



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

Distr.
GENERAL

CERD/C/62/CO/7
2 June 2003

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-second session
3-21 March 2003

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

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

RUSSIAN FEDERATION

1. The Committee considered the fifteenth to seventeenth periodic reports of the Russian Federation, due on 6 March 1998, 2000 and 2002, respectively, submitted in one document (CERD/C/431/Add.2), at its 1564th and 1565th meetings (CERD/C/SR.1564 and 1565), held on 10 and 11 March 2003. At its 1580th and 1581st meetings (CERD/C/SR.1580 and 1581), held on 20 and 21 March, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fifteenth to seventeenth periodic reports, submitted in one document, as well as the additional information provided by the State party's delegation during its oral presentation. The Committee expresses its appreciation for the attendance of a high-ranking delegation and for the constructive dialogue which the Committee was able to have with the State party.

* Please note that the symbol CERD/C/Session No./CO/... replaces the symbol CERD/C/304/Add...

B. Positive aspects

3. The Committee welcomes the adoption and entry into force of the Labour Code, and in particular the provisions aiming at the eradication of discrimination in labour relations.
4. The Committee notes with appreciation the concrete measures taken by the State party against extreme nationalist and racist organizations.
5. The Committee welcomes the adoption in 2001 of a special federal programme entitled "Shaping an attitude of tolerance and preventing extremism in Russian society, 2001-2005".
6. The Committee welcomes the adoption of a number of laws that aim at protecting the rights of indigenous peoples. The Committee also notes with satisfaction the statement by the State party's delegation that preparatory work for the ratification of ILO Convention No. 169 has been accelerated.
7. The Committee welcomes the efforts taken to enhance cooperation between the State party and civil society organizations, including the ongoing activities relating to the 2001 Civic Forum.
8. The Committee welcomes the State party's ratification in 2001 of the Council of Europe Framework Convention for the Protection of National Minorities.
9. The Committee notes with satisfaction the assurances given by the delegation of the State party that displaced persons from Chechnya living in neighbouring regions will be allowed to vote in the referendum in Chechnya on a new constitution.

C. Concerns and recommendations

10. The Committee notes with concern the absence of a definition of racial discrimination in domestic legislation. While laws may protect against discrimination without employing the actual term "discrimination", the Committee encourages the State party to consider introducing into relevant laws an explicit prohibition of racial discrimination as defined in article 1 of the Convention.
11. The Committee takes note that a number of institutions, including the Procurator's Office, the Federal Commissioner for Human Rights and the Presidential Commission on Human Rights, deal with cases of racial discrimination within the framework of a broader concern with human rights. In order to get a clear focus on the work of these institutions, the Committee requests that the State party provide, in its next periodic report, information on cases relating to racial discrimination examined by these bodies.
12. The Committee expresses concern that a large number of former Soviet citizens who previously resided legally in the Russian Federation have been considered illegal migrants since the entry into force in 2002 of the Federal Laws on Russian Citizenship and on the Legal Status of Foreign Citizens in the Russian Federation. The Committee urges the State party to take steps to regularize the position of persons in this category.

13. The Committee is concerned at reports of racially selective inspections and identity checks targeting members of specific minorities, including those from the Caucasus and Central Asia and Roma. The Committee recommends that the State party take immediate steps to stop the practice of arbitrary identity checks by law enforcement authorities. These steps should include the education and sensitization of police and law enforcement personnel to ensure that, in the performance of their duties, they respect and protect the human rights of all persons without distinction as to race, colour, or national or ethnic origin.
14. The Committee is concerned about numerous reports that residence registration is used as a means of discriminating against certain ethnic groups, and that the lack of residence registration is used to deny a number of political, economic and social rights. While welcoming the fact that courts in the State party have declared such practices unconstitutional, the Committee recommends that the State party ensure that, in the implementation of the residence registration system, the standards laid down in federal law and supported by decisions of the Constitutional and Supreme Courts are strictly applied.
15. The Committee is concerned about consistent reports of discrimination against Meskhetians in Krasnodar Krai, including arbitrary denial of residence registration and of formal recognition of citizenship. The Committee urges the State party to ensure that the Meskhetians in Krasnodar Krai, who arrived in the Russian Federation in 1989-1991, are given residence registration and enjoy the rights and benefits of citizenship. Also, the Committee urges the State party to ensure that the local authorities do not pressure Meskhetians to resettle outside Krasnodar Krai.
16. While appreciating the particular history of Cossacks in the Russian Federation, the Committee is concerned at reports that some Cossack organizations have engaged in acts of intimidation and violence against ethnic groups. According to information received by the Committee, these organizations, which function as paramilitary units and are used by local authorities to carry out law enforcement functions, enjoy special privileges, including State funding. In this regard, the Committee recommends, in accordance with article 2 (b) of the Convention, that the State party ensure that no support is provided to organizations which promote racial discrimination and that it prevent Cossack paramilitary units from carrying out law enforcement functions against ethnic groups.
17. The Committee is concerned that Chechens who have sought refuge outside Chechnya in the territory of the State party are denied forced migrant status. The Committee encourages the State party to take effective measures to ensure that no group is discriminated against in the granting of forced migrant status.
18. The Committee is concerned about reports that displaced persons have been pressured into leaving camps while conditions of safety for their return to Chechnya are not ensured. The Committee recommends that the State party take effective measures to ensure that the return of displaced Chechens to Chechnya is voluntary and takes place in conditions of safety and dignity.
19. The Committee requests further information on the protection provided to refugees and asylum-seekers in the State party and on whether children of asylum-seekers are able to attend school.

20. The Committee is concerned about the difficult situation facing indigenous peoples in the State party. In this regard, the Committee requests that the State party provide, in its next periodic report, information on the results obtained through the implementation of laws and federal programmes to protect the rights of indigenous peoples. In particular, the Committee requests information on the establishment of traditional subsistence territories under federal law and on the impact of the Land Code of 2001 on the property rights of indigenous peoples.

21. In view of the many laws pertinent to the Convention, which are considered by, and adopted on the initiative of, the State Duma's Committee on Nationalities, an update on the activities of this Committee, including on the work on a federal bill to protect the right of minorities, is requested in the next periodic report.

22. While welcoming the steps taken to implement article 4 of the Convention, the Committee is concerned about the lack of a clear definition of the concept of political extremism in the federal law of 2002 "On Counteracting Extremist Activities". The Committee encourages the State party to review the law with a view to defining its scope more clearly.

23. The Committee requests information, in the next periodic report, on how articles of the Penal Code pertinent to article 4 of the Convention, as well as the federal law "On Counteracting Extremist Activities", are being implemented, including statistics on the number of complaints that have been filed and the outcome of these cases.

24. While acknowledging the efforts made to confront the scourge of terrorism, the Committee is concerned about reports that members of particular groups, notably Chechens, are singled out by law enforcement officials. In this regard, the Committee draws the State party's attention to its statement of 8 March 2002 in which the Committee underlines the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, decent, or national or ethnic origin" (A/57/18, chap. XI, sect. C, para. 5).

25. The Committee is concerned about reports that racist materials targeting minority groups and perpetuating negative stereotypes are disseminated in the national media. The Committee recommends that the State party monitor the situation closely and provide, in its next periodic report, detailed information on any legal proceedings instituted against media companies.

26. With regard to the upcoming referendum in Chechnya, the Committee recommends that the State party support public debate on the constitution of the Chechen Republic and make every effort to ensure that the referendum will serve as a step towards bringing peace back to the region.

27. The Committee is concerned about the incidence of violent racist attacks against ethnic minorities by, among others, skinheads and neo-Nazis. In this regard, the Committee recommends that the State party strengthen its efforts to prevent racist violence and protect members of ethnic minorities and foreigners, including refugees and asylum-seekers. Also, the Committee requests that the State party provides in its next periodic report a list of the cases that have been investigated and brought before the courts.

28. The Committee encourages the State party to consult with organizations of civil society working to combat racial discrimination during the preparation of the next periodic report.
29. The Committee strongly recommends that the State party ratify the amendments to article 8, paragraph 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. In this connection, the Committee refers to General Assembly resolution 57/194 of 18 December 2002 in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendments and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.
30. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.
31. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.
32. The Committee recommends that the State party submit its eighteenth periodic report jointly with its nineteenth periodic report, due on 6 March 2006, and that it address all points raised in the present concluding observations.
