



**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**

Addendum

**Information received from the Russian Federation
on follow-up to the concluding observations***

[Date received: 29 March 2019]

* The present document is being issued without formal editing.



Information from the Russian Federation on implementation of the recommendations contained in the concluding observations of the Committee on the Elimination of Racial Discrimination following its consideration of the combined 23rd and 24th reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

Paragraph 20 of the concluding observations

1. The Russian Federation considers it necessary to emphasize that the questions raised in paragraph 20 of the concluding observations of the Committee on the Elimination of Racial Discrimination following its consideration of the combined 23rd and 24th periodic reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination were not touched upon during the dialogue between the Russian delegation and the Committee's experts, on 3 and 4 August 2017.
2. The inclusion of questions that were raised neither in the periodic report of a State party to the Convention, nor in the list of themes issued prior to consideration of the report, nor during the dialogue between the members of the Committee and the Russian delegation, goes against the spirit and provisions of the Convention, and also against the Committee's working methods. Such action does not make it possible to carry out a fair evaluation of the facts and affirmations relating to the situation in question. In this connection, the Russian Federation considers that the concluding observations contained in paragraph 20 cannot be considered objective.
3. It is also necessary to emphasize that the Republic of Crimea and the federal city of Sevastopol became part of the Russian Federation as a result of a referendum carried out fully in accordance with international law. Through the referendum, the population of Crimea realized its right to self-determination, enshrined in such fundamental documents as the Charter of the United Nations and common article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and also in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.
4. The Constitution of the Russian Federation and Russian legislation and other normative acts are fully applicable in the territories of the Republic of Crimea and the federal city of Sevastopol, as constituent entities of the Russian Federation, as are the international treaties of the Russian Federation, including those relating to human rights.
5. Persons living in the territories of the Republic of Crimea and the city of Sevastopol enjoy all the human rights and freedoms, on an equal footing and without any discrimination, that are guaranteed by the federal Constitution and by Russian law and the international treaties of the Russian Federation. All credible reports of possible violations of human rights standards that are worthy of attention are checked by the competent Russian bodies.
6. If any persons consider that they have been victims of such violations, they have the possibility to defend their rights within the domestic legal system, including in the courts. There is absolutely no difference between the functioning of the law enforcement agencies and the judicial bodies in the Republic of Crimea and the federal city of Sevastopol and those in the other constituent entities of the Russian Federation.
7. Russia is committed to fulfilling its international obligations in the entire territory of the Russian Federation, including the Republic of Crimea and the federal city of Sevastopol. The Russian Federation is prepared to enter into a dialogue with the United Nations and other international organizations on the question of observance of human rights in Crimea as part of the procedures applicable to its observance of its obligations in this field in

Russian territory. The Russian Federation is prepared to host missions by the corresponding organizations in Crimea, if they send them within the mandates of their organizations, in accordance with the procedures applicable to visits to the territory of the Russian Federation.

Paragraph 26 of the concluding observations

8. In accordance with the legislation of the Russian Federation, the principle of free, prior and informed consent is guaranteed in Kemerovo Province for all decisions affecting the Shor people.

9. Kemerovo Province is an industrially developed constituent entity of the Russian Federation located in western Siberia. Approximately 2.7 million people work there. Of these, some 10,700 are Shor people (according to data from the 2010 national population census).

10. The extraction, iron and steel and chemical industries are the province's economic base. The province accounts for the extraction of up to 40 per cent of the country's coal. The Kuznets coalfield and the western part of the Kansk-Achinsky lignite basin lie within its territory.

11. At the same time, a significant part of Kemerovo Province has been set aside as areas of traditional residence and economic activity for numerically small indigenous peoples of the Russian Federation (the Shor, Teleut and Kumandin peoples) in accordance with the corresponding list approved by Federal Government Decree No. 631, of 8 May 2009. The planning for the economic development of resource-intensive industries includes the coverage of environmental costs. In particular, every year, the local administration of Kemerovo Province and the coal companies conclude cooperation agreements, a specific provision of which calls for measures to support and develop the traditional habitats and areas of traditional economic activity of the province's numerically small indigenous peoples.

12. In Kemerovo Province, before extraction companies begin work in the vicinity of traditional habitats, a general meeting is held with village residents in order to ensure interaction with the representatives of numerically small indigenous peoples (including the Shor people). The decisions taken at such meetings with residents, in the presence of representatives of the local government administration, are taken by a tripartite agreement between the villagers, the municipality administration and the company carrying out the work. Such a document is, what is more, mandatory in order to obtain the documentation package for the licensing of industrial or extraction activity. The relocation of the inhabitants of the village of Kazas, in the Myskovsky municipal area, which was in the direct vicinity of the Kiyzassky open-cast mine's works, is an example of compensatory payment. The local residents were compensated for the withdrawal of land for coal exploitation, with the provision of homes and monetary payments totalling nearly 90 million roubles.

13. The United Nations Development Programme, the Global Environment Facility, the Ministry of Natural Resources of the Russian Federation and major Russian energy companies have a project called "Tasks for maintaining biodiversity in the Russian energy sector's development policy and programmes". Under this project, a document was drawn up in 2017 under the title "Guidelines for business in building social dialogue with numerically small indigenous peoples: An algorithm for action".

14. The Guidelines were drawn up with the aim of defining practical mechanisms and workflows for coal mining companies so that they take into account the rights of indigenous minorities and base their actions on the provisions of the federal and regional law in force, taking into consideration the requirements of international treaties and best domestic and foreign practices so that businesses can hold an effective social dialogue with numerically small indigenous peoples.

15. The legislation of the Russian Federation regulates the land use rights of numerically small indigenous peoples in detail. Article 7 (3) of the Federal Land Code, approved by

Federal Act No. 136-FZ of 25 October 2001, establishes that in the traditional habitats and areas of economic activity of the numerically small indigenous peoples of Russia and of ethnic communities, a specific legal regime may be set up to govern land use. Such provisions regarding the land use regime are contained in Federal Act No. 82-FZ, of 30 April 1999, entitled “Guarantees of the rights of numerically small indigenous peoples of the Russian Federation”, and in Federal Act No. 49-FZ, of 7 May 2001, entitled “Territories whose natural resources are traditionally used by the numerically small indigenous peoples of the North, Siberia and the Far East of the Russian Federation”. Specifically, the law protects inter alia their right to use lands of various categories in their traditional habitats, to take part in the establishment and activities of councils of numerically small peoples, to participate in the monitoring of the use of various categories of land and of observance of federal and constituent elements’ environmental protection laws, and other rights as well. Act No. 49-FZ also sets out the legal regime for territories of traditional use.

16. With this in mind, the authorities of Kemerovo Province give priority to allotting the Shor people lands in areas of their traditional habitat and where they have traditionally carried out economic activity. The lands are allocated from agricultural allotments, free of charge.

17. Shor cemeteries can be freely visited, and on days of remembrance transportation is provided for members of the community through the municipal budget. Specifically, the authorities of the Myskovsky municipal area and coal mining companies active in the district have concluded an agreement aimed at ensuring access without hindrance to the village of Kazas, including its cemetery. In accordance with this agreement, the company has walled off the cemetery and has also made associated expenditures.
