

## RUSSIAN FEDERATION

### CERD 26<sup>th</sup> No. 18 (A/8418) (1971)

28. From its 56<sup>th</sup> to its 58<sup>th</sup> meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were "satisfactory", in the sense that they furnished all or most of the required information, and which reports were "unsatisfactory" or "incomplete" and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party's report (or reports) was "satisfactory" or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

29. The Committee expressed itself as satisfied with the completeness of the reports submitted by the following 15 States Parties, from which no additional information was requested: ...Union of Soviet Socialist Republics ...

**CERD 28<sup>TH</sup> No. 18 (A/9018) (1973)**

194. The initial report of the USSR, submitted on 17 March 1970, was considered at the third session of the Committee and found to be satisfactory. The second periodic report, dated 19 April 1972, was considered at the seventh session (137<sup>th</sup> meeting).

195. Several members noted that, although the initial report of the USSR had been considered satisfactory, the second periodic report contained ample additional information, not only on legislative measures but also on judicial and administrative measures. It was noted that, although it was submitted before the adoption of general recommendation III by the Committee, the report contained the relevant information envisaged in that recommendation; and that the reporting State implemented strictly United Nations decisions concerning the racist regimes in southern Africa, did not recognize those regimes, took an active part in international measures to combat colonialism and racism, and had co-sponsored with Guinea a draft Convention on the suppression and punishment of the crime of apartheid. Special note was taken of the information on the efforts devoted to the perfection of legal norms guaranteeing the genuine equality of Soviet citizens and to the nationality policy of the reporting State.

196. One member found the report too theoretical and observed that it dealt more with general legal principles than with facts.

197. Questions were raised about the relationship between international instruments and internal legislation in the legal system of the reporting State; whether permission was required to set up associations; whether it was sufficient for a nationality to exist as such in order for it to enjoy the rights conferred on nationalities in the Soviet Constitution or whether formal recognition was first required; how the reporting State reacted to cases of racial discrimination or hatred in the private sphere; and how exercise of the right mentioned in article 5, subparagraph (d) (ii) of the Convention was governed in the reporting State. With reference to the statements made in the report under the consideration - that the provisions of the Convention are strictly applied in the Soviet Union and their observance is guaranteed by a whole body of legislation and other measures, adopted in the USSR before the Convention came into force and that, therefore, the entry into force of the Convention has not necessitated any changes in, or additions to, Soviet legislation to ensure the implementation of the Convention - the wish was expressed that the reporting State would furnish the Committee with the texts of the relevant provisions of the Criminal Code and other legislation.

198. The representative of the USSR reaffirmed the principal points made in the report submitted by his Government. He informed the Committee that the Soviet courts had not had to deal with any dispute relating to racial discrimination. In relation to article 4 of the Convention, he stated that any propaganda or agitation aimed at inciting racial or national enmity or discord came within the scope of article 11 of the 1958 Act, which had been dealt with in the initial report submitted by his Government. Stating that his Government would be quite willing to provide the Committee with the texts of the various legislative provisions that had existed in the USSR before the entry into force of the Convention, which some members of the Committee wished to consult, he assured the Committee that he would convey to his Government all comments and inquiries made during the discussion and that account

would be taken of them in the next report.

199. The Committee decided to consider the report satisfactory and expressed the hope that the USSR would continue to co-operate with the Committee and to provide it with the desired information.

**CERD 29<sup>TH</sup> No. 18 (A/9618) (1974)**

165. The information contained in the third periodic report from the USSR and its two annexes and the information submitted in response to decision 3 (VII) of the Committee was praised for its comprehensiveness and thoroughness. The Committee welcomed the detailed information on the demographic composition of the country, submitted in accordance with the Committee's general recommendation IV.

166. With regard to the measures giving effect to the provisions of the Convention, the Committee noted with gratification that the Government of the reporting State not only reaffirmed its dedication to the cause of non-discrimination, both internally and internationally, but also gave evidence of its continued dedication to that goal by keeping its internal legislation and its position towards relevant international instruments under constant review. Accordingly, since the submission of its second periodic report, the USSR had ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex), signed the International Convention on the Suppression and Punishment of the Crime of Apartheid (General Assembly resolution 3068 (XXVIII), annex), and continued to take measures to isolate the racist regimes of southern Africa and to enhance the solidarity of the peoples struggling against racial discrimination; and, with respect to the internal scene, it had continued to take measures designed to ensure complete de facto equality for the various Soviet nations and nationalities and had also promulgated in July 1973 an all-Union law on the Fundamentals of the Legislation of the USSR and the Union Republics concerning Public Education. In addition to welcoming these manifestations of a continuing and dynamic policy of struggle against racial discrimination, the Committee noted with satisfaction that the reporting State sought to achieve the objectives of its policy not only by the prohibition, through legislation, of acts of racial discrimination but also by the promotion of socio-economic conditions generating real equality and by the promotion of attitudes of harmony and mutual respect among nationalities through educational and other measures, in implementation of the provisions of article 7 of the Convention.

167. It was noted that the information before the Committee showed that the provisions of article 4, paragraph (a), of the Convention were being implemented; interest was expressed, however, in receiving the texts of legislative provisions relating to paragraph (b) of that article. Interest was expressed also in the implementation of article 6 of the Convention; and questions were asked about the remedies that were available to persons who felt themselves to be the victims of racial discrimination, whether adequate redress could be obtained through administrative tribunals, whether further recourse could be had to judicial and other tribunals, the procedures to be followed in pursuit of those objectives, and whether information was available about individual cases of that nature which might illustrate how the provisions of the Convention were implemented at the grass-roots level. Regarding the nationalities policy of the reporting State, it was asked whether that policy took into account not only the languages but also the distinctive customs, traditions and cultures of the various nationalities. Interest was expressed in receiving the texts of the various legislative enactments mentioned in the opening paragraph of the report and described as defining the principles of the established nationalities policy of the reporting State.

168. In his statement before the Committee, the representative of the Government of the USSR, in addition to replying to specific questions put to him by members of the Committee, expounded on the nationalities policy of the USSR. Regarding article 6 of the Convention, he affirmed that the judicial system protected the rights of all citizens and stated that the Office of the Procurator supervised the precise and strict observance of Soviet laws; and he recalled that it had been pointed out in his country's previous report that no Cases involving acts of racial discrimination had occurred.

**CERD A/31/18 + Corr. 1 (1976)**

188. The fourth periodic report of the Union of Soviet Socialist Republics was considered together with the introductory statement made by the representative of the Government of the reporting State. The Committee noted that the report contained information on relevant legislative and administrative measures adopted during the biennium covered by the report and did not repeat information already supplied to the Committee.

189. The reaffirmation by the Government of the reporting State of its dedication to the cause of non-discrimination, both internally and internationally, was noted with satisfaction. Note was taken of the adoption in 1974, by the Union Republics of the USSR, of laws on State notarial proceedings, based on the all-Union Law of the USSR on State Notarial Proceedings of 1973. The many activities in support of nations struggling for their equality and of the world-wide struggle against racial discrimination were also noted.

190. With regard to the information concerning the composition of the population of the USSR, contained in the annex to the preceding report of that country, one member asked whether the nationality of persons had been established on the basis of statements made by the persons themselves at the time of the census or on the basis of objective criteria. Regarding the provisions of the law on notarial proceedings, cited in the report under consideration, one member of the Committee referred to the statement that notarial proceedings were "conducted ... in cases provided for by the constitutions of the autonomous republics, in the language of the majority of the inhabitants of the region", and asked, first, whether the text referred to an equal majority - for example, more than 50 per cent - and, secondly, whether persons who were not part of the majority and did not understand its language could obtain a translation.

191. In reply to the questions mentioned in the foregoing paragraph, the representative of the Government of the Union Soviet Socialist Republics said, (a) that nationality was determined on the basis of statements made by the persons concerned; (b) that in the Soviet Union, "as was the case everywhere", the word "majority" meant more than 50 per cent; and (c) that, as the texts contained in the report showed, both the all-Union Law and the laws of the Union Republics contained the following provision: "If the person requesting a notarial act does not know the language in which legal proceedings are conducted, the texts of the documents being drawn up shall be translated for him or her."

## **CERD A/34/18 (1979)**

85. The fifth periodic report of the Union of the Soviet Socialist Republics (CERD/C/20/Add.18) was considered by the Committee together with the text of the new Constitution supplied to the members of the Committee by the representative of the reporting State, who introduced the report. Stressing the historic importance of the new Constitution, one member added that it had been promulgated after intensive preparatory work during which consideration had been given, inter alia, to the International Convention on the Elimination of all Forms of Racial Discrimination and the two Covenants and contained some 30 articles concerning equality between races and nationalities as compared with only five in the 1936 Constitution.

86. Members of the Committee recognized the merit of the new Constitution which, according to some members, provided a solid foundation for the establishment of Soviet socialist democracy. It was stated that its provisions regarding the equality of nations and races represented the outcome of 60 years of efforts to vindicate that principle. Article 34, 36 and 64 of the Constitution made any discriminatory conduct a punishable offence in keeping with article 4 of the Convention.

87. It was pointed out, however, that laws antedating the new Constitution remained in force and that the report contained no information on measures taken to give practical effect to the statements of intention in the Constitution, in particular, on any legislation adopted in pursuance of article 4 (b) of the Convention. It was recalled that, during the consideration of the fourth periodic report, the Committee had been given some clarification regarding Soviet legislation relating to the implementation of article 4, and had expressed the wish that fuller information be included in the fifth periodic report. It was noted that only one legal provision relevant to article 4 had in fact been mentioned in the periodic reports of the USSR, namely, the provision making it a criminal offence to engage in any propaganda or agitation likely to arouse hostility among the various nationalities. Details about the legislative instruments applicable to the offences mentioned in article 4 of the Convention were again requested by the Committee.

88. As regards the provisions of article 5 of the Convention, the Committee recognized that many articles of the new Constitution were fully in line with the provisions of that article. It was observed that, according to article 39, paragraph 2, of the Constitution, □ enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the State, or infringe the rights of other citizens□, which was in keeping with the spirit of article 29, paragraph 2, of the Universal Declaration of Human Rights. On the other hand, it was pointed out that other rights - in particular, freedom of scientific, technical and artistic work, mentioned in article 47 of the Constitution, freedom of speech, of the press and of assembly and association, referred to in articles 50 and 51 - were not guaranteed as such since their enjoyment had to be consistent with the interests of the people and with the objectives of the building of communism. As that was a very considerable restriction, a member asked whether those rights were considered less important than others proclaimed without any such reservation. Another member wondered whether the wording of the article 50 revealed that Soviet society was not a pluralist society.

89. With regard to article 6 of the Convention, it was noted by several members that the report gave no explicit indication concerning the implementation of that article. No legislation guaranteeing the rights mentioned therein had been referred to in the report of the USSR. It would be appropriate for the Committee to have the text of the Law on the Procurator's Office of the USSR as well as details of the laws ensuring that aliens and Stateless persons did in fact enjoy the rights and freedom referred to in article 37 of the Constitution.

90. The Committee was satisfied that the report made it clear that measures were being taken to implement article 7 of the Convention. The 1976-1977 laws providing for guarantees regarding languages of instruction and protection of the historical and cultural heritage of the various nations and ethnic groups were welcomed by the Committee. It was felt, however, that the information on the subject should be amplified in the next report and more specific information should be provided.

91. The important contribution of the USSR to international action to combat racial discrimination and apartheid in strictly respecting the resolutions and recommendations of international bodies aimed at isolating racist regimes was commended by members. The fact that the USSR had been the first country to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid was noted. A member, nevertheless, asked to receive specific details regarding the participation of that country in the implementation of the Programme of the Decade for Action to Combat Racism and Racial Discrimination, and in particular on its contributions to the various funds established by the United Nations to bolster the struggle against the racist regimes in southern Africa.

92. In conclusion, the representative of the Union of Soviet Socialist Republics said that efforts would now be made to evolve specific ways of implementing the new Constitution, with a view of altering previous legislation. The comments of the members of the Committee would be transmitted to the competent authorities.



## **CERD A/35/18 (1980)**

400. The sixth periodic report of the Union of Soviet Socialist Republics (CERD/C/66/Add.14) was considered by the Committee together with the additional information provided by the representative of the reporting State, who informed the Committee of the new legislation and development in the Soviet Union since the submission of the previous report, the most significant of which were: the new Constitutions (Fundamental Laws) of 15 Union Republics and 20 Autonomous Republics (1978), the new Act on Citizenship of the USSR (1979), the Act on Elections to the Supreme Soviet of the USSR (1978), the Act on the status of people's deputies in the USSR (1979), the Decision on standing commissions of the Soviet of the Union and the Soviet of Nationalities of the Supreme Soviet of the USSR (1979), the Act on the Council of Ministers of the USSR (1978), the Act on the Supreme Court of the USSR, the Act on the Procurator's Office of the USSR and the Act on the Legal Profession in the USSR (1979). Since the submission of the sixth periodic report further legislation had been enacted by the Presidium of the Supreme Soviet of the USSR with a view to ensuring national and racial equality, including a revised decree on the procedure for considering proposals, statements and complaints made by citizens.

401. The representative also replied to questions previously raised by the Committee in connection with its consideration of the fifth periodic report of the USSR. Concerning the question of legislation to implement article 4 of the Convention he stated that, according to article 36 of the Constitution, any direct or indirect limitation of the rights of citizens or establishment of direct or indirect privileges on grounds of race or nationality, and any advocacy of racial or national exclusiveness were punishable by law. Under the Penal Codes of the Union Republics, such crimes were punishable by six months to three years imprisonment, or exile for the period of two to five years. Article 51 of the Constitution stated that Soviet citizens had the right to associate in public organizations whose aims were consistent with the building of communism. Organizations that incited racial discrimination were contrary to that purpose and therefore could not be set up. In order to have legal standing, organizations must register and, in so doing, state their purposes, which must be in accordance with the Constitution. Article 64 of the Constitution referred to the duty of every citizen to respect the national dignity of other citizens, and to strengthen friendship among the nations and nationalities of the Soviet State.

402. Concerning the questions of implementation of article 6 of the Convention, the representative stated that following the radical political, economic, social and other changes in the USSR, racial and national discrimination had been brought to an end; thus the question of protecting victims of racial discrimination did not arise. None the less, Soviet laws contained provisions relating to the protection of citizens against racial discrimination. Article 5 of the Fundamental Principles of Civil Procedure of the USSR and the Union Republics provided that any individual was entitled to go to court if any of his rights or interests were infringed, and article 6 of the Act on the Fundamental Principles of Civil Law of the USSR and the Union Republics provided protection through an administrative recourse, as well as through the Comrades' Courts and Trade Unions and other public organizations. According to article 58 of the Constitution citizens had the right to lodge complaints against the actions of officials of State bodies and public bodies, and their complaints would be examined according to the procedure and within the established time-limit. Actions by officials which controvert the law or exceed their

powers and infringe the rights of citizens could be appealed in a court and citizens were entitled to compensation for damage resulting from unlawful actions by State and public organizations or by officials in the performance of their duties. Unlawful actions committed by officials were punishable according to the Penal Codes of the Union Republics.

403. Referring to the request for information regarding the position of the aliens and stateless persons before the law, he stated that under article 37 of the Constitution citizens of other countries and stateless persons were guaranteed the rights and freedoms provided by law, including the right to apply to a court and other State bodies for the protection of their personal property, family and other rights. Persons who did not speak the language in which proceedings were being held were entitled by law to address the court in their own language and had the right to interpretation. In accordance with article 15 of the 1978 Act of Citizenship aliens and stateless persons may be naturalized as citizens of the USSR at their request. The civil and other rights enjoyed by aliens and stateless persons included the right to protection of the law and protection of property as well as the right to choose one's work and place of residence. There were exceptions to the general rule. For example, a foreigner could not be a member of a ship's crew or that of an aircraft.

404. Replying to a question concerning the Soviet contribution to the funds established by the United Nations to bolster the struggle against the racist régimes in southern Africa, he stated that Soviet material assistance to the national liberation movements was often greater than contributions of many States to different funds. It contributed to the International Defence and Aid Fund, the most recent contribution amounting to \$10,000 having been made in March 1980.

405. Members of the Committee commended the clear indications of the praiseworthy efforts made by the Soviet Union to meet its obligations under the Convention. It was remarked that the extensive additional information provided by the Soviet representative and legal provisions described in the report were of great interest and had helped the members of the Committee better to understand the Soviet reality. An opinion was expressed that the October Revolution inspired peoples in their struggle for independence and that Lenin had anticipated the Convention in calling for special measures to resolve the problem of the nationalities. It was recalled that the Soviet Union had played an essential role in the struggle against a particular form of racism, namely nazism. It was also underlined that internationalism, democratic ideals and humanism formed the basis of the Soviet Union's laws.

406. Members of the Committee noted that in 1978 and 1979 legislation had been enacted to implement the new Soviet Constitution (1977), including a law on nationality and a law on elections to the Supreme Soviet. In this connexion, some members assumed that the process of revising domestic law to bring it into line with the new Constitution was under way and that further information on that question would be provided in the next report, as well as fuller extracts of the texts of laws, civil and penal procedures, so that the Committee could judge whether the laws in question actually met the provisions of the Convention. It was important to understand how a country's legal procedures were implemented. A member of the Committee requested to know how the new Constitution affected the existing system of other laws.

407. The Committee noted with satisfaction the information provided on the breakdown by nationality of the population of the Union of Soviet Socialist Republics. The results of the 1979 census demonstrated that the Soviet Union was a multinational State. In this connexion, several members of the Committee concentrated their interest on the status of the nationalities, small minorities, and ethnic groups and their relationship with the central Government, as well as on the status of foreigners and stateless persons. They noted that the Constitutions of the constituent republics of the Soviet Union have proclaimed equal treatment of all ethnic groups and minorities. Nevertheless, they asked whether the minorities not organized in autonomous republics, regions and areas were in a less favourable legal position, for instance during procedures before the courts. More details were requested on the relationship between the autonomous regions and the central Government in terms of powers delegated to them, and whether such powers extended to matters such as education and socio-economic development, on measures taken to overcome backwardness in the comparatively backward regions, and on any special policies adopted with respect to their development. Some members noted that the percentage of some nationalities naming the language of their nationality as their native tongue was not so high. It was asked what criteria governed a person's choice to have Russian as his or her mother tongue; now the adoption of Russian affected the status of native languages, whether languages other than Russian continued to be safeguarded even if they were spoken only by small minorities and what language policy in general was applied in education. A member of the Committee noted that according to data from the 1979 census the number of German population naming German as their mother tongue had decreased. He requested an explanation of such a decline and welcomed information on the arrangement for the education of the German minority in the Soviet Union. Another member asked for clarification concerning the decline in the Jewish population and wondered whether the birth-rate had dropped or whether the decline was due to freedom to migrate to other countries. Information was also requested on whether foreigners and stateless persons in the Soviet Union enjoyed the full range of rights, particularly the right of asylum; what the laws were governing marriage between Russians and foreigners; and whether people who took refuge in the Soviet Union for political reasons enjoyed the same rights as Soviet citizens. It was also asked whether a newly naturalized citizen would enjoy all political rights in the Soviet Union, or was subject to any restrictions.

408. Some members reiterated the request made earlier that the texts of the legislative, regulatory and, in particular, penal and procedural provisions implementing article 4, paragraphs (a), (b) and (c) of the Convention, should be submitted in writing.

409. With regard to the implementation of article 5 of the Convention, members of the Committee noted that the efforts made by the Soviet Union in all areas, covered by this article of the Convention, have been commendable. One member doubted whether the right to freedom of movement and the right to leave the country were respected. Explanations about mobility in the field of employment, the free choice of work and the legal basis of expulsions were requested. Another member of the Committee requested further information on paragraph (d) (ii) of that article, in particular, how many persons had applied to leave the Soviet Union, either as tourists or as emigrants, during the period under review, how many of those applications had been granted, and how many denied, as well as a breakdown of figures by race and nationality. He asked also whether non-party members could stand for election to the Supreme Soviet or to the Soviets of the various Republics, and how many slates of candidates were

presented in any given election. He also requested a breakdown by nationality, race and ethnic origin of the Party membership as well as of the membership of the Supreme Soviet and the Soviets of the constituent Republics. Information on the degree of recognition of the various religions was also requested; whether, notwithstanding the special concept of religious freedom, religious institutions received assistance from the State and whether the State recognized sacramental ceremonies in the case of marriages, in addition to civil registration.

410. In connection with the implementation of article 6 of the Convention, a member of the Committee asked how a victim of racial discrimination could proceed to seek reparation or satisfaction for damage suffered. Was recourse possible if an individual suffered discrimination at the hands of another individual? Were interpreters in court proceedings paid by the court or by the individual when a member of a linguistic minority was involved?

411. Concerning article 7 of the Convention, it was noted that the right of citizens to education in their mother tongue was guaranteed in the Constitutions of the various Republics and the question was asked whether specific legislation had been enacted at the federal level to implement that right. It was wondered whether article 4 of the Fundamental Principles of Legislation of the USSR and the Union Republics on Public Education actually served to provide education for all citizens in their mother tongue and to what extent the schools were being used to acquaint children with the great cultural diversity of their country. The regulation adopted by the Supreme Soviet of the USSR requiring the translation of all laws, decisions and other acts into the languages of the Union Republics was highly commendable. One member asked whether there was a similar provision for the translation of international agreements into those languages.

412. The representative of the reporting State, replying to questions raised by members of the Committee, stated that much attention was paid in his country to the status of native languages and to the development of cultural traditions of all ethnic groups of the population. After the revolution, written languages were created for many nationalities which had only spoken languages. Some of the schools in each Republic used Russian as the language of instruction, while others used the national language; however, in all schools the national language is learned by all children. The choice of schools was left to the parents and children. The governing bodies of the autonomous Republic took part in preparing and approving the State plan and budget affecting industry, agriculture, enterprises and other institutions.

413. On the subject of the role of the Russian language, he said that the fact that an increasing number of persons had stated during the census that they considered Russian to be their native language reflected the prominent role played by the Russian language in the unification of the nationalities and in communications. In any case, the choice of language was voluntary and expressed merely personal preference. The movement of people from one Republic to another led to the gradual loss of the native language and its replacement by Russian, which reflected the increasing cultural, political, economic and social unity of the Soviet Union.

414. With regard to schools in the German language, the representative said that there were many

schools offering courses in that language; in some schools all subjects were taught in German, especially in regions where Germans had settled. With regard to the census and the category of Jewish nationality, he said that those who indicated that they wished to be registered as Jews were so registered. Some practised Judaism, while others did not.

415. In reply to questions concerning the right of asylum, the representative stated that article 38 of the Constitution granted the right of asylum to foreigners persecuted for defending the interests of the working people and the cause of peace, or for participating in the revolutionary and national liberation movements, or for their progressive social, political, scientific or other creative activity.

416. With regard to the situation of foreigners and stateless persons, he stated that those persons had all the rights and freedoms provided for nationals in the Constitution except for certain political rights. The exercise of rights and freedoms were subject to the limitations spelt out in the Constitution, i.e. they must not be used to jeopardize the interest of State security, public order and so forth. Furthermore, foreigners had the obligation not to interfere in the internal affairs of the Soviet Union, to respect national customs and traditions and to observe the laws and social order. Marriages between Soviet citizens and foreigners were recognized in the Soviet Union. After the Second World War, by 1978, approximately 10,500 Soviet citizens had concluded marriages with non-Soviet citizens and in many cases had left the country to live in other countries.

417. Turning to questions concerning the need to change legislation in order to implement the new Constitution, the representative stated that according to the plan announced by the Presidium of the Supreme Soviet, a number of major pieces of legislation required revision. Many Soviet laws had been already revised.

418. With regard to questions concerning the possibilities for Soviet citizens to emigrate, he said that most of the Soviet nationals exercising their right to emigrate had left the country to rejoin their families abroad. The Soviet Red Cross co-operated with the International Red Cross in efforts to find members of separate families. More than 2 million applications for searches had been filed and in more than 400,000 cases relatives had been found. Hundreds of thousands of the people concerned had entered the Soviet Union to join their families and had obtained Soviet citizenship. Others had left without any difficulties to rejoin their families abroad. Between the end of the Second World War and September 1978, 168,000 persons of Jewish nationality and 50,000 of German origin had left the country. The authorities gave careful consideration to all applications. The rejections amounting to 1.6 per cent were only temporary. In some cases an individual was involved in court proceedings or families needed time to arrange their affairs. If an individual was involved in the work of a national security nature, some time must elapse until that individual could go abroad.

419. With regard to the questions concerning elections to the Soviets, the representative stated that in the most recent elections (February 1980) more than 176 million voters had elected 2,285,000 deputies to the Supreme Soviets of the Union and Autonomous Republics and to the local Soviets. 56.8 per cent of the deputies were non-party members, nearly one half were women and 68.6 per cent were factory or farm workers.

420. As regards the status of religion and registration of marriages, the representative said that there was full freedom under the Constitution to practise any religion or none at all. The Church and the State were entirely separate and it was the responsibility of the Church to provide a salary for its priests. Some church buildings were supported by the State as national monuments. Marriages had to be contracted at the Bureau of Civil Status Records (ZAGS). Nothing prevented individuals from having religious ceremony; religious marriages contracted prior to the Revolution had the same legal status as those contracted at ZAGS.

421. Replying to the question about the payment of interpreters in court cases, he said that under the Code of Civil Procedure witnesses, experts and interpreters were paid by the Court.

422. The representative assured the Committee that other questions would be transmitted to the competent authorities of his Government, who would take them into account in preparing the next periodic report.

**CERD A/37/18 (1982)**

420. The seventh periodic report of the Union of Soviet Socialist Republics (CERD/C/91/Add.18) was introduced by the representative of the reporting State who said that during the 60 years of its existence the Soviet Union had made great progress in promoting the all-round development of nations and nationalities. Not only had de jure and de facto equality of all nations and nationalities been guaranteed, but the problem of equalizing the levels of economic development of the Soviet republics had also essentially been solved. The report described important new legislation enacted during 1980-1981 in order to implement provisions of the Convention and provided answers to questions raised by members of the Committee during the consideration of the sixth periodic report of the Soviet Union. Furthermore, in accordance with the wishes of the Committee, the texts of the relevant legislative provisions were included to the fullest possible extent, particularly concerning the legal position of aliens in the USSR and the autonomous regions and their relationship with the central Government. The Soviet Union actively supported the implementation by all States parties of the obligations assumed under the Convention as well as the decisions and recommendations of international organizations concerning the struggle against racism and apartheid.

421. Members of the Committee congratulated the Soviet Union for having taken steps during the previous 60 years to eliminate racial discrimination and to guarantee the equality of its nations and nationalities. Some members noted that this experience was of interest to other States. It was appreciated that the reporting State conformed to the revised guidelines of the Committee in its report, that contained a wealth of material. They particularly praised the effort made to provide the Committee, in reply to its requests, with specific information on the criminal legislation, on the judicial system and on administrative matters in the Soviet Union. One member stated that he could only accept with reservations the statement to the effect that the Great October Socialist Revolution had eliminated racism and racial discrimination in the Soviet Union, in view of the large number of nationalities, it seemed difficult to believe that no racial differences or prejudices existed anywhere. Another member welcomed the information concerning the establishment of four new autonomous regions, and asked whether those regions had in fact been established in order to enable the people living there to achieve full ethnic equality. He therefore requested that the texts of the relevant provisions should be included in the next periodic report. Further information was requested on the criteria for granting regional autonomy. It was also asked what was the status of the Convention under the new 1977 Constitution, in the legal system of both the Union republics and the autonomous republics and whether the provisions of the Convention were binding on legislators and directly applicable by administrative authorities and the judiciary.

422. Further information was requested regarding the legal position of aliens, since their status as reported went beyond article 1, paragraph 2, of the Convention. In this connection, it was asked whether the Act concerning the Legal Position of Aliens dealt with the principle of political asylum and with political refugees and, if so, whether its provisions applied only to aliens associated with a socialist group and what were the special conditions to be fulfilled. It was pointed out that the sixth periodic report had been discussed shortly after the entry into force of the new Soviet Constitution at a time when consequential legislation had been in preparation. Although reference had been made to some of that

legislation in the seventh periodic report, the importance of including the actual texts of such legislation was stressed, so that members of the Committee could understand the situation in the Soviet Union and other States parties could learn about how the Soviet Union was tackling any problems it encountered. The Government was therefore requested to supply the texts for the Decree of the Presidium of the Supreme Soviet of the USSR of 18 May 1981, and of the Act of 24 June 1981 concerning the Legal Position of Aliens, as well as of any other relevant legislation introduced since the consideration of the sixth periodic report.

423. With respect to the implementation of article 2 of the Convention, specific information was requested particularly with regard to the more backward minorities among the Soviet nationalities. The next report should show how adequate steps had been taken for the advancement of such minorities, giving statistics on their economic, social and educational purposes. Information was requested on what the official language policy of the Soviet Union was on whether bilingualism was expected of the Russians as well as the other nationalities, on the institutional measures adopted and eventually included in the five-year plan to promote the development of under-developed regions inhabited by different national and ethnic groups. Referring to the statistics on the Soviet population, one member drew attention to the fact that the breakdown by nationality of each Union republic did not include any Germans, even for the Kazakh SSR, despite the indication on page 13 of the report that the majority of the 1,936,000 persons of German nationality in the USSR lived in Kazakhstan.

424. With respect to article 3 of the Convention, members commended the Government of the Soviet Union on its policy of opposition to racism and apartheid and of support for the liberation movements recognized by the United Nations.

425. In connection with article 4 of the Convention, it was pointed out that although the report sought to answer many of the questions raised during the discussion of the previous report, the information on the implementation of that article was insufficient. Article 36 of the Soviet Constitution and article 11 of the Act on Criminal Liability for Crimes Against the State did not completely satisfy all the requirements of article 4. Only propaganda designed to incite racial hatred and the establishment of privileges was covered, no mention was made of actual acts of racial discrimination as such. A cursory examination of article 74 of the Code of Criminal Procedure of the RSFSR showed that it contained no provision penalizing the dissemination of ideas based on racial superiority or hatred, in accordance with the first clause of article 4 (a) of the Convention. As for the implementation of the third and fourth clauses of article 4 (a), it could be assumed that the Soviet Government had general laws against acts of violence or incitement to such acts and also against complicity in criminal activities. If so, the next report of the USSR should provide the Committee with specific information on such legal provisions. It was also remarked that the report provided no information on the implementation of article 4 (b) of the Convention, which required States parties to prohibit organizations and propaganda activities that promoted and incited racial discrimination. If such organizations and activities were unlawful and unconstitutional in the USSR, the next report should refer to specific penal provisions, including any which had been enacted under the new Constitution. The Committee had withheld questions regarding the conformity of Soviet law with article 4 while the Soviet Constitution was being revised, and now awaited information on the subject.



426. With regard to article 5, more extracts from Soviet legislation pertaining to the implementation of that article were requested, in particular, the text of the Act of 25 June 1980 amending and supplementing the Fundamental Principles of Legislation concerning the Judicial System of the USSR in the Union and autonomous republics. A clarification was also requested concerning the expression □ payment of pensions under advantageous conditions and at advantageous rates □ in the first paragraph on page 10 of the report. One member remarked that he found it astonishing that, in connection with article 5, paragraph (d), only freedom of conscience and the activities of religious associations were mentioned; he would not have expected a reference to guarantee for religious education in schools.

427. With reference to the implementation of article 6 of the Convention, the Government was requested to furnish the text of the Decree of the Presidium of the Supreme Soviet of the USSR of 18 May 1981. In this connection, it was remarked that the Decree applied to only a very few officials, and it was asked whether the victim of damage caused by, for example, a local housing construction official, would be able to obtain compensation, whether victims of racial discrimination in the Soviet Union could secure compensation from offenders who were private citizens since the legal provisions described in the report referred only to offences by public officials and bodies. In general, it was asked whether there were further provisions of Soviet legislation dealing with compensation for damage caused to a citizen in other areas than the ones provided for in the above-mentioned Decree. Finally, clarification was requested of the term □ legally safeguarded interests □ in the report.

428. With regard to the implementation of article 7, it was pointed out that the development of all the cultural, educational, scientific and other aspects of life had been very important for the Soviet society. It was, however, remarked that the abundant information provided on the theatre in the Soviet Union was outside the Committee's competence. The kind of information the Committee needed was, for example, whether the text of the Universal Declaration of Human Rights was available to everyone on the Soviet Union, and whether the Declaration and the human rights instruments of the United Nations were a subject of study in Soviet schools. One member asked whether all nations and nationalities had really □ voluntarily □ chosen Russian as the lingua franca for communications and co-operation between nationalities, even if they were probably not forced to learn Russian. It was, of course, necessary to integrate the country linguistically, but it was also important to ensure the full equality of other languages.

429. In reply to a number of questions raised, the representative of the USSR indicated that the reference in the report to payment of pension benefits under advantageous conditions related to incentives to attract workers to areas where working conditions were difficult, that the Soviet Union provided special pension privileges by lowering the pensionable age and the number of years necessary for eligibility and by increasing the amount of pensions. In reply to a question regarding the concept of □ legally safeguarded interests □, he stated that those interests which were particularly significant for the development of society or of individual citizens were protected above all.

430. Regarding the comment on the nationality problem, he said that the aim of the Soviet Government since the October Revolution had been full equality for all nationalities. The multinational society of the Soviet Union was constantly developing, and as new problems arose the legal machinery was

constantly being refined. Moreover, there was a pervasive moral climate in the State which, together with explicit policy requirements, reinforced the legal norms and made racial and national discrimination impossible.

431. With reference to requests made for further information regarding the implementation of article 4 of the Convention, he stated that Soviet legislation took full account of that article, since in the Soviet legal system all provisions of the international agreements to which the USSR was a party were binding on the entire Union and its constituent republics, in accordance with the law governing participation in international treaties and the law governing the constitutional division of power between the Union and the republics. Moreover, article 11 of the Act on Criminal Liability for Crimes Against the State, of 25 December 1958, guaranteed the implementation of article 4 throughout the country, and new legislation was constantly being enacted. In addition, Soviet standards of morality and political upbringing had produced among ordinary citizens an ingrained intolerance of any manifestation of racial discrimination.

432. As to why so many people stated in the census that Russian was their national language, he said that the vast amount of construction work going on in the USSR had generated a dynamic movement of people from one region to another, and with the interaction of more than 150 nationalities the advantages of a common language became obvious, and Russian was becoming progressively the adopted language of many national communities. However, there was no single State language in the USSR and the Constitution guaranteed the right of all Soviet peoples to use their native language. In the schools of the republics, two languages were taught - the national language and Russian. There were people of German origin in the USSR, who lived particularly in Kazakhstan and Uzbekistan and in Moscow and Leningrad. He could not say exactly how many lived in Kazakhstan but would transmit the question to the Central Statistical Office with a view to ensuring a more exhaustive reply for the next report.

433. Concerning the question as to what percentage of the population knew about the United Nations and the Universal Declaration of Human Rights, he affirmed that the Declaration was accessible in all public libraries to all Soviet citizens. The leading Soviet encyclopaedia also contained a detailed presentation of the Declaration. Schools taught the history of the United Nations and its main areas of activity in connection with social studies.

434. The formerly backward peoples would receive extensive coverage in the next report. In the new Constitution, the right of foreigners to refuge in the USSR was granted to persons who defended the rights of workers, the cause of peace or the freedom of their people, who participated in revolutionary movements or who advocated progressive political, scientific, sociological and other creative activities. Such right of refuge gave the lie to the assertion that the USSR was interested only in granting political asylum to persons espousing the communist ideology.

## **CERD A/40/18 (1985)**

98. The eighth periodic report of the Union of Soviet Socialist Republics (CERD/C/118/Add.6) was considered by the Committee at its 702<sup>nd</sup> and 703<sup>rd</sup> meetings held on 6 March 1985 (CERD/C/SR.702 and SR.703).

99. The report was introduced by the representative of the Soviet Union who placed great emphasis on the commemoration of the fortieth anniversary of the victory of nazism and facism. He said that the foremost right of each person and each nation was the right to life. In that regard, the Soviet programme of peace set forth realistic and constructive ways to reduce the threat of war. He indicated that the economic, social, scientific and cultural development of all nationalities in the Soviet Union had continued during the period covered by the report. His Government had not only ensured the legal equality of all peoples and nationalities in the Soviet Union, but had also largely solved the problem of equalizing the economic development of the constituent republics. His country firmly condemned South Africa's policy of terror and mass repression vis-à-vis the indigenous African population, its continued illegal occupation of Namibia and its acts of aggression against independent States.

100. The Committee congratulated the Soviet Union on its continuing constructive dialogue with the Committee and its realistic recognition of the problems posed by the large number of nationalities in the Soviet Union. The report, though brief, was comprehensive and in line with the Committee's general guidelines (CERD/C/70/Rev.1). It complemented previous reports and provided information on the qualitative and quantitative improvements developed by the Government for the benefit of its citizens. Members of the Committee pointed out, however, that the statement in the report claiming that the national problem had been solved "definitively and irreversibly" was not realistic. They appreciated that, following their request, additional information had been provided on certain issues. However, they noted that other information requested had not been provided and wished to know what difficulties had been encountered in supplying it.

101. Members of the Committee took note of the relevant parts of the report concerning the 1983 Decree of the Presidium of the Supreme Soviet aiming at strengthening the fraternal union of the peoples of the Soviet Union as well as of the 1983 Act on labour collectives which provided for the education of the members of such collectives in a spirit of socialist internationalism. They reiterated, however, their request concerning the status of the Convention under the new Constitution. In that connection, it was pointed out that an international treaty could be applied in the Soviet Union only if it was incorporated in Soviet law. Reference was made to article 29 of the Soviet Constitution, which stated that the Soviet Union's relations with other States were based, inter alia, on the fulfilment in good faith of obligations arising from the generally recognized principles and rules of international law, and the international treaties signed by the Soviet Union. It was asked whether the Soviet courts applied the Convention directly. Information was also requested on the official position of the Soviet Government regarding the applicability of international instruments in the internal sphere. It was observed that under article 72 of the Constitution, Union Republics, but not autonomous regions, could secede from the Soviet Union. Information was requested about the legal provisions for the act of secession; it was asked which bodies could introduce the relevant procedure, whether the initiative could be taken by the

legislative body of the Union Republic and whether a referendum was required.

102. In respect of the implementation of article 2 of the Convention, members of the Committee were interested to know whether the higher population growth of the five main areas of Soviet central Asia had led to a greater migration from central Asia towards Russia or whether it had increased the participation by central Asians at the central level of Soviet administration and in industry; whether the economic and cultural development among small ethnic groups was the same as that achieved in the larger nations of the Soviet Union and whether the small nations were represented in the Supreme Soviet. The Committee would also welcome more information, particularly in the social, economic and cultural fields, regarding nationalities in the backward areas of the Soviet north and far north. In that connection, it was asked how the increasing exploitation of the natural resources of those areas was being used to benefit local nationalities; what percentage of the population in those areas was receiving university education; and to what extent ethnic minorities participated in public administration at all levels, particularly in the Soviet north. Members of the Committee noted that there was freedom of choice of the language of instruction in the Soviet Union and asked how instruction in their mother tongue was provided for the 22 nationalities, which totalled only 158,000 and were scattered over a large area in Siberia and the Soviet far east. It was also asked whether the statement in the report referring to the plurinational socialist culture which had flourished in the Soviet Union included the small nations.

103. With reference to article 3 of the Convention, the Committee commended the decisive role played by the Soviet Union in destroying facism and nazism and the continued efforts it deployed at the international level in proposing and implementing measures to eradicate racial discrimination and apartheid. The Soviet Union, it was pointed out, consistently advocated the cessation of the illegal occupation of Namibia by the South African r□gime and the immediate granting of independence to Namibia. As a member of the Security Council, the Soviet Union had expressed its determination to apply sanctions against South Africa.

104. Regarding the implementation of article 4 of the Convention, members of the Committee observed that article 36 of the Soviet Constitution and article 11 of the Act on Criminal Liability did not fully satisfy the requirements of that article of the Convention. They also noted that the report provides no information on the implementation of article 4 (b) of the Convention which required States parties to prohibit organizations promoting or inciting racial discrimination. The Committee would welcome further information on the implementation of article 4 the Convention.

105. Concerning article 5 of the Convention, members of the Committee noted that the 1983 Housing Code of the Russian Federation provided further guarantees of the right of citizens to housing without discrimination. They requested information as to how free choice of employment was protected and in which sectors self-employment was permitted; how labour disputes were resolved and to whom a worker could complain if he or she had been unjustly dismissed. Further information was requested concerning the role of workers of different ethnic origin in the Soviet Union, the status of industrial and field workers in agricultural co-operatives and the way in which the interests of the peasants were being safeguarded. Regarding the right of freedom of movement and residence and the right to leave and to

return to one's own country, some members pointed out that there were reports indicating that Jews in the Soviet Union were refused the right to leave the country and that persons denied permission to leave the Soviet Union could not appeal to the courts, but only to administrative bodies. On the basis of information available to him, one member asked whether the number of permissions granted to Germans to leave the Soviet Union in 1984 was only 10 per cent of the number granted in 1976, and whether for Jews the figure was even lower. Clarifications were requested as to whether the administrative bodies were bound by any laws when they denied permission to leave the country or whether they could do so at their own discretion, which would be inconsistent with the provisions of article 5 of the Convention. Information was requested on the number of exit visas granted, as well as the reasons for refusing them. Members would also be interested to know whether the teaching of Hebrew was permitted to those who regarded it as their mother tongue or wished to use it for religious purposes. One member asked whether the term "spiritual", as used in the report, involved religion. The Committee reiterated its request for extracts from the relevant Soviet legislation with respect to the implementation of article 5 of the Convention.

106. As far as article 6 of the Convention was concerned, members of the Committee took note of the information given in the report concerning the provision of compensation for damage caused to citizens by unlawful acts of State or public officials, but pointed out that that provision could not be regarded as a penalty for acts of racial discrimination. They requested detailed information concerning the scope and application of the provisions regarding compensation for victims of racial discrimination in cases where the offence was committed by private persons, which came within the purview of article 88 of the Fundamental Principles of Civil Legislation. It was also asked whether the functions of the "procurator's office" were similar to those of an ombudsman.

107. Members of the Committee requested more information on the implementation of article 7.

108. Replying to questions raised and observations made by members of the Committee, the representative of the Soviet Union pointed out that the statement in the report that the national problem had been resolved "successfully, definitively and irreversibly" meant that the problem had been resolved in principle. With the development of society, new problems could arise. Those difficulties were, however, recognized and efforts were being made to overcome them.

109. Turning to the relationship between domestic and international law, he said that the Constitution contained principles for the conduct of foreign policy, including the principle of pacta sunt servanda and the principle of fulfilment in good faith of obligations arising from the generally recognized principles and rules of international law and from the international treaties signed by the USSR. It was therefore possible to speak of the primacy of international law in the USSR. The status of the autonomous regions was indeed different from that of the autonomous republics, and they had no right of secession. The arrangements for the submission of legislative initiatives were regulated by law, and such proposals could either be dealt with by referendum or discussed in the parliaments.

110. Referring to article 2 of the Convention, the representative stated that the Soviet Union comprised a mixture of cultures, with no division between major and minor. The exchange of experience between

such cultures was a means of mutual enrichment. In that connection, and in response to a question raised by one member, he said that the word "spiritual", as used in the report, had a cultural and moral sense and did not involve religion. He said that the Soviet of Nationalities, one of the two Chambers of the Supreme Soviet, was comprised of a fixed number of deputies from each of the Union Republics, autonomous republics, autonomous regions and autonomous areas. In local Government, much depended on the capacity of individuals to represent the interest of their own nations and nationalities. Further information on the national composition of Siberia would be available only after a new census had been taken. In the north, boarding-schools had been opened to provide pupils with the opportunity of being taught in their native language. With regard to the effect of population growth on employment opportunities and population movements in central Asia, he said that large-scale engineering projects tended to attract workers from all over the country, thus resulting in a certain amount of migration. The Government endeavoured to provide employment opportunities locally so that, while central Asia was experiencing a very rapid growth in population, the creation of new jobs meant that workers were not forced to leave their region.

111. Regarding article 4 of the Convention, he indicated that article 74 of the Criminal Code, which provided for punishment of propaganda or agitation aimed at inciting racial hatred, met the requirements of article 4 of the Convention, particularly as only the members of organizations and not the organizations as such could be punished.

112. Referring to questions put in connection with article 5 of the Convention, he stated that all citizens were entitled to travel within the country, anywhere and at any time. He had no statistics readily available on Jewish migration. Each application for an exit visa was carefully considered. There could be various legal grounds for refusing exit visas, such as security. The decline in the number of visas issued was linked to the disillusionment experienced by many emigrants, who kept in regular contact with their friends in the Soviet Union and told them of the real situation abroad. As for the use of Yiddish, it was the language of instruction in areas where a large proportion of the population so desired. Similarly, as was the case with other religious ceremonies, Jewish rituals could be conducted in whatever language the rabbi felt was most appropriate. Concerning the role of trade unions in cases where workers wished to leave their place of employment, he said that, in principle, there were no obstacles to such changes of employment; once an application was made, the management could not keep the worker for more than one month. If the management wanted to dismiss a worker, it had to seek the approval of the appropriate trade union. If a worker considered that he had been dismissed illegally, he could appeal to the courts, which would consider the case and make a ruling. The situation of workers and trade unions was basically the same in co-operatives and rural areas. As there was no unemployment in the Soviet Union, but rather a great demand for workers, anyone who was dismissed or left his job was able to find work very quickly.

113. With regard to article 6 of the Convention, he said that the relevant Soviet legislation mentioned in the report could be invoked in order to seek redress for acts of racial discrimination. The Procurator-General of the USSR and the procurators subordinate to him were entrusted with supreme supervision over the strict and uniform observance of laws by all ministries, State committees and departments, enterprises, establishments and organizations, executive and administrative organs of the local

organizations, persons in office and citizens. The tasks of the office included the strengthening of socialist legality and law and order and protection of the social system of the USSR, the socio-economic, political and personal rights and freedoms of citizens and the rights and lawful interests of State enterprises, establishments and organizations, collective farms, co-operatives and other public organizations.

114. In conclusion, he said that he would transmit to his Government the requests for additional information which he had not been able to meet.

## **CERD A/42/18 (1987)**

416. The ninth periodic report of the Union of Soviet Socialist Republics (CERD/C/149/Add.8) was considered by the Committee at its 779<sup>th</sup> meeting, on 3 March 1987 (CERD/C/SR.779).

417. In introducing the report, the representative of the Soviet Union informed the Committee of revolutionary changes which had taken place in his country since the report had been prepared. The Congress of the Communist Party of the Soviet Union and the Soviet State attached primary importance to further developing relations between nationalities in his country. The struggle against racism was an essential part of a system of comprehensive international security and required the broadest co-operation between States. The abhorrent system of apartheid in southern Africa and Pretoria's policy had rightly been described by the Harare Conference as one of genocide. Zionism also represented an example of racial discrimination in its continuing violations of the rights of the Arab peoples.

418. Members of the Committee congratulated the representative of the Soviet Union on the report and on the important introductory statement on the new historic and revolutionary policy adopted by the Soviet Union. They welcomed the new phase begun in Soviet society and wished to receive additional information regarding the changes introduced during recent months and to know how those changes had influenced life in that vast country. Further information was requested on the relationship between internal humanitarian policy and the new foreign policy in the Soviet Union, in particular the proposals introduced by the USSR in the United Nations concerning a comprehensive system of international security, in which the economic and humanitarian elements were regarded as essential conditions.

419. Information was requested regarding the applicability of the Convention by the courts and the interpretation of the new USSR Constitution. It was asked whether the new Constitution contained any changes in relation to the right of secession of the union republics contained in the 1936 Constitution. With regard to the riots in Kazakhstan, it was asked what measures had been taken by the authorities and whether penal action had been taken in dealing with the situation.

420. Members commended the Soviet Union for the measures it had taken to eliminate apartheid and its active part in the campaign to free Nelson Mandela and other political prisoners in South Africa.

421. In relation to article 4 of the Convention, some members claimed that, though social legislation fully provided for the implementation of that article, anti-Semitic propagandists, in anti-Zionist guise, had never been prosecuted for their writings. It was asked whether the text of article 36 of the USSR Constitution, which related to article 4 (b) of the Convention, could be provided to the Committee.

422. With reference to the right to leave and to return to one's own country under article 5 of the Convention, some members wished to know why Jewish emigrants to Israel were made to give up their Soviet nationality and to pay a substantial levy - whereas other emigrants could retain their Soviet nationality, what the present situation of Jewish "refuseniks" was, whether any statistics were available on Jewish emigration, and whether a new law promulgated in January 1987 restricted the emigration from the Soviet Union of persons with knowledge of State secrets until such secrets were out



of date. In that connection, clarification was requested on the meaning of "knowledge of State secrets" since it seemed ambiguous and required subjective interpretation. Another member suggested that Jewish citizens were privileged with respect to emigration.

423. Members referred to the right to work, under article 5 of the Convention, which was guaranteed to citizens by the Constitution of the Soviet Union, in accordance with their inclination, abilities, training and education, taking due account of the needs of society. They noted that the accent was on a new style of work, modernization, high efficiency and productivity. Within that context, they wished to receive further information on how efficiency and productivity could be harmonized with the fact that there was no unemployment, since in the interests of efficiency, some workers had to be dismissed for poor performance. It was asked what was meant by the "needs of society" and how those needs modified the freedom of the individual, whether labour rights were still protected by the courts since the new changes, how the rapid increase in the minority populations, particularly the Asian populations, had affected employment and freedom of movement, and to what extent the population of the Asian republics was represented at the higher levels of Soviet society.

424. In connection with the right to education and training under article 5 of the Convention, one member asked whether Soviet statistics did not show a much greater decline in the number of Jewish students between 1968/69 and 1980/81 than the numerical decline in the Soviet Jewish population in general and the relevant age group in particular and, if so, how that fact was to be interpreted. Discrimination in the admission of Jewish students to leading mathematics departments in Moscow between 1978 and 1980 was also noted by one member and clarifications were requested as to whether such practices still persisted. It was asked why optional teaching of Yiddish had been introduced in Birobidzhan, when there were 20 times more Jews in Moscow and 13 times more in Byelorussia than in Birobidzhan, particularly in view of the fact that article 20 of the Fundamental Principle of Legislation on Public Education guaranteed that pupils might study the language of another people. On the other hand, a member observed that Jews were a privileged group compared with other nationalities; the percentage of Jews with higher education and access to culture seemed to be higher than that of other minorities, particularly the Muslims. It was asked whether freedom of choice of the language of instruction was limited to primary school. Clarification was requested concerning the opening of schools with a total of 195,000 pupil places and pre-school establishments with 154,000 places in the northern districts where over 30 million inhabitants lived. The measures aimed at improving equality in education, such as the amendments to the Fundamental Principles of Legislation on Public Education, 1985, and the 1984 decision to expand the training of teaching staff in certain regions, including the republics of Central Asia and Kazakhstan, were noted with appreciation. Further information was requested on the new measures concerning education for people of the Soviet Far East, vocational education, proposals concerning uniformity in secondary education and the effect that that would have on the cultural heritage of minorities, and the number of minority students in natural sciences in the republics of Central Asia, Siberia and the Far East. In relation to the Soviet policy on higher or secondary specialist education, which included special measures to promote the advancement of certain racial or ethnic groups which were justified by article 1, paragraph 4, of the Convention, additional information was requested regarding the second part of that provision which stipulated that such measures should be discontinued after the desired objectives had been achieved.

425. In relation to article 6 of the Convention, one member requested information about new legislation which would give citizens a broader right to recourse against the Government. He suggested that the absence of cases of racial discrimination before the courts could indicate that people lacked the courage to bring such cases before the courts, since in no country was racial discrimination totally absent.

426. With regard to article 7 of the Convention, one member asked whether it was true that in Soviet textbooks matters relating to the Jewish people in Soviet history had been belittled or passed over in silence, and that in many cases the Jews had been presented in a negative light.

427. With regard to article 14 of the Convention, it was asked whether the Soviet Union could consider making the optional declaration under that article recognizing the competence of the Committee to deal with individual communications.

428. In reply to the observations made by the members of the Committee about the changes that had taken place in his country, the representative of the Soviet Union said that the revolutionary transformation was a further democratization of society on the basis of what had already been achieved. His country was trying to intensify self-Government and self-development, particularly at the local level. Measures included protection of political, social and individual rights, preservation of socialist law and denunciation of illegal acts by the authorities in violation of people's rights. There was a close link between the Soviet Union's internal changes and its efforts to promote international security. His Government took the view that, if mankind was to survive, the arms race must be halted, food supplies must be assured, the environment must be protected and space must be used only for peaceful purposes. Co-operation and agreement must replace power politics and interference so that mankind could proceed with its development. Co-operation should extend to humanitarian matters so as to eliminate all forms of nationalism, discrimination and racism.

429. He stated that the Convention formed part of Soviet law, although changes in domestic legislation were made if they were found necessary in order to reflect particular provisions of the Convention more effectively. He said that there had recently been a problem in Kazakhstan, where, under the former authorities, advantages had been given to certain groups from the south of the republic to the detriment of the rest of the population. That had led to nepotism and corruption. The former authorities had not been successful in coping with the complex and delicate aspects of the nationalities' question. However, the Government's policy was that all citizens should have equal rights, as required by the Convention.

430. He informed the Committee that the provisions of article 4 (b) of the Convention were covered by article 36 of the Constitution and by the Penal Code; however the question as to whether specific legislation was needed to prohibit racist organizations or whether the present Penal code was adequate was under discussion.

431. He assured the Committee that article 5 of the Convention was implemented without limitations of race, colour, nationality or ethnic origin. Difficulties sometimes arose with employment, and efforts were being made to find appropriate solutions. However, uneconomic enterprises could not be closed

down until the workers concerned had been retrained and provided with alternative employment with at least the same level of remuneration. The process of transformation might therefore proceed slowly. At present, a citizen could practice his occupation anywhere in the USSR, although in some cases he might have a problem if he wished to find employment in his own occupation in the place where he was born. Efforts were being made to overcome such difficulties and to create the best possible conditions for labour mobility within the country through the planned distribution of manpower.

432. As to the right to leave and to return to the USSR, he pointed out that article 20 of a new law guaranteed that both Soviet and foreign citizens could enter and leave the country on private business without discrimination. It was true that persons who, through their work, were in possession of State security secrets might not be permitted to leave the country for a certain period. The period concerned depended on the closeness of the connection with State secrets. It sometimes happened that permission was opposed by the applicant's parents who would find themselves without support if the application was granted. Under Soviet law, Jews were neither discriminated against nor given advantages. It was true that it had been easier for Jews to leave the country than for other groups and that 185,953 persons had left the Soviet Union for Israel, but that was due to the fact that the Second World War had split a large number of Jewish families, many of whom had subsequently been reunited. Jews were not deprived of their nationality in the Soviet Union. There was, however, a legal problem in the case of Jews emigrating to Israel because under Israeli law, citizenship was automatically granted to all Jews. The USSR did not recognize dual citizenship, so persons with dual nationality were in a difficult situation.

433. The representative of the USSR said that Jews held a high percentage of senior positions in medicine, science and the arts because they had played an active part in the Revolution, and after the Revolution they had taken advantage of the new educational facilities made available to them. The statistical situation was slowly changing, not as a result of any discrimination against Jews but through the advancement of other national groups. The Moscow synagogue was open to all Jews, but 90 per cent of them in the Soviet Union were atheists. He indicated that, although cases of abuse of authority might have occurred, the law and government policy favoured the equality of all minority languages, including Yiddish and Hebrew. Minority languages were used as the vehicle of instruction in both primary and secondary schools and sometimes in higher education as well. The figures for the northern nations given in the report related to all persons residing in the north, but primarily to the smaller nationalities. Minority groups received their vocational training in the three types of schools of the USSR, where children were guided into occupations suited to their capabilities. Before the Revolution, minorities were dying out, but now their numbers were increasing.

434. He added that the questions to which he had not replied would be transmitted to his Government.

## **CERD A/45/18 (1990)**

254. The tenth and eleventh periodic reports of the Union of Soviet Socialist Republics (CERD/C/172/Add.6 and CERD/C/197/Add.1) were considered by the Committee at its 878<sup>th</sup> and 879<sup>th</sup> meetings, held on 16 August 1990 (CERD/C/SR.878-SR.879).

255. The reports were introduced by the representative of the State party who, after stating that his country's current situation was particularly complex and difficult, gave a detailed description, both general and specifically related to the implementation of the Convention. He pointed out that the country's political system had undergone major changes in recent years and that the introduction of democratic processes and new mechanisms guaranteeing the freedom of the citizen, as well as a greater separation of powers, were helping to create a State based on the rule of law. With regard to the nationalities, which were already represented on the Federation Council, the representative informed the Committee that the several draft laws intended to improve their representation in all the country's political organs had been introduced in the Supreme Soviet, including a draft law on the division of powers between the Union and the various Republics and also a draft law on languages. Numerous special committees had been set up to study relations between the nationalities and also to verify the consistency of the new laws with the obligations accepted by the USSR under the Convention and other international human rights instruments. Referring to article 3 of the Convention, the representative of the State party said that the USSR opposed all forms of racism in general and apartheid in particular. The USSR had repeatedly spoken out for the creation of a democratic State in South Africa that would respect the interests of all parties concerned. In that connection, the Soviet Union welcomed the recent settlement in Namibia and the release of Nelson Mandela.

256. Describing the political, legislative and institutional aspects of perestroika, the representative stressed that the wide-ranging process of democratization brought in its wake severe difficulties in relations between the Union and the Republics. Perestroika and glasnost had given a new impetus to the aspirations of the nationalities, which claimed the right of self-determination and greater freedom for their cultures. The tensions had also been exacerbated by the crisis that was shaking power structures and by the economic difficulties affecting the country. The Government was therefore working for the conclusion of a wide range of agreements to stabilize the political situation in the country and create the necessary conditions for a consensus that respected the interests of the whole population. In that context, the President of the USSR, whose post was of recent creation, was called upon to play a vital unifying role for the country. In conclusion, the representative of the State party pointed out that the restructuring of the country was oriented towards eliminating all forms of racial discrimination and that it could not be carried through successfully without the help of the entire international community.

257. Noting the quality, frankness and objectivity of the eleventh periodic report of the Soviet Union, owing to the new thinking current in the USSR, members of the Committee welcomed the fact that the Soviet Union was moving quickly towards democracy and according a new importance to respect for human rights, as evidenced by the fruitful dialogue that it had held with the Committee. They congratulated the Soviet Union on the many changes in its legislation, such as that authorizing citizens

to leave and re-enter the country freely, and on the decision by the Presidium of the Supreme Soviet to withdraw Soviet reservations regarding the compulsory jurisdiction of the International Court of Justice in the case of five international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. That represented a major decision that marked the beginning of a new era in international relations.

258. Members of the Committee inquired whether international treaties, once ratified, became an integral part of domestic law and whether the Soviet citizens would be able to invoke them before the courts; whether the USSR Committee for Constitutional Supervision verified the conformity of the Soviet Constitution with international treaties before the ratification process was undertaken; and, given the precedence of treaties over laws, what happened when that Committee found that the Constitution was inconsistent with an international instrument. Noting that the so-called "political articles" had been eliminated from the Criminal Codices, they asked whether that meant that crimes of political opinion no longer existed, particularly in relation to anti-Soviet propaganda or antisocial religious activities. They also requested more information on the nature of the legislative measures to regulate confinement in psychiatric hospitals and preclude any abuses in that respect. They also requested details on the procedure for applying the Act of 3 April 1990 concerning the settlement of questions connected with the secession of a Union Republic from the USSR and asked whether some Republics intended to take advantage of the referendum provided for in the Act. Members further asked that information should be communicated to the Committee on the reform of the judiciary and that the text of laws relating to article 5 of the Convention, and other laws mentioned in the report, should be made available. Members requested more information on the current situation in Nagorno-Karabakh and on what the authorities intended to do to prevent a recurrence of the ethnic conflicts that had already claimed so many victims and caused a flood of refugees in various parts of the Soviet Union.

259. Members of the Committee asked for further details on the procedure whereby various Republics, in particular the Baltic Republics, could exercise the right to self-determination and on the position of the federal power in the matter. Other members of the Committee considered that that question, along with some others, did not come within the scope of the Convention and that therefore the USSR was under no obligation to reply.

260. On article 2 of the Convention, members of the Committee asked what measures had been taken to ensure the progress of the 5,000 Nenets and to raise the living standards of the indigenous Siberian peoples. They also requested further information on the origin and current situation of the Meskhetin Turks.

261. Concerning the application of article 3 of the Convention, members of the Committee noted that the African countries and the whole world were grateful to the USSR for the decisive support it had given to the struggle against apartheid.

262. Regarding article 4 of the Convention, members of the Committee, noting that the law adopted by the Soviet Union on 2 April 1990 marked an important step forward, asked whether the courts or the authorities had taken any specific measures against the racist and anti-Semitic movement Pamyat and

what had been the result of the criminal prosecution brought for the first time in Moscow against the authors of an anti-Semitic article published in a student newspaper. Further, they inquired how the Soviet Union saw freedom of association and freedom of expression in the context of article 4 and what compensation it provided to victims of racist movements.

263. Regarding the application of article 5 of the Convention, members of the Committee requested further details on the right to freedom of movement, on the more active participation of religious organizations in political life and on the possibilities of forming ethnic political parties in the Soviet Union.

264. In response to the questions raised and comments made by members of the Committee, the representative of the Soviet Union said that his delegation welcomed the constructive attitude shown by members in considering his country's periodic reports and that the Government of the Soviet Union would, when drafting new legislation, take account of the useful views that had been expressed. The increasing democratization of Soviet society had led the Government to review the way in which its obligations under international instruments were being implemented in practice. In general, international instruments were not directly applicable in Soviet law, although that might change soon. One of the most important factors in the USSR's implementation of its international obligations was the new system of constitutional supervision. The new Committee for Constitutional Supervision would ensure that the actions of executive organs and the laws adopted by the central Government and Union Republics would be in conformity not only with the Constitution, but also with the obligations of the USSR under international instruments. If the Committee for Constitutional Supervision concluded that a certain law was detrimental to the rights or freedom of citizens, that law lost its force immediately. That Committee had also taken into account the International Convention on the Elimination of all Forms of Racial Discrimination in considering the new draft laws on freedom of association and on registration of the Soviet citizens. He also informed the Committee that preparations for ratification of the Optional Protocol to the International Covenant on Civil and Political Rights were almost complete.

265. With reference to the independence of the judiciary, the representative stated that, in the previous 18 months, many measures had been adopted to increase the independence of the courts. The Government intended to introduce new procedures for the training of judges and additional measures to prevent undue interference in court. As for methods used to define one's nationality, he said that, at present, a citizen's nationality was derived from his or her parents, but changes were under consideration in this regard. With reference to crimes connected with anti-Soviet propaganda, he said that such activities were no longer a crime and that there were now no inmates in Soviet prisons who had been convicted solely for engaging in anti-Soviet propaganda. Referring to the right to self-determination, the representative indicated, *inter alia*, that recent legislation had created the necessary conditions for the preparation and conclusion of a new Treaty of Union, which should be based on the concept of a union of sovereign States, a clear definition of the status of the parties, a delimitation of the powers of the USSR and the Union Republics, a wide variety of links between them, voluntary participation and mutual advantage.

266. In reply to the questions raised under article 4 of the Convention, the representative stated that in

the USSR every individual was free to express his or her beliefs and opinions and to disseminate them by all means, including the press and the mass media. The Soviet Constitution provided that no party, organization or movement might act in a manner that led to discrimination of a racial or religious nature. Under the new Act on the press and the mass media, adopted on 1 August 1990, no one was permitted to use the media to advocate national, racial or religious exclusivity or intolerance. In 1989, there had been 69 cases of alleged dissemination of racial hatred. Dozens of people had already been convicted, mainly in the Republic of Georgia and in Central Asia. Referring to the particular cases mentioned by members of the Committee, he said that the movement known as Pamyat was sometimes used as a cover by other groups, which distributed anti-Semitic material. More than 1,400 people had been prosecuted for disseminating racial hatred in the previous two and a half years but, in his view, criminal prosecution had to be a last resort in the struggle to eliminate racial discrimination.

267. The compensation that the courts could award was not enough to satisfy people whose relatives had been killed in inter-ethnic conflicts. It was essential to use political, economic and other measures to prevent the occurrence of racial discrimination. Because of the serious consequences resulting from inter-ethnic conflicts, the Government had increased the penalties for such crimes in 1989, especially for officials who practised or condoned racial discrimination while on duty.

268. With reference to article 5 of the Convention, the representative stated that the Soviet Government had recently taken a number of measures to implement its obligations under that article and indicated, in particular, that the Government had greatly relaxed the rules governing temporary visits abroad by Soviet citizens. Four million people enjoyed their right to travel abroad in 1989. The number of people who had emigrated from the USSR in 1989 was 235,000. Only 0.3 per cent of those applying had been refused permission to emigrate. At a citizen's request, the reasons for the refusal would henceforth be furnished in writing, and the citizen had the right of appeal to the Presidium of the Supreme Soviet. The draft law on the procedure for entering and leaving the country by USSR citizens was likely to be adopted at the forthcoming session of the Supreme Soviet. The representative said that a draft decree abolishing existing restrictions to move freely within the country had been introduced and would be adopted in the near future. The representative said with regard to the situation in Nagorno-Karabakh, that the only way to solve the problem was through a demonstration of goodwill on the part of the two national groups involved and an effort to reach a compromise. As regards the formation of political parties on an ethnic basis, he said that there were guarantees in the Soviet Constitution and the new legislation on social organizations against the establishment of groups that fostered racial or ethnic disharmony. Referring to the question concerning the confinement of opponents of the Government in psychiatric hospitals, he pointed out that recent legislation had increased the guarantees available to citizens and made it less likely that people who were not genuinely ill would be confined in psychiatric hospitals. Many measures had been taken to prevent abuses by the authorities or hospitals themselves, and an official who sent someone to a psychiatric hospital without justification was liable to criminal prosecution. The representative of the State party said that the number of believers in the USSR was estimated to be between 70 and 90 million, of which a large proportion were Muslims.

## **CERD A/51/18 (1996)**

132. The Committee considered the twelfth and thirteenth periodic reports of the Russian Federation (CERD/C/263/Add.9) at its 1133<sup>rd</sup> and 1134<sup>th</sup> meetings (see CERD/C/SR.1133-1134) held on 28 and 29 February 1996, and at its 1150<sup>th</sup> meeting, held on 12 March 1996, adopted the following concluding observations.

### **A. Introduction**

133. The Committee notes with appreciation the State Party's willingness to continue the dialogue with the Committee by sending a high-level delegation to present the reports, which indicates the importance attached by the Government of the Russian Federation to its obligations under the Convention. However, the Committee regrets that the reports were not submitted on time, that they did not fully comply with the reporting guidelines, did not contain adequate information on the implementation of the Convention in the Republics and that, in particular, the information on Chechnya requested at the forty-sixth session of the Committee was not included, but only supplied orally by the delegation.

### **B. Positive aspects**

134. The establishment in 1993 of a special commission on human rights is welcomed. It is also noted with satisfaction that a parliamentary group has been mandated to investigate human rights and international humanitarian law violations in the Chechen conflict. In addition, the recent establishment of a special authority to implement a State programme on social and economic life in the Northern Territories is appreciated.

135. The entry of the Russian Federation into the Council of Europe, which became official in February 1996, is noted. It is hoped that the Russian Federation will soon ratify the Council of Europe's Convention for the Protection of Human Rights and fundamental Freedoms and will accept its procedure for receiving individual petitions. The recent drafting of two regional human rights conventions, including one on the rights of minorities, in the framework of the Commonwealth of Independent States is also a positive initiative.

### **C. Factors and difficulties impeding the implementation of the Convention**

136. The difficulties facing the Russian Federation in the present period of transition and in a climate of social change and deep economic crisis are taken into account. It is also noted that the Russian Federation is a large multi-ethnic and multicultural society. The factual situation of minorities has also to be taken into account; some of them possess their own statehood and are represented by entities of the Federation whereas others are dispersed all over the country. In respect of members of the latter groups the full implementation of the Convention may require particular efforts. Finally, it is understood that the establishment and practical application of a new democratic and non-discriminatory political, economic and social framework is a difficult and lengthy process.



#### D. Principal subjects of concern

137. Concern is raised about the current shortcomings in the general national legal framework for protecting all persons against discriminatory practices. Article 19 of the Constitution of the Russian Federation, which provides for equality of rights regardless of □race, nationality, language, origin or other circumstances□, is not broad enough to be regarded as a full implementation of the prohibition of racial discrimination required by the Convention. It is further noted with concern that the legislation necessary for the implementation of article 19 of the Constitution and other constitutional provisions designed to protect the rights of minorities have not yet been fully adopted or effectively implemented.

138. Several minority and indigenous groups have no access to education in their own language. When they deal with administrative and judicial matters, they are frequently precluded from using their own language.

139. The absence of effective measures for the protection and preservation of the traditional ways of life and the right to land use of the people of the Northern Territories is also a cause for concern, although the need for improvement of their economic, social and cultural situation has been recognized.

140. The concrete implementation of the principles and provisions of the Convention remains weak, especially at the regional and local levels. In particular, concern is raised regarding the implementation of articles 2 and 4 of the Convention.

141. The report contains very limited information on the right to security of person (art. 5 (b) of the Convention), the right to freedom of movement (art. 5 (d) (i)) and non-discrimination with regard to the enjoyment of economic, social and cultural rights, referred to in article 5 (e) of the Convention.

142. The increase in racist positions associated with nationalist movements such as the National Republican Party is of grave concern. Equally, the increase in racist attitudes among the population or of local authorities directed against Caucasians, especially Chechens, also gives cause for concern, as do indications of anti-Semitism among part of the population.

143. The use of excessive and disproportionate force in suppressing the attempted secession in Chechnya, resulting in unnecessary civilian casualties, is a matter of very grave concern. The reports of arbitrary arrests, ill-treatment of detainees, excessive destruction of civilian property and pillage in Chechnya also give rise to concern.

144. In particular the reports concerning the situation in the so-called filtration camps give rise to grave concern. It is to be deplored that representatives of humanitarian organizations, such as the International Committee of the Red Cross, have not been permitted to visit such camps.

145. The situation in Ingushetia and North Ossetia is a further matter of deep concern. Large numbers of Ingush exiles are being denied by the North Ossetian authorities the right to return freely to their

regions of origin, in particular the Prigoradnyi district, in spite of the Law on Rehabilitation of Repressed Peoples. The Ingush population has also suffered directly and indirectly from the Chechen conflict.

E. Suggestions and recommendations

146. The Committee strongly recommends that the National Parliament urgently complete and adopt all announced acts and laws concerning human rights, especially the draft law on national and cultural autonomy. The laws on the use of minority languages should be completed at the various legislative levels and fully implemented. The Committee also suggests that the State Party consider ratifying ILO Convention No. 169.

147. The State Party should take all appropriate measures to ensure the promotion of minority and indigenous people's languages. The Committee recommends that education programmes be provided in the appropriate languages.

148. The Committee recommends that special attention be paid to the minority and indigenous groups living in the Northern Territories by taking appropriate and effective measures to promote and protect their rights, especially the rights to use and exploit the land where they are living and to live in their own cultural environment.

149. The Committee recommends that, where appropriate, the State Party take special and concrete measures to ensure the adequate development and protection of less developed groups within the Federation, in accordance with article 2, paragraph 2, of the Convention.

150. The Committee strongly recommends that the Government take concrete and appropriate measures to outlaw and combat all organizations and political groups and their respective activities that promote racist ideas or objectives, as referred to in article 4 of the Convention.

151. The Committee also strongly recommends that the State Party carry out the decision of the Constitutional Court to abolish the permit system effectively.

152. The Committee recommends that the State Party enhance effectively protection against any acts of racial discrimination through the competent national courts, in accordance with article 6 of the Convention, by strengthening the court system, the independence of the judiciary and the confidence of the population therein. The Committee further recommends the training of judges, lawyers and magistrates in human rights. This type of training should also be provided to law enforcement personnel and the military, in line with General Recommendation XIII of the Committee.

153. The Committee strongly recommends that the State Party urgently take all measures to restore peace in Chechnya and to ensure full protection of human rights in the region. It further strongly recommends that the Government take all steps to ensure the full respect of fundamental human rights in the region, without discrimination. The Committee reaffirms that persons responsible for massive,

gross and systematic human rights violations and gross violations of international humanitarian law should be held responsible and prosecuted.

154. The Committee recommends that the State Party guarantee the rights of all victims, especially refugees, of the conflict in Ingushetia and North Ossetia and provide in its next report information on the human rights situation in Chechnya, Ingushetia and North Ossetia.

155. The Committee invites the State Party to provide, in its next report, further information on the breakdown by percentage of all ethnic groups of the population.

156. More information is also requested in the next report on the number of complaints and court cases related to racial discrimination that have been registered recently by the State Party, on the respective decisions and judgements taken, and on the implementation of article 7 of the Convention.

157. The Committee recommends that the State Party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the 14<sup>th</sup> meeting of States Parties.

158. The Committee suggests that the state Party ensure the dissemination of its periodic report and of the concluding observations adopted by the Committee. The accepted procedure of individual communications under article 14 of the Convention should be made widely known in the country.

159. The Committee recommends that the State Party's next periodic report, due on 5 March 1996, be a comprehensive one and that the State Party address all the concerns expressed in these observations.

## **CERD A/53/18 (1998)**

24. The Committee considered the fourteenth periodic report of the Russian Federation (CERD/C/299/Add.15) at its 1246<sup>th</sup> and 1247<sup>th</sup> meetings, on 2 and 3 March 1998. At its 1268<sup>th</sup> meeting, on 17 March 1998, it adopted the following concluding observations.

### **A. Introduction**

25. The Committee commends the State Party for the timely submission of its report, its determination to report regularly, and for having sent a large high-level delegation to meet with the Committee, which is an indication of the importance attached by the Government of the Russian Federation to its obligations under the Convention. The Committee also appreciates the open and constructive approach which characterized the dialogue with the delegation, as well as the additional information provided orally.

26. The Committee notes that the State party has made an effort to address some of the concerns expressed by the Committee in its concluding observations in connection with the twelfth and thirteenth periodic reports. However, the fourteenth report was an updating report focussing on developments that had taken place since the consideration of the previous report, rather than a comprehensive one, as had been requested by the Committee. Moreover, the fourteenth report did not fully follow the general guidelines regarding the form and contents of reports.

### **B. Factors and difficulties impeding the implementation of the Convention**

27. It is noted that the Russian Federation is a large multi-ethnic, multi-religious and multicultural State composed of more than 176 nationalities and ethnic groups. Political changes that occurred in the past few years continue to affect the economic and social situation of the population.

28. Historically, there has been discrimination against individuals on ethnic grounds. In recent years inter-ethnic tensions have risen in various parts of the Russian Federation. In addition, the Russian Federation is a country in transition, with problems of coordination at the legislative and administrative levels.

### **C. Positive aspects**

29. It is noted with satisfaction that since the examination of the previous reports, new legislation has been adopted that completes the provisions of the Constitution guaranteeing equality of rights and freedoms and prohibiting discrimination. Thus, a new Penal Code entered into force on 1 January 1997 which made changes to the penal legislation, prohibiting discrimination on any grounds. Article 282 makes it a criminal offence to engage in deliberate acts intended to stir up national, racial or religious hatred or discord, to detract from national honour or dignity, to promote the idea of exclusiveness or the inferiority of citizens because of their religious beliefs, nationality or race, or directly or indirectly to restrict the rights of or establish privileges for citizens because of their race, nationality or attitude to

religion. Article 282 also lays down punishment for such acts. Article 63 lays down the general rule that having □ motives of national, racial or religious hatred or enmity□ for committing a crime is an aggravating circumstance.

30. It is also noted that the National Cultural Autonomy Act, whose main purpose is to offer the members of all ethnic communities guarantees of national cultural autonomy, has entered into force. This Act provides a framework within which cultural development programmes are being established and an advisory council on national cultural autonomy has been created. During the period under review a number of autonomous regional, local and federal cultural entities have been established.

31. The Outline of the Russian State Policy on Nationalities was adopted in June 1996. The Outline lays down basic principles and approaches for use in addressing problems in relations between different nationalities, among which is the principle of equal rights for all ethnic groups. In order to implement the Outline, a governmental commission has been established and priority measures have been adopted.

32. It is also noted that a number of republics have adopted laws which guarantee the rights of national minorities, indigenous peoples and small ethnic groups.

33. The State Duma has been working on a number of important federal laws, inter alia, the National Minorities Act, the Small Indigenous Groups of the North, Siberia and the Russian Far East Act, and the Refugees and Displaced Persons Act.

34. It is noted that efforts are being made to strengthen the court system and the independence of the judiciary. Thus, the Judicial System Act, which came into force at the end of 1996, contains guarantees of independence in the administration of justice. Efforts have also been made in the training of judges in matters relating to the exercise or citizens□ rights and freedoms.

#### D. Principal subjects of concern

35. Concern is expressed over the increasing incidence of acts of racial discrimination and inter-ethnic conflicts that occurred in the State party.

36. The report contains limited information on the activities of the Prosecutor□s Office and the judiciary to investigate and punish acts of racial discrimination. The oral information in this respect and the information about reparation for damages suffered as a result of such discrimination was limited.

37. Despite the efforts made, shortcomings in the legal framework for protecting all persons against racial discrimination persist. Thus, national legislation does not include a definition of racial discrimination along the lines of article 1 of the Convention. Moreover, neither the Constitution nor the Penal Code contains provisions giving effect to article 4 (b) of the Convention.

38. Concern is expressed about the situation in Chechnya. It is noted that a number of important steps have been taken to bring about a peaceful settlement of the conflict. However, serious human rights

violations still take place in this republic. Persistent efforts towards reconciliation have to be pursued.

E. Suggestions and recommendations

39. Although the Constitution sets up a framework for the protection of individuals against racial discrimination, it is suggested that further measures be taken in order to harmonize domestic legislation with the provisions of the Convention. In this respect the Committee recommends, in particular, that appropriate measures be taken to outlaw and combat all organizations and political groups and their activities that promote racist ideas or objectives, as referred to in article 4 of the Convention. It wishes to receive further information about the investigation of racial discrimination by prosecutors and its punishment by the courts.

40. Domestic legislation should be fully implemented in order to guarantee in practice enjoyment by everyone of the rights listed in article 5 of the Convention and, in particular, the rights to freedom of movement and residence and the right to a nationality.

41. The Committee invites the State party to provide, in its next report, further information on the following issues: (a) complaints and court cases related to racial discrimination, including the respective decisions and judgements, in accordance with article 6 of the Convention; (b) reparation for damages suffered as a result of discrimination in cases brought before the courts; (c) measures taken by the State party to combat racial prejudice, to promote understanding among different groups and other issues included in article 7 of the Convention; (d) developments regarding the bills currently under discussion in the State Duma Committee on Nationalities, as well as the bill banning the propagation of Fascism; (e) measures to ensure the adequate development and protection of less developed groups within the Federation; (f) the situation of gypsies or Roma; (g) measures taken against organizations involved in racial propaganda; (h) the situation of indigenous peoples of the North, Siberia and the Russian Far East.

42. The Committee recommends that the bills under discussion in the State Duma aimed at ensuring equality and non-discrimination on racial grounds, as well as the draft plan of action to put into effect the Outline of the State Policy on Nationalities, include means of supervision in which the groups intended to benefit are represented.

43. Increased attention should be given to programmes intended to improve relations between ethnic groups as well as to ensure the adequate development and protection of less developed groups, in accordance with article 2, paragraph 2, of the Convention.

44. The training of judges and law enforcement officials in matters relating to the exercise of individuals' rights and freedoms and, in particular, on the right not to be discriminated against on racial grounds should be continued and developed.

45. Efforts aimed at strengthening the court system and the independence of the judiciary should continue.

46. Regarding the indigenous peoples, the Committee recommends that the State party consider ratifying ILO Convention No. 169.

47. The Committee recommends that further measures be taken in order to provide minorities and indigenous groups with elementary education in their own languages.

48. The Committee recommends that the State party reinforce its measures to protect human rights in Chechnya, Ingushetia and North Ossetia. Measures should be taken in particular to ensure that serious breaches of international humanitarian law do not remain unpunished and that the victims are afforded just and adequate reparation, and also to ensure normal conditions of life and return for displaced persons.

49. The Committee suggests that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted at the Fourteenth Meeting of States Parties.

50. The Committee suggests that the State party address all the points raised in connection with the fourteenth report and ensure the dissemination of the report and the concluding observations adopted by the Committee. The accepted procedure for individual communications under article 14 of the Convention should be made widely known in the State party in the appropriate languages.

51. The Committee recommends that the State party's next report, due on 6 March 1998, be a comprehensive one and follow the guidelines regarding the form and content of reports. It should also address all the points raised in the present observations.

## **CERD A/58/18 (2003)**

169. 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/43 1/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**

170. 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.

### **B. Positive aspects**

171. 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.

172. The Committee notes with appreciation the concrete measures taken by the State party against extreme nationalist and racist organizations.

173. 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".

174. 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.

175. 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.

176. The Committee welcomes the State party's ratification in 2001 of the Council of Europe Framework Convention for the Protection of National Minorities.

177. 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

178. 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.

179. 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.

180. 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.

181. 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.

182. 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.

183. 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.

184. 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.

185. 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.

186. 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.

187. 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.

188. 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.

189. 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.

190. 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.

191. 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.

192. 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, descent, or national or ethnic origin (A/57/18, chap. XI, sect. C, para. 5).

193. 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.

194. 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.

195. 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.

196. 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.

197. 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.

198. 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.

199. 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.

200. 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.