37. **Mr. Lindgren Alves** asked what the difference was between the Amazighs and the Kabyles.

38. **Mr. de Gouttes** asked about the status of the legislative amendment designed to ensure that the National Commission was again granted “A” status by the Sub-Committee on Accreditation.

39. **Ms. Dah** asked whether the Committee could assist the National Commission in seeking to have its “A” status restored.

40. **Ms. Faroudja** (AMUSNAW) said that the term Amazigh referred to all Berber peoples in Algeria, including the Kabyle people.

41. **Ms. Taya** (National Advisory Commission for the Promotion and Protection of Human Rights) said that the Commission had not fully understood the reasons for its demotion to “B” status. It welcomed all measures to ensure greater independence, and she stressed that the members of the Commission were representatives of civil society associations who had been elected rather than appointed. A legal order had been issued authorizing the Commission to urgently respond to the downgrading, which had been a difficult experience and extensively covered in the press. As the Commission’s response had apparently not met with the approval of the Sub-Committee on Accreditation, the Commission had drafted appropriate legislation that was currently being reviewed by parliament. She welcomed the offer of assistance from the Committee, which might be needed if the pending legislation was not approved.

42. **Mr. Cali Tzay** asked what proportion of the population spoke Tamazight and what proportion of the national territory they occupied. He would welcome information on the situation of immigrants and refugees in Algeria.

43. **Mr. Lindgren Alves** asked whether pressure should be brought to bear on the State party to raise awareness of and combat incest and rape, including among the Amazigh people.

44. **Ms. Taya** (National Advisory Commission for the Promotion and Protection of Human Rights) said that the Amazigh question was not restricted to any one territory. Amazigh people lived throughout the country and, historically, constituted the majority of the population. Their language had been preserved in some regions, such as Kabylia and the south of Algeria.

45. The Commission took the issue of immigration very seriously. Many immigrants had arrived recently from neighbouring Libya and Mali, and the flow of migrants from the Sahel region was increasing. Refugee children from Syria had been accepted by Algeria. The Commission had worked to ensure that they obtained access to education and that refugees from Mali were granted leave to remain in the State party. Public information meetings had been organized in Oran and other cities to raise awareness of the plight of Malian immigrants. The Commission had visited Italy and Mauritania in order to learn how those countries dealt with refugees.

46. **Ms. Faroudja** (AMUSNAW) said that her association was part of a network of independent organizations, with which it ran joint public awareness-raising campaigns, working to combat violence against women in Algeria. She urged the Committee to encourage the State party to ensure that her organization’s recommendations were presented in parliament.

Information relating to the thirteenth and fourteenth periodic reports of the Dominican Republic (CERD/C/DOM/13-14)

47. **Ms. Karmass** (Fundación Comunidad Esperanza y Justicia Internacional) said that the majority of Dominicans were unaware of their rights under the Convention and that, under the law, racist propaganda was not a criminal offence. The State party had been derelict in its duty to uphold the right of all to equal access to work, in conformity with article 5 of the Convention, and an ombudsman had still not been appointed despite the enactment of the relevant legislation in 2001.

48. **Ms. Carvajal** (Latin American and Caribbean Committee for the Defence of Women’s Rights (CLADEM)) said that racism directed against people of African descent was deeply rooted in society in the Dominican Republic. Although the Government refused to acknowledge the existence of such attitudes, discrimination against people of African

descent, especially from Haiti, was flagrant. No studies had been conducted recently by the State party on inequality, discrimination or violence against women. The latest census, carried out in 2010, had not contained a question on respondents' ethnic identity or racial origins. Affirmative action policies on employment for women took no account of the difficulties encountered by women of African descent or immigrants, most of whom came from Haiti.

49. **Ms. Martínez** (CLADEM) said that, since 2004, the Government had cracked down on persons of Haitian origin and deprived many of their Dominican nationality. Migrants from Haiti had been deported en masse. There was no law in the State party to protect people against racial discrimination.

50. **Mr. Dandre** (Socio-cultural Movement for Haitian Workers) said that a definition of racial discrimination as required by the Convention was lacking in the Criminal Code. All population groups of African descent had difficulty gaining access to education, identity documents and nationality. Persons of Haitian descent who had been arbitrarily stripped of their Dominican nationality had effectively become stateless and were frequently deported. Most Haitian migrant workers were unable to comprehend the verbal labour contracts made with them in Spanish and the Government did nothing to uphold their right to written contracts. The Committee should therefore question the delegation on the implementation of article 52 (on regularization of labour contracts) of the Migration Act (No. 285-04). The Dominican authorities were confiscating residence permits it had issued to Haitian immigrants prior to the Act's entry into force in 2004.

51. **Ms. Thomasen** (Open Society Justice Initiative) said that, far from implementing the Committee's recommendations to eliminate discrimination with regard to nationality and to ensure equal access to birth registration and identity documents, the State party had toughened legislation and administrative measures and thereby deepened long-standing discrimination against Dominicans of Haitian descent. Constitutional amendments passed in 2010 had confirmed articles of the Migration Act granting the right to Dominican nationality exclusively to legal residents. Article 18 of the amended Constitution therefore excluded children born in the State party of foreign parents in an irregular situation from the right to nationality. Because the Government applied the Migration Act retroactively, many people were being stripped of their residence permits, thereby becoming illegal residents in the eyes of the authorities. That meant that their children also lost their constitutional right to Dominican nationality. Birth registration documents issued to non-resident foreign mothers conferred no rights on their children, who were left without access to health care, education or Dominican identity cards. Circular 17 of the Central Electoral Board regarding falsified documents continued to be applied retroactively in order to deprive persons born in the State party prior to 2004 of identity documents. Civil registry officials had admitted using criteria such as skin colour, racial features, accent and foreign-sounding surnames to determine whether persons had the right to such documents.

52. **Mr. Charpantier** (Fundación Étnica Integral) said that although legislation against human trafficking had been enacted, no one had been punished by the courts for such offences. Nothing had been done to put the law into practice, especially as far as the protection of victims was concerned, the victims being primarily women and children trafficked across the border between the State party and Haiti.

53. **Mr. Murillo Martínez** asked whether persons of African descent were concentrated in particular areas.

54. **Mr. Calí Tzay** said that he would like to know about the significance of the letters "HIH" appearing in some birth registration entries in civil registries and different kinds of identity cards. He also requested more detailed information on the retroactive application of the amended Constitution.

55. **Mr. Vázquez** asked whether any legal remedies were available in the State party to persons who suffered racial discrimination in public places. He also wished to know whether the Convention could be invoked directly before the courts.

56. **Mr. Lindgren Alves** asked how it was possible for the State party to deny that a proportion of Dominican nationals were of African origin when it openly admitted that many were mestizos.

57. **Mr. Saidou** said that he would like to know whether an office of the ombudsman had been established, even though no one had been appointed to the post. He also asked whether an agency had been created to combat human trafficking.

58. **Ms. Crickley** asked whether persons were refused public office on the basis of skin colour. She also requested more detailed information on the identity documents and nationality acquired by the children of non-resident foreign mothers.

59. **Mr. Quesada** (Global Rights) said that xenophobia directed at Haitians in the State party had a long history. In the 1920s and 1930s, European immigration had been encouraged in order to increase the percentage of whites in the population. Because there had been no question regarding ethnic origin in the 2010 census, the number of persons of African descent currently living in the State party was unknown.

60. **Ms. Carvajal** (CLADEM) said that only persons of mixed European and indigenous descent were considered to be mestizos in the State party. City planning policy tended to foster the emergence of separate racial districts. Areas inhabited primarily by people of African descent and/or Haitian immigrants tended to be equipped with poorer infrastructure and services. Committees had been set up to study the issues of human trafficking and the protection of women but they were not operational.

The meeting rose at 6 p.m.