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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-second session

SUMMARY RECORD OF THE 1564th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 March 2003, at 3 p.m.

Chairman: Mr. DIACONU

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

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Fifteenth to seventeenth periodic reports of the Russian Federation

(CERD/C/431/Add.2, HRI/CORE/1/Add.52/Rev.1, CERD/C/304/Add.43)

1. At the invitation of the Chairman, the members of the delegation of the Russian Federation took places at the Committee table.
2. Mr. ZORIN (Russian Federation), introducing the seventeenth periodic report (CERD/C/431/Add.2) said that the country's ethnic and cultural policies were built on respect for the rights and interests of all minorities residing on its territory. Over 170 ethnic groups and nationalities lived in the country. Ethnic Russians comprised 82 per cent of the population. Tartars, Ukrainians and Chechens were among the large ethnic groups whose population exceeded 1 million. Small indigenous minorities included the Oroch and the Ents. Among the various peoples, 35 had their own State structures within the Russian Federation. Of the 65 small indigenous minorities, 40 peoples lived in the northern territories and were among the country's most problematic groups, in need of extensive government support. Peoples who did not have their own State structures and were not in the category of "small indigenous minorities" formed national and cultural autonomous entities at the local and national levels. Thus, the country's ethnic policy was designed to satisfy the rights of ethnic groups, ensure equality among them and overcome discrimination in all its forms. Dialogue among the various ethnic groups and prevention of intolerance were vital conditions of peace and political stability in the country.
3. Measures implemented over the past few years with a view to combating racism included the Russian Federation Citizenship Act, the Foreign Citizens (Status) Act, and the Labour Code. Steps had been taken to reform the judicial system and to improve the work of human rights bodies. Cultural non-governmental organizations (NGOs), such as the Advisory Council on national cultural autonomy at government level and the Association of small indigenous minorities of the North, Siberia and the Russian Far East, were also active in the field of human rights. Other relevant bodies included the Office of the Ombudsman and the Presidential Human Rights Commission.
4. Extensive work was also carried out in the framework of a civic forum, which had taken place in December 2001 and had been intended to promote the involvement of the third sector in the protection of human rights and the fight against racial discrimination. The highest level government authorities accorded attention to racial discrimination. For example, in August 2002, the President had met with participants of the Third World Congress of Tartars. The Government had made considerable efforts to prevent racial hatred towards Chechens at the time of the theatre siege in Moscow on 23-25 October 2002.
5. In July 2001, a federal programme had been adopted with a view to promoting tolerance in the society and thwarting extremism. The programme's implementation would be considered at a governmental meeting in May 2003. On 20 March, he was to report to the Government on

the progress achieved with regard to the efforts to end the Ingush-Ossetian conflict. In addition to around 300 national cultural autonomous entities, about 2,000 national public organizations, such as the Assembly of Peoples of Russia and public inter-nationality coordinating councils under heads of autonomous regions and okrugs, dealt which issues of national minorities.

6. Since the previous report, his country had succeeded in avoiding serious multi-ethnic conflicts and in maintaining and multiplying the cultural wealth of its peoples. Activities in support of multi-ethnic peace had been undertaken against the backdrop of the social and economic crisis of the early nineties and problematic migration processes. However, over the previous two years, the situation had evolved dramatically towards stability and sustainable development. Many of the problems, however, in particular those inherited from the Soviet Union, remained. In that regard, the Government was doing its best to deal with the rehabilitation of repressed peoples and other problems.

7. There were 155,000 Gypsies in the country. Since the previous report, a national cultural entity of Russian Gypsies had been established and was chaired by a member of the Advisory Council under the Government of the Russian Federation. The needs and problems of Russian Gypsies had been carefully examined over the previous year and a number of measures had been taken to improve their situation. For example, an encyclopaedia on the Gypsies of Russia had been published for the first time in Russian history. An international seminar had been held in Samaria, at which a programme on the integration of Gypsies into modern society had been considered.

8. The Government was preparing to hold a referendum in Chechnya on the Constitution of the Republic of Chechnya. As a result of conflicts and anti-terrorist operations, there had been no Constitution and legitimate self-governing structures in Chechnya. The Constitution of Chechnya would create additional guarantees with regard to human rights and freedoms. The referendum was the first step in a broad political process intended to establish legitimate government structures in the Republic. He stressed two aspects of the draft Constitution: it referred to the sovereignty of the Republic of Chechnya and contained the term "citizen of the Republic of Chechnya", which was unique in Russian legislation. The federal Government understood the exceptional nature of the situation in Chechnya and was ready to find flexible solutions in order to involve as many sections of the Chechen population as possible in the constitutional process. Initiatives recently taken in that regard included a significant reduction of armed forces in Chechnya and an increase in the resources allocated to rebuilding the social and economic life of the Republic.

9. His Government acknowledged that further efforts were required in order to strengthen the legislation and to ensure strict fulfilment of obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.

10. Mr. VORONOV (Russian Federation) said that the country had established the legal basis required to fulfil its obligations under the Universal Declaration of Human Rights and the Convention. Article 19 of the Constitution stated that everyone was equal before the law. The State guaranteed equal rights and freedoms regardless of race, nationality, religion and other factors. The Penal Code, which had come into force in 1997, further reinforced the legal basis for combating racial discrimination. A number of articles, including article 104, on murder, and

article 111, on intentional infliction of serious harm to health, envisaged liability for violations of equality. Other federal laws and legal measures safeguarding human rights included the Administrative Offences Code, the Labour Code, the Family Code and the Mass Media Act.

11. Manifestations of political extremism destabilized Russian society and weakened the State. As a result, government authorities at all levels had had to adopt decisive and more effective measures and to agree on actions to combat political extremism. On 25 July 2002, a Federal Act on combating extremist activities had been adopted. The Act was seen as fundamental to the fight against political extremism. It gave basic concepts of extremist activities and outlawed the establishment of associations carrying out such activities. Although it was too early to draw conclusions about the effectiveness of the Act, the initial results of its implementation would be evaluated in the near future. The Committee's recommendations (CERD/C/304/Add.43) had been taken into account when the above-mentioned and other changes in legislation had been introduced. An inter-departmental group within the Office of the Procurator-General dealt with issues related to the implementation of legislation designed to combat fascism and political extremism. The Office made every effort to counteract such negative phenomena in society.

12. The media were systematically monitored to detect political extremism and other violations of citizens' rights based on nationality. One magazine and two newspapers had been closed down for repeatedly violating the Mass Media Act. Between 1997 and 2001, 165 criminal cases had been initiated under the Penal Code on grounds of inciting hatred based on nationality, racial or religious grounds, and 30 cases had gone to court. In 2002, 66 cases had been initiated and 17 had gone to court. He gave the details of a number of examples of racist offences or hate crimes recently prosecuted under the Penal Code, ranging from the dissemination of racist propaganda, desecration of cemeteries and assault and battery, to murder. Under the recently adopted Restriction of Extremist Activities Act, a regional court in Omsk had, at the request of the local procurator, disbanded the local chapter of the Russian National Unity political movement on the grounds that it had engaged in extremist activities.

13. The Office of the Procurator-General considered that it was of prime importance to prioritize the resources available for combating political extremism and racism. Positive results could be achieved only through the coordinated action of the executive and legislative branches of the constituent parts of the Russian Federation and of law enforcement bodies at the local and federal levels.

14. Mr. ABDULLAEV (Russian Federation) said that the development of minority languages was one of the priorities of the Russian Federation, and its importance was reflected in the State nationalities policy and in the federal laws on national languages, education and national and cultural autonomy. The question of language was also addressed in the constitutions and laws of the federal constituent parts of the Russian Federation.

15. Over 300 radio programmes were transmitted in 56 languages and over 450 television programmes were broadcast in 69 languages in the country. Without exception, all television and radio companies in the Russian Federation carried some programming in minority languages. Even in areas where the overwhelming majority was Russian, for example in central Russia, radio stations reserved some time for broadcasts in minority languages. At the end

of 2000, there were 414 magazines and newspapers published in the languages of ethnic minorities, about a third of which were funded by the Government. For example, 40 newspapers and six magazines were published in Chuvash. In Karachai-Balkar there were two newspapers and six magazines; nine newspapers were produced in German and seven in Chechen. In addition, there was much literature in Russian devoted to subjects of interest to minorities.

16. In Saratov Region, a predominantly Russian region on the Volga River, Tatar and German television programmes were regularly carried, along with less regular broadcasts in other minority languages. Newspapers were published there in German, Armenian, Azerbaijani and Kazakh. In regions where the population of a minority group was significantly greater, the number of periodicals was of course higher.

17. A federal programme offered funding for the publication of books, *inter alia* for literature in the languages of national minorities, with an emphasis on educational publications. In 2002, 36 books had been published with government funding in Adygei, 15 in Mari, in Chechen 4 and in Yakut 65 books, and a large proportion of those publications were related to educational activities. The right of citizens to receive a general education in their mother tongues was guaranteed by two laws: the federal law on national languages and the federal law on education. Some 85 minority languages were taught as subjects at schools in Russia, and 37 were used as primary languages of instruction.

18. Special attention was paid to preserving languages that faced a threat of extinction, in particular in the Far North and Siberia. For example, the Orochi people numbered less than 1,000, of whom just 150 spoke the language well, and there were just a few hundred Kereks, only a few of whom spoke the language. The Government was therefore making a serious effort to encourage the use of the minority languages among those peoples. The number and circulation of books published in minority languages had increased between 2001 and 2002.

19. Mr. THORNBERRY (Country Rapporteur) noted that under the Constitution, universally acknowledged principles and rules of international law and international agreements of the Russian Federation were an integral part of the legal system and took precedence over domestic law. The Constitution further stipulated that the fundamental rights and freedoms enumerated therein should not be interpreted as a denial of or detraction from other generally recognized rights and freedoms.

20. The Committee had received much information, including a number of annexes to the report and an alternative report from an NGO. Were there plans in the future to include NGOs in the drafting of the State party's report? The delegation should explain why the provision of the Constitution that, according to the State party, met the requirements of article 1 of the Convention did not refer to discrimination, but rather to concepts such as "limitations" or "restrictions". Did the "broad and progressive" interpretations of that provision address the full scope of the Convention? It was not clear from the report how the Penal Code prohibited all forms of discrimination, as there was apparently still no clear definition of racial discrimination. The previous concluding observations issued by the Committee had noted the absence of such a definition. The State party had no specific institution to address racial discrimination; the federal Ombudsman's Office while active in the protection of human rights, had no special unit devoted to fighting discrimination.

21. Had offices such as the Ombudsman's been established at regional level? The delegation should clarify which institutions were included in the mechanism of national cultural autonomy, whether they were public or private, and the extent to which they enjoyed government support. It would be desirable, in the light of the ethnic complexity and diversity of the country, to adopt a general minority rights law. What progress had been made in the adoption of a federal bill to protect minorities? While questions of citizenship and naturalization did not fall under the mandate of the Committee, their application in practice, if discriminatory, was a matter of concern. Two recently adopted laws regulating the legal status of foreign citizens and Russian Federation citizenship had reportedly made it more difficult for non-Russians to establish legal residence or obtain citizenship.

22. The Committee had received a number of reports from various sources according to which racially selective inspections and identity checks were commonly practised, including some targeting Roma people. Many NGOs pointed to the residency registration system as a source of problems. While under the Constitution residency did not determine legal status and the Constitutional Court had ruled that restrictions on the place of residence were unconstitutional in practice, misuse of the system effectively negated a large number of entitlements that should come with citizenship, including access to the justice system, and illegal provisions were still in force. He encouraged the State party to undertake a review of the internal passport system so as to bring the situation into line with the Convention.

23. The status of forced migrants had been readily granted to people fleeing the first war in Chechnya in the 1990s, but had since become difficult to obtain. The delegation should inform the Committee how many people were granted such status. According to the Special Rapporteur on Internally Displaced Persons, there was possibly a lack of coherence between the internationally applied principles relating to internally displaced persons and those applied in the State party owing to the existence of the category of "forced migrants". It would be useful if the delegation could elaborate on that. Had refugee status been given in recent times to people from the other former Soviet republics? The report referred to the shifting to the regions of responsibility for nationalities policy and activities. How would such activities be funded?

24. Were the Cossacks an ethnic group, a club or a movement, and had they formerly been oppressed? It had been suggested that they were involved in racist activities directed against non-Russian groups. Did they have any support from the State? The Committee would appreciate information on their ideology.

25. The report did not cover article 3 sufficiently. The Committee had stressed in General Recommendation XIX that the remit of that article went beyond the former situation in South Africa. According to some reports, segregation was imposed in the education system. That would be quite different from a situation in which members of a minority group voluntarily opted for elements of separate education. Did public officials who made racist statements incur disciplinary responsibility? New legislation had been adopted in 2002 in order to suppress extreme nationalist organizations that disseminated racist propaganda. The delegation should provide further information on cases prosecuted under that law, and should reply to concerns that the new law gave the Government sweeping powers to repress freedom of expression and association. Could a group be banned under the law if its leaders made extremist statements that were not renounced by the group? Was it true that an entire organization could be liable to

prosecution if just one of its subdivisions was found guilty of extremist activity? The law adopted in 2002 defined extremist activity in terms so broad and vague that it would enable law enforcement agencies to abuse their powers, while failing to curb nationalist and racist violence. It made no specific mention of anti-Semitism or xenophobia.

26. Certain officials, including the former governor of the Krasnodar Territory, had evidently made racist statements, which the Committee considered might have a disproportionate influence on the climate of opinion. What action was the State party taking against such statements? The Committee had received much information on anti-Roma sentiment in the media, and the European Roma Rights Center had alleged that the media created a climate of hostility against the Roma. The delegation should refer to General Recommendation XXVII in that regard. Had any action been taken to create a better standard of reporting in the media and to combat phenomena such as hate speech?

27. The standard modus operandi of special police units apparently included violence, and the perpetrators enjoyed de facto impunity. The Committee would welcome further information on measures taken to deal with the use of violence by law enforcement officers against members of ethnic groups. There was much evidence of widespread violence perpetrated by extremist groups such as neo-Nazis and “skinheads” against people who “looked different”, in particular those from the Caucasus. It would be useful if the delegation could provide details on the official response to such incidents, and specify what preventive measures had been taken over and above those mentioned in the report. The alternative report stated that Chechens and Roma people were refused hotel accommodation in Moscow. Could the delegation comment on those allegations? Although some positive legislative steps had been taken towards the implementation of article 6 of the Convention, the Committee would appreciate more examples of remedies, including cases of prosecutions for racial discrimination, and the compensation awarded.

28. The Committee would appreciate more information on the number of programmes developed in implementation of article 7 of the Convention and on the way in which intercultural education was carried out in practice. In its previous concluding observations (CERD/C/304/Add.43), the Committee had recommended that further measures be implemented to make elementary education available for minorities and indigenous peoples in their own language. It was not clear whether that had been carried out and more details would be appreciated.

29. Many cases had been presented concerning the treatment of Chechens outside Chechnya, which were a cause for concern. He would welcome information on the nature and scale of government practices in checking passports and searching Chechens, as well as on claims of expulsion, detainment and ill-treatment affecting them. Concerning the referendum in Chechnya, he wondered how the adoption of a Constitution would impact citizens there. The delegation should clarify the measure of sovereignty that would be provided in the new draft Constitution.

30. He understood that Meshetians were Russian citizens according to Russian citizenship law; yet they were suffering considerable hardship as a result of the registration system. Was it true that many of them had no residence permits? Did the Meshetians within the Federation

constitute a national minority? If so, that gave rise to many national minority issues, including language, education, culture, and the full range of civil and political rights. He understood that the populations in Krasnodar Krai were generally characterized by peaceful coexistence; the problem seemed to be the fomentation of strife by others, particularly Cossacks. He wondered if there were any solutions to that problem in sight.

31. There were numerous positive developments in terms of indigenous peoples. The recent adoption of a federal law to guarantee the rights of numerically small indigenous peoples in 1999 was welcomed by the Special Rapporteur on indigenous people as the first real step towards the recognition of indigenous peoples in the Russian Federation (E/CN.4/2002/97, paras. 32, 97 and 104). However, it was unclear whether the federal law was essentially declaratory in nature and therefore required additional legislation. The land rights provisions in the law might be narrower than international standards; they appeared to depend on the continuation of traditional subsistence activities and not to allow sufficiently for non-traditional uses of the land. The impact of the Land Code of 2001 on indigenous land rights was not clear and did not appear to address collective land rights of indigenous peoples. The delegation should provide clarification on how specific legislation regarding indigenous peoples was integrated into the broader legal framework. In its previous concluding observations concerning the fourteenth periodic report of the Russian Federation, the Committee had recommended that the State party should consider ratifying ILO Convention (No. 169) on Indigenous and Tribal Peoples in Independent Countries. Had further consideration been given to such a step?

32. The Committee had very serious questions regarding vulnerable groups of many kinds. There were a number of key issues, including those of a legal or structural nature and those relating to implementation, the role of the authorities, and to racist organizations. The situations of particular groups, such as the Chechens, the Meskhetians, indigenous peoples, the Roma and others were also among its concerns. The Committee appreciated the fact that the Russian Federation was a vast multicultural country. It was therefore greatly interested in the country's success in addressing racism, and minority, cultural and religious issues. Aware of the deep loss of the State party's previous all-embracing modernist philosophy, the Committee was also interested in seeing how that trauma would lead to a reconstitution of a political, cultural and social identity. It was also concerned about the negative impact, as reflected in the existence of right-wing extremists and other racist elements.

33. Mr. HERNDL said that with regard to the implementation of article 4 of the Convention, the country's national legislation still showed some gaps. Referring to section 282 of the country's Penal Code, which was a very progressive norm, the Committee would welcome more detailed statistics concerning its implementation, such as the nature and number of cases processed. He asked the delegation to clarify conflicting reports of the case involving Mr. Victor Korchagin. He observed that under section 63 of the Penal Code the fact that a criminal act was racially motivated would be considered an aggravating circumstance. He wondered whether there were any examples of cases in which that provision had indeed played a role. In that connection, complaints had been addressed to the Government in May 2002 concerning racist acts against foreign diplomats. Had there been any response to the fact that the racist motivation of those violent acts should be considered an aggravating circumstance? Was there any record of relevant cases?

34. As to the Cossack movement, he wondered whether the Government was doing enough to distance itself from the actions of that movement. Should it be forbidden? Or was it, conversely, tolerated by the Government? More information would also be appreciated on the issue of the prohibition of organizations and associations which had as their aim the incitement of discord based on social origin, race, nationality or religion.

35. Regarding the new law to counteract extremist activities, he drew the delegation's attention to the Committee's Statement on racial discrimination and measures to combat terrorism (A/57/18 (chap. XI) (C)), issued on 1 November 2002. The Committee had emphasized that measures to combat terrorism must be in accordance with the Charter of the United Nations and that they were only legitimate if they respected the fundamental principles and the universally recognized standards of international law, in particular human rights law and humanitarian law. He urged the Government to bear the Committee's Statement in mind in its efforts to counteract extremist activities.

36. The Committee had suggested five years ago in its concluding observations, that the State party should ratify the amendments to article 8, paragraph 6, of the Convention. He drew the delegation's attention to General Assembly resolution 57/194, which also urged States parties to the Convention to ratify those amendments.

37. Mr. de GOUTTES, referring to the Committee's previous concluding observations, said that the Russian Federation was a large multi-ethnic State composed of more than 176 nationalities and ethnic groups, but that there had historically been discrimination against individuals on ethnic grounds. Regrettably, the examples given to illustrate such discrimination were the same ones being discussed today, even though five years had transpired. A document submitted to the Committee by Amnesty International on racial discrimination in the Russian Federation indicated that there was a discrepancy between the protection of fundamental rights theoretically enjoyed by persons living in the Russian Federation and the reality of numerous human rights violations committed by non-State and State actors alike.

38. With regard to the Chechen problem, the country's seventeenth periodic report contained scant information. All the Committee members had received very worrying information from the major NGOs, which had submitted numerous reports to the Committee. Amnesty International's 2002 report indicated that the Russian Armed Forces in clashes with Chechen had committed serious violations of human rights and of international humanitarian law. That report estimated that approximately 160,000 people, mostly women and children, had been displaced and had been moved to camps with deplorable conditions of hygiene. Investigations by the Russian Federal authorities on the human rights violations in Chechnya had produced negligible results to date. The report of the International Federation of Human Rights Leagues on Chechnya had indicated that it had not been possible for numerous organizations to establish collaboration with the Government despite their requests. Nor had any international human rights organization been allowed to investigate the situation in Chechnya.

39. The conditions for obtaining a passport in the Russian Federation could constitute an instrument of discrimination and police control. That concerned the freedom of movement and residence provided for by the Convention. There were reports from many sources denouncing the Cossack movement for its attacks on minorities and populations of the Caucasus, indicating

that its actions were apparently tolerated by the authorities. He would welcome the delegation's comments and reactions to those points. The statistics provided in paragraph 112 of the report were insufficient; the Committee was not so much interested in the number of cases processed as in the precise facts that gave rise to the proceedings and the severity of the sentences pronounced. The delegations should elaborate on those statistics.

40. Paragraph 19 and subsequent paragraphs of the report gave an account of the bills being drafted and of the laws and regulations that had recently been adopted to prevent and combat extremism. The State Duma was considering a bill regarding the incitement of discord between nationalities. He asked for details of all the bills to counter extremism that were under consideration. The Committee would also be interested to know what the status was of the 30 bills on the topic of nationality that were under consideration by the State Duma's Committee on Nationalities, as mentioned in paragraph 28 of the report. Among the questions dealt with by those bills was respect for human rights in the Republic of Chechnya, which was of great interest to the Committee. Lastly, the delegation should indicate the status of the reform of the country's judicial system (para. 106), particularly as concerns the entry into force of the new provisions of the Code of Criminal Procedures (para. 107).

41. Mr. VALENCIA RODRIGUEZ said it was clear that the Russian Federation was firmly committed to combating racial discrimination, whose manifestations were still very worrying. That commitment required permanent vigilance on the part of the authorities and the most strict adherence to the obligations established in the Convention. It would find the basis for such a campaign in articles 13, 19 and 26 of its Constitution. He wondered if the interpretation of those norms, which had a broad scope, incorporated the international conventions to which the Russian Federation was a party, including the Convention on the Elimination of Racial Discrimination.

42. Paragraphs 24 and 25 of the report referred to legal and constitutional provisions that guaranteed inalienable rights, including those related to ethnicity. The Rights of Small Indigenous Minorities of the Russian Federation Act, whose aim was to protect the traditional ways of life of those populations, was also mentioned. He asked what results had been obtained to date in application of those provisions. He requested that the Committee should be kept informed of the efforts of the State Duma's Committee on Nationalities and the results it achieved, especially in view of the numerous nationalities that coexisted within the Federation. He would appreciate further details concerning the bodies responsible for applying the Outline of Russian State Policy on Nationalities and, eventually, the draft outline on migration policy (para. 46). He asked to be kept informed of the results they obtained. He would also appreciate more details on regional programmes for the national and cultural development of peoples and ethnic groups (para. 49), with indications as to how they were promoting understanding and tolerance among the various ethnic groups.

43. The fact that the overall socio-economic situation and the effects of the industrial development of certain areas had had a negative impact on the health of the indigenous peoples of the North gave rise to concern. He urged the Government to give priority to the development of measures to improve the standard of living of the affected populations. He urged the Government to pay particular attention to reports of nationality-motivated discrimination, as

mentioned in paragraph 60 of the report. Given that sanctions were being applied and criminal cases being brought before the courts with insufficient justification, he cautioned the Government to monitor such incidences and to apply appropriate legal provisions.

44. Although the Government was meeting its obligations under paragraphs (a) and (b) of article 4 of the Convention, there nevertheless were still certain lacunae, as well as difficulties noted in the application of certain legal provisions. He referred in particular to those described in paragraphs 78, 79 and 80 of the report, as well as those contained in the constitutional instruments of certain constituent entities described in paragraphs 97 and 98 of the report. The Government should periodically revise such provisions in order to overcome those obstacles. He would also appreciate further information on the Office of the Ombudsman, in terms of the function it performed in combating racial discrimination (paras. 99 to 104).

45. Although the information regarding article 5 of the Convention was very much appreciated, especially as concerns legislative aspects, the next report should provide more details concerning implementation of the specific provisions of the article. He commended the Government for the measures it had adopted to give effect to article 7 of the Convention. He hoped that such efforts would continue and that the results obtained would be indicated by the application of the measures described in paragraphs 138 to 141 of the periodic report.

46. Mr. KJAERUM said that a disturbing picture was emerging from several NGO reports of the Government's 1999 registration campaign, which had apparently been carried out in a discriminatory fashion. He asked whether the delegation could confirm the reports and provide its assessment of them. He also asked whether there were any federal mechanisms to ensure that standard practices for such campaigns were followed throughout the vast country and that the implementation of those laws complied with the Russian Federation's international obligations.

47. In March 2001 the European Commission against Racism and Intolerance had reported allegations of fabricated criminal accusations against Chechens living in the Russian Federation. Those were serious allegations. Could the delegation inform the Committee of the government authorities' reactions to those serious allegations and what their outcome had been?

48. He enquired whether the human rights Ombudsman had heard any cases involving discrimination. Was the Government considering the establishment of a more specialized body to deal specifically with all forms of discrimination, including the issue of equal opportunity?

49. Prior to the current meeting, the Committee had met briefly with NGOs, and he had gained the impression that there was still room for improvement in the dialogue between the authorities and civil society. He sought the delegation's comments on allegations that children of certain ethnic minorities were systematically separated in schools in Krasnodar Krai and elsewhere. Noting that a number of reports of nationality-motivated discrimination had been received from individual citizens (para. 60), he asked what measures had been taken to alert law enforcement officers at all levels to the need to avoid racial discrimination and whether any training courses were offered on that issue. He also wondered whether legislation currently under consideration would make any provision for the protection of refugees and asylum-seekers and whether guidelines had been drawn up for dealing with the particular needs of such groups. Asylum-seekers often had to wait for years before their applications for refugee status were

approved; in the meantime, could their children be enrolled in school so that they did not fall behind? Given the country's registration system, he suspected that it was problematic for such children to attend primary school.

50. Mr. SICILIANOS said that, as a Greek national, he was touched to read about the effort to promote the teaching of his mother tongue in the large Greek community in Russia (para. 132). The report had a number of appendices. As they were all in Russian, could a summary be provided of their content? Did they contain any further information on the federal programme referred to in paragraph 23?

51. Why were 10 of the 45 indigenous peoples of the North, Siberia and the Far East on the brink of extinction (para. 55), and what measures had been taken to deal with that situation? Noting the admission (para. 98) that some of the constituent entities of the Federation had discriminatory provisions in their constitutional instruments, he asked what effort was being made to bring the legislation of the constituent entities into line with that of the Russian Federation. He also sought more details on the new Code of Criminal Procedure (para. 106). Paragraph 112 referred to a rather small number of cases of incitement of national, racial or religious hatred. That suggested that article 282 was not being applied systematically for such offences. The delegation had referred to article 63, which made racist motivation an aggravating circumstance. Had there been cases in which article 63 had been applied?

52. He hoped that the internal passport system would be gradually replaced by a more flexible arrangement which respected freedom of movement and residence, in keeping with article 5 (d) (i) of the Convention. The report suffered from a conceptual confusion about the term "political extremism", and Russian legislation did not make a clear distinction between that concept and racial and ethnic discrimination.

53. With regard to education, the report gave no information on the training of such target groups as judges, police officers, prison officials, border guards and journalists in matters relating to human rights and racial discrimination, and he therefore drew the delegation's attention to the Committee's recommendation in that regard in paragraph 21 of its concluding observations on the Russian Federation's fourteenth periodic report (CERD/C/304/Add.43).

54. Mr. AMIR asked the delegation to provide further information on the relative functions and powers of the Federation and the constituent entities. Was the new Penal Code based on the assumption of future political and legal decentralization or on the principle of a federal system within which communities or peoples had a degree of autonomy in running their affairs? Allowance must be made within a decentralized system for nationalities which did not have their own territory. The Russian Federation's approach to that question would have a bearing on how it combated racial discrimination.

55. Mr. YUTZIS noted that 14 of the country report's 141 paragraphs had made reference to "political extremism". That showed how concerned the Russian Federation was about the problem. But it was not clear how the Government's determination to combat extremism was related to the fight against racial discrimination, for which specific legislation was required; the Committee had already raised that point in paragraph 14 of its concluding observations.

56. He asked the delegation to cite examples in which the new Code of Criminal Procedure had been applied in cases involving racial discrimination. What sentences had been handed down? He would also like to know more about federal legislation on small indigenous minorities and whether the sharp deterioration in the situation of such peoples (para. 25) was due to the transition to a market economy or to the market economy itself. Noting that many peoples in the North, Siberia and the Far East were on the brink of extinction (para. 55), he asked whether the process was irreversible and what their socio-economic outlook was.

57. Mr. PILLAI observed that the population of the Russian Federation was expected to decline dramatically in the next 20 years from 140 million currently to 100 or even 70 million. How did the Government view that decline in terms of the country's ethnic composition? He was unclear about the number of ethnic groups in the Russian Federation. The core document (HRI/CORE/1/Add.52/Rev.1) spoke of 120 nationalities and ethnic groups (para. 7); the map provided by the delegation listed 161 such groups, and Mr. de Gouttes had cited a figure of 176. What did the authorities currently consider to be the number of nationalities in the country?

58. The report made no reference to one important ethnic minority: the Roma Gypsies. According to the second report on the Russian Federation by the Council of Europe's European Commission against Racism and Intolerance (CRI (2001) 41), the official estimate of the Roma Gypsy population was 150,000, but some Roma/Gypsy organizations put the figure at more than 10 times higher. One reason for the disparity was that many Roma Gypsies had no passports or other documents and sometimes were not registered. Could the delegation comment on those figures?

59. He asked the delegation to elaborate on the expression "political extremism". Was racial discrimination one manifestation of political extremism? He also enquired whether there had been any court decisions to suspend or prohibit the activities of an association (para. 88).

60. Mr. LINDGREN ALVES commended the delegation for its concise, comprehensive and frank report, which included specific examples and a description of current difficulties. Coming from South America, he was astounded to learn that one country could have 176 nationalities. What was meant by that term? Paragraph 51 referred to 11 federal national-cultural autonomous entities, whereas Chechnya was not included as a nationality.

61. With regard to paragraph 5 of the periodic report, he sought clarification of the phrase "discord based on social grounds" and asked why associations could not be based on social grounds. He praised the delegation for providing what he considered to be the most complete explanation of freedom of religion and worship that he had ever seen in a country report (para. 8). The Russian Federation had imposed a moratorium on the application of death sentences (para. 15). He urged the Government to abolish the death penalty once and for all. With regard to paragraph 98, he did not think that there was any need to be concerned about the requirement in some of the constituent entities of the Federation concerning proficiency in Russian, since presumably those entities were members of the Russian Federation of their own free will.

62. Given that the Russian Federation was a permanent member of the Security Council, he asked the delegation to convey to President Putin the declaration which the Committee had approved on the previous Friday.

63. Mr. BOSSUYT noted the repeated reference to extremism, which was perhaps the key word in the report. There was a tendency to blur the distinction between extremism, fascism, terrorism and separatism, and no definition was given of what exactly was meant by that term. Was it a call to violence? Was it racial discrimination? Was it incitement to hatred and intolerance? Paragraph 70 spoke of a proliferation of various forms of extremism; it would be more accurate to speak of a proliferation of various uses of extremism in the report. He agreed that separatist sentiment could be a real threat to the foundations of the constitutional structure of the Russian Federation (para. 70), but did not see how that necessarily led to violations of human and citizens' rights and freedoms. According to paragraph 78, the fact that efforts to combat political extremism were ineffective was primarily due to the difficulty of proving guilt; he had the impression that suspects were presumed guilty from the outset.

64. The new Penal Code did not provide set legal definitions of "fascism" or "political extremism" (para. 80). Producing such definitions would be very difficult indeed. Yet how could fascism and political extremism be made offences if they had not been defined? He was intrigued by the reference to "criminal groups formed on the basis of nationality" (para. 113). Could the delegation provide more information on what that meant?

The meeting rose at 6.05 p.m.