



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

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

Seventeenth periodic reports of States parties due in 2001

Addendum

Russian Federation*

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* This document contains the fifteenth, sixteenth and seventeenth periodic reports of the Russian Federation, due on 6 March 1998, 2000 and 2002 respectively, submitted in one document. For the fourteenth periodic report of the Russian Federation and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/229/Add.15 and CERD/C/SR.1246, 1247.

Introduction

1. This report is submitted in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, and has been compiled in conformity with the general guidelines regarding the form and content of reports to be submitted by States parties under article 9, paragraph 1, of the Convention. It covers the period from January 1997 to February 2002, and includes a description of events that have taken place since the submission of the fourteenth periodic report of the Russian Federation (CERD/C/299/Add.15). Account has been taken of the concluding observations made by the Committee on the Elimination of Racial Discrimination after its consideration of the fourteenth periodic report of the Russian Federation (CERD/C/304/Add.43).

2. Annex I¹ to the report contains the draft of the special federal programme entitled "Shaping an attitude of tolerance and preventing extremism in Russian society, 2001-2005", which was approved by the Government of the Russian Federation on 2 August 2001. Annex II to the report contains information on the situation of persons who have temporarily left their permanent residences in the Chechen Republic of the Russian Federation. Annex III to the report contains information on the situation of Gypsies living in the Russian Federation. Annex IV to the report contains information on the situation of Meskhet Turks living in the Russian Federation.

Article 2

3. The prohibition of racial discrimination is one of the staple provisions of the 1993 Constitution of the Russian Federation. This constitutional provision is fully consistent with Russia's international obligations.

¹ The following annexes were submitted by the State party together with the periodic report. They are available for consultation upon request at the secretariat of the Committee on the Elimination of Racial Discrimination, in Russian only:

Annex 1: Special Federal Programme "Shaping an attitude of tolerance and preventing extremism in Russian society, 2001-2005";

Annex 2: The situation of citizens forced to leave their homes in the Chechen Republic of the Russian Federation;

Annex 3: The situation of Gypsies in the territory of the Russian Federation;

Annex 4: Information on the situation of Meskhet Turks in the territory of the Russian Federation

4. Of fundamental importance in the context of the Convention is article 19 of the Constitution, which states that:

“1. Everyone shall be equal before the law and the courts.

“2. The State shall guarantee equality of rights and freedoms regardless of sex, race, nationality, language, origin, material or official status, place of residence, attitude to religion, convictions, membership of voluntary associations or other circumstances. All limitations of human rights on social, racial, national, linguistic or religious grounds shall be prohibited.”

It should be noted that the list of prohibited types of discrimination provided in paragraph 2 of the article is not exhaustive, and this enables the article to be interpreted in a broad and progressive manner.

5. Article 13, paragraph 5, of the Constitution provides that “the establishment and the activities of voluntary associations whose aims or actions are directed at ... the incitement of discord based on social grounds, race, nationality or religion shall be prohibited”.

6. Article 26 of the Constitution establishes the right of every individual to “determine and state his nationality. No one may be forced to determine or state his nationality”. Paragraph 2 of the same article affords everyone without exception the right “to use his or her native language, and to free choice of language for communication, education, training and creative work”.

7. Another important constitutional clause to prohibit discrimination of any kind in Russian society is article 29, paragraph 2, which states: “Propaganda or campaigning in favour of hatred and enmity based on social, racial, nationality or religious grounds shall not be permitted. Propagating superiority on social, racial, nationality, religious or linguistic grounds shall be forbidden.”

8. It should also be noted that, under article 28 of the Constitution, everyone is guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion, or to profess no religion, to freely choose, possess and disseminate religious and other beliefs, and to act in conformity with them. In Russia the right of everyone to equality before the law is recognized, irrespective of his or her attitude to religion and belief. The federal Freedom of Conscience and Religious Organizations Act of 26 September 1997 regulates juridical relations in the field of the right of the individual and the citizen to freedom of conscience and freedom of religious worship, as well as the juridical status of religious organizations.

9. Article 59 of the Constitution lays down the right of any citizen of the Russian Federation for whom the performance of military service runs counter to his convictions or faith to substitute an alternative civilian service for it; this also applies in other circumstances stipulated in the federal legislation. Further to this provision, the State Duma of the Russian Federation is currently working on a draft federal law on alternative civilian service.

10. These provisions of the Constitution are being built on in other juridical instruments.

11. The Penal Code, which took effect on 1 January 1997, devotes considerable attention to the prohibition of all forms of discrimination. Specifically, chapter I, article 4, on the purposes and principles of the Code, states that “offenders shall be equal before the law and may be held criminally responsible regardless of their sex, race, nationality, language, origin, material or official status, place of residence, attitude to religion, convictions, membership of voluntary associations or other circumstances”.

12. Article 63, section 1 (f), of the Code lays down the general rule that having “motives of national, racial or religious hatred or enmity” for committing a crime is an aggravating circumstance. Having “motives of national, racial or religious hatred or enmity” also constitutes grounds for the imposition of severer penalties under five articles of the Penal Code: article 105 (homicide), article 111 (deliberate infliction of grievous bodily harm), article 112 (deliberate infliction of moderate bodily harm), article 117 (torture) and article 244 (desecration of mortal remains or places of burial).

13. In chapter 19 of the Code, entitled “Offences against the constitutional rights and freedoms of citizens”, article 136, “Violation of the equality of human and citizens’ rights and freedoms”, elaborates on the corresponding constitutional provision on equal rights:

“1. Violations of equal rights, in connection with sex, race, nationality, language, origin, material or official status, place of residence, attitude to religion, convictions or membership of voluntary associations, causing damage to citizens’ rights and legitimate interests shall be punishable by a fine of between 200 and 500 times the minimum wage or of the wages or other income of the perpetrator for a period of between two and five months, or by imprisonment of up to two years.

“2. The same offence, when committed by a person taking advantage of his official position, shall be punishable by a fine of between 500 and 800 times the minimum wage or of the wages or other income of the perpetrator for a period of between five and eight months, or by deprivation of the right to hold certain positions or engage in particular activities for a period of between two and five years, or by imprisonment of up to five years.”

14. A separate article, article 282, in the chapter on offences against the underpinnings of constitutional order and State security, is devoted to the definition of the offence of arousing hatred based on nationality, racial or religious grounds. This states:

“1. Efforts to arouse hatred based on nationality, racial or religious grounds, to demean national dignity, or to propagate the exclusivity, superiority or inferiority of citizens on the basis of their attitude to religion, nationality or race shall, if committed in public or through the mass media, be punishable by a fine of between 500 and 800 times the minimum wage or of the wages or other income of the perpetrator for a period of between five and eight months, or by restrictions on the perpetrator’s freedom for a period of up to three years, or by imprisonment for between two and four years.

“2. The same offence, when:

- (a) Accompanied by violence or the threat of violence,
- (b) Committed by an individual taking advantage of his official position, or
- (c) Committed by an organized group

shall be punishable by imprisonment for between three and five years.”

15. Under article 357, entitled “Genocide”, actions committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group by means of killing members of the group, causing serious harm to their health, forcible prevention of births, coercive transfer of children or forcible resettlement or other infliction of conditions of life calculated to bring about the group’s physical destruction constitute a criminal offence punishable by sanctions up to and including the death penalty. It should be borne in mind that a moratorium on the application of death sentences is currently in force in the Russian Federation.

16. In connection with paragraph 14 of the concluding observations made by the Committee on the Elimination of Racial Discrimination after considering the fourteenth periodic report of the Russian Federation (CERD/C/304/Add.43), the following should be noted. Under article 239 of the Penal Code, entitled “Organization of groups which encroach on the person and the rights of citizens”, the setting up of a religious or voluntary association whose activities involve violence against citizens or inducement to commit other unlawful acts, specifically those linked to the incitement of racial discord and enmity, and the leading of such a group, are criminal offences. The provisions of this article, taken together with those of article 282, entitled “Arousing hatred based on nationality, race or religion”, which classify as an offence efforts to arouse hatred based on nationality, race or religion or to propagate the exclusivity, superiority or inferiority of citizens on the basis of their attitude to religion, nationality or race, including acts committed by an organized group, give effect to the provisions of article 4 (b) of the Convention in a rather complete manner.

17. Rules protecting people from all forms of discrimination are to be found in a series of laws besides the penal legislation. The Family Code, for example, states that “restrictions of any kind on the rights of citizens entering into matrimony or in family relations on grounds of social factors, race, nationality, language or religion are prohibited” (art. 1, para. 4).

18. Similar provisions are to be found in other legislation. The Labour Code, which entered into force on 1 February 2002, contains a number of articles designed to eradicate discrimination in labour relations. Under article 2, the prohibition of discrimination in the labour sphere, and the need to ensure equality of opportunity among workers without any discrimination, are set forth as fundamental principles of the “juridical regulation of labour relations and other relations directly linked to them”. Mention should also be made of article 3, on prohibition of discrimination in the labour sphere; article 4, on prohibition of forced labour; article 11, on the application of laws and other legislation containing norms of labour law; article 64, on guarantees in the conclusion of labour contracts; article 132, on payment for work; and article 391, on the hearing of individual labour disputes in the courts.

19. Work is continuing on bills aimed at preventing and countering all forms of extremism and manifestations of fascism, involving in particular amendments and additions to the Penal Code, in order to categorize as more serious offences those of inciting discord between nationalities and violating human and citizens' rights on grounds of nationality, as well as bills on efforts to counter political extremism, to prohibit Nazi symbols and literature, etc.

20. A number of laws and regulations have recently been adopted which are designed to prevent and suppress extremism within the Russian Federation. By decision No. 1643-r of 21 November 2000 the Government approved a plan of measures for the implementation of the programme adopted by CIS States to combat international terrorism and other manifestations of extremism in the period to 2003, including such measures as the creation of a database on international terrorist and other extremist organizations, their leaders, and also their members, the status and evolution of the phenomenon of terrorism in the CIS States and other States; the development of a package of measures to step up the contribution of the mass media to preventing the propagation of terrorism and other manifestations of extremism; extensive publicity for measures adopted by the competent bodies in the CIS States to counter extremist activities; and coordinated efforts to counter the preparation and distribution of materials propagating the cult of violence and brutality in the mass media, in the cinema and in video recordings, on the Internet, etc.

21. In addition, with a view to building up a comprehensive body of legislation prohibiting discrimination in all spheres of life, various bills are being drafted which set down the main elements of efforts to combat the manifestations of extremism, and stipulate that political parties and movements, voluntary and religious groups may be held liable for extremist activities. Bills aimed at setting up a forecasting and warning system for political and religious extremism cover such topics as countering political extremism, amending and supplementing legislation in the light of the adoption of the federal law on countering political extremism (these two were submitted to the State Duma of the Federal Assembly by the Government on 4 June 1999), and prohibiting Nazi symbols and literature (scheduled for consideration by the State Duma). The bill on countering political extremism, in particular, provides that the courts may ban the activities of voluntary and religious associations of an extremist nature, and confiscate their property, and that it is an offence for the leaders and members of prohibited organizations to continue their activities or reconstitute prohibited organizations, and also bans the distribution of prohibited materials.

22. Laws and regulations have also been adopted on specific issues related to the prevention of manifestations of discrimination and intolerance based on race and nationality. On 23 March 1995, the President of the Russian Federation, taking into account the dangerous threat of political extremism of all kinds, issued decree No. 310 concerning measures to ensure the coordination of actions by State bodies to combat manifestations of fascism and other forms of political extremism. By decree No. 1143 of 27 October 1997, he set up a Commission in the President's office to counter political extremism, with the main task of ensuring that State bodies assist one another in combating such phenomena, devising warning systems and removing the causes and conditions which foster the emergence of various forms of political extremism, and informing the public of the outcome of efforts in this field.

23. On 2 August 2001, the Government approved the draft special federal programme entitled "Shaping an attitude of tolerance and preventing extremism in Russian society, 2001-2005".
24. Thus it may be noted that the constitutional provisions which guarantee inalienable human and citizens' rights, including those related to ethnicity, have been elaborated on in current laws and regulations. The legislation in this area includes both individual provisions and norms relating to the establishment of the principles of respect and equality of treatment for all members of society, irrespective of their ethnicity, and special laws such as the federal National Cultural Autonomy Act (1996), the federal Rights of Small Indigenous Minorities of the Russian Federation (Guarantees) Act (1999), etc.
25. This latter act is intended to protect the age-old home areas and traditional lifestyles of small indigenous minorities. In addition, on 7 May 2001 a federal law No. 49-FZ on lands and territories of traditional natural resource use in the North, Siberia and the Russian Far East was adopted. The need for such an instrument was demonstrated, inter alia, by the sharp deterioration in the situation of such peoples under the market economy.
26. In view of the fact that migration policy has direct links with relations between nationalities, as well as with the realization of all civil and other human rights, the migration policy being drawn up and implemented is founded on generally accepted principles and norms of international law in this field. The Russian Federation's legislation in the sphere of the granting of asylum and current practice in the application of the law are in keeping with the norms of international law which are directed against racism and xenophobia. The provisions of the federal Refugees Act correspond to the main principles of the 1951 United Nations Convention relating to the Status of Refugees, and in particular extend to all foreign citizens and stateless persons without exception who are seeking asylum in the Russian Federation, whatever their race, religious belief or country of origin. Migration issues are also dealt with in the federal Forcibly Displaced Persons Act of 19 February 1993.
27. Other laws adopted since the submission of the Russian Federation's previous periodic report relate to guarantees of the rights of small indigenous minorities; general principles governing the organization of communities of small indigenous minorities of the North, Siberia and the Russian Far East; amendments to annex 4 to the federal law concerning the 2000 budget; and territories in which the small indigenous minorities of the North, Siberia and the Russian Far East engage in traditional use of natural resources.
28. All these laws were adopted on the initiative of the State Duma's Committee on Nationalities. A further 30 bills on the nationalities theme remain in the Committee's work plan. They include bills on the following topics: rehabilitation of Russian Germans (specific aspects of the implementation of the earlier RSFSR law on rehabilitation of repressed peoples in respect of Russian Germans); the foundations of State nationalities policy in the Russian Federation; amendments and additions to articles 1, 3, 5, 6, 7 and 20 of the federal National Cultural Autonomy Act; amendments to the federal law on amendments and additions to the Russian Federation law on forcibly displaced persons; additions to the federal law on guarantees

of the rights of small indigenous minorities; additions to article 7 of the federal law on general principles governing the organization of communities of small indigenous minorities of the North, Siberia and the Russian Far East; a draft model law for the countries of the Commonwealth of Independent States on ethno-cultural voluntary associations of citizens; and so on. Other bills, prepared jointly with other committees of the State Duma, relate to the Russian language as the State language of the Russian Federation; amendments and additions to the federal law on education (dealing with issues of ethno-cultural education); amendments to article 23 of the federal law on military obligations and military service; and additions to part 1, article 50, of the Civil Code.

29. The Committee has set up a subcommittee on the national cultural development of the Russian and other peoples of the Russian Federation, a subcommittee on small minorities, national minorities and language policy, and a subcommittee on the problems of the northern Caucasus, repressed peoples, refugees and forcibly displaced persons.

30. Evidence of the volume of work before the Committee is the fact that the list of issues in its programme includes preliminary consideration of, and preparation for examination by the State Duma of, draft legislation and decisions on the following topics:

Implementation of the Russian Federation's State nationalities policy;

National cultural development of the Russian people and other peoples in the Russian Federation;

Guarantees of the rights of small indigenous minorities and protection of the rights of national minorities;

Protection of the age-old home areas and traditional lifestyles of the small indigenous minorities of the North, Siberia and the Russian Far East (jointly with the State Duma's Committee on the Problems of the North and the Far East);

The socio-economic and ethno-political situation in the northern Caucasus;

Promotion of a political settlement, and respect for human rights, in the Chechen Republic (jointly with the State Duma's Commission on Promotion of a Political Settlement and Respect for Human Rights in the Chechen Republic);

Repressed peoples, refugees, forcibly displaced persons and fellow members of the same community abroad;

Relations with autonomous national cultural entities and other national social groups (the Assembly of Peoples of Russia, regional assemblies, associations of small minorities, etc.);

Establishment and operation of bodies responsible for local self-government in areas allocated to specific nationalities;

Funding of the State nationalities policy and of federal and regional programmes adopted in this area (jointly with the State Duma's Budget and Taxes Committee);

Funding of nationalities' cultural and social groups (jointly with the State Duma's Budget and Taxes Committee);

Relations within a federal framework in the Russian Federation (jointly with the State Duma's Committee on Federation Affairs and Regional Policy);

Language policy (jointly with the State Duma's Committees on Education and Science and on Culture and Tourism);

Application of generally accepted principles and norms of international law on nationalities issues (jointly with the State Duma's Committee on International Affairs).

31. Since nationalities policy touches on a wide range of social relations that are subject to legal regulation, the Committee plays an active role in preparing bills and draft decisions for consideration by the State Duma, and submits conclusions on nationalities policy that must be considered by the chamber (to the extent that these lie within the Committee's jurisdiction).

32. The Committee also reviews other questions:

- Participation in official events connected with nationality questions held by other federal government bodies, government bodies of the constituent entities of the Russian Federation, and international organizations;
- Cooperation with the committees and commissions on nationalities affairs of the legislative (representative) bodies of the constituent entities of the Russian Federation, and the holding of joint meetings, seminars, conferences and individual consultations;
- Cooperation with national-cultural autonomous entities and other nationality-based voluntary associations and movements throughout the country, and the holding of joint nationality-themed events;
- Support in the areas of organization, documentation, information and logistics for the State Duma's Commission on Promotion of a Political Settlement and Respect for Human Rights in the Chechen Republic.

33. The Committee cooperates with a number of national voluntary associations, primarily the Assembly of Peoples of Russia and national-cultural autonomous entities at various levels. There are some 200 of these nationwide.

34. At the initiative and with the involvement of deputies, the Committee held parliamentary hearings on the following topics in 2000-2001: implementation of the federal Rights of Small Indigenous Minorities of the Russian Federation Act (Guarantees) (13 June 2000); the federal bill on the Commissioner of the Federal Assembly for the rights of the peoples of the

Russian Federation (19 December 2000); the federal bill on the principles underlying the State nationalities policy of the Russian Federation (16 February 2001); the federal bill on the Russian people (25 May 2001); and a dozen round tables on various aspects of inter-nationality relations in the Russian Federation.

35. These events are provoking lively interest in Russian society. The proceedings of the parliamentary hearings and the round tables is normally published and given extensive media coverage. Press conferences are held to discuss their outcome.

36. The Committee has prepared compilations of statutes and other legal acts on nationality issues for the benefit of deputies. Two volumes have already been published.

37. On the initiative and with the involvement of the Committee, the Institute of Ethnology and Anthropology of the Russian Academy of Sciences has prepared maps showing the peoples of Russia and neighbouring countries. In partnership with this Institute and the Volga Federal Area, a map has been produced to show the ethnic and religious composition of the population of the Volga region.

38. Pursuant to the decision of the United Nations to observe an International Decade of the World's Indigenous People, the deputies on the Committee have helped to organize and hold four congresses of the small indigenous minorities of the North, Siberia and the Far East.

39. The Committee aims to cooperate with counterpart structures of representative bodies of the constituent entities of the Russian Federation such as the Governments of Moscow, St. Petersburg, Kaliningrad, Petrozavodsk and Ulan-Ude, among others.

40. A council of experts comprising over 100 eminent Russian academic specialists on nationality issues has been established and is now operating under the auspices of the Committee.

41. In a bid to encourage the development of the decorative and applied art of the nationalities, the Committee regularly organizes periodic exhibitions of the work of artists at various exhibition centres in Moscow and overseas, and also arranges concerts by students from Russian schools with a ethno-cultural component.

42. The Committee has concluded a number of cooperation agreements with scientific and academic institutions in Moscow and the regions. Now that federal areas have been established, the Committee plans to conclude cooperation agreements with them as well. An agreement of this type has already been concluded with the Volga Federal Area.

43. The Committee regularly organizes meetings between deputies and parliamentarians from the near and far abroad. The deputies on the Committee participate in interparliamentary contacts and make working visits to the near and far abroad.

44. The Committee devotes considerable time to petitions and communications from citizens. In 2001 alone, for example, the Committee received more than 400 written communications from both the Russian Federation and abroad. It received more than 350 citizens in person.

45. In addition to legislative instruments, the State Duma has passed a number of legal acts such as decisions. These include a decision on a declaration by the State Duma concerning the prohibition of acts and statements that would exacerbate relations between nationalities in the Russian Federation.

46. One of the core documents regulating nationality relations in Russia is the Outline of Russian State Policy on Nationalities, approved by the President in 1996. According to the Outline, State policy in this area is based on the principles of equality of human and citizens' rights and freedoms irrespective of race, language and religion; preservation of the historically established integrity of the State; preservation and development of the languages and cultures of Russia's peoples; timely and peaceful settlement of disputes and conflicts; and the proscription of activities directed at the incitement of discord, hatred or enmity based on social grounds, race, nationality or religion. On 19 July 2001 the Russian Government considered a draft outline on migration policy and a programme of action to translate it into reality in the period 2001-2002. By Presidential Decree No. 1230 of 16 October 2001, those functions of the erstwhile Ministry for Federation Affairs and Nationalities and Migration Policy affecting the implementation of migration policy were transferred to the Ministry of Internal Affairs. This question is regulated in more detail by Presidential Decree No. 232 of 23 February 2002 on improving State administration in the sphere of migration policy.

47. The plan of action to implement the Outline of Russian State Policy on Nationalities includes law-making efforts to harmonize relations between nationalities and improve the federative structure; the drafting and implementation of federal and regional programmes and specific measures for the socio-economic and national-cultural development of the constituent entities of the Russian Federation and the peoples of Russia; and scientific, analytical, information and personnel support for the objectives set forth in the Outline. The Outline and the plan to implement it are both nationwide objectives, and putting them into effect requires the involvement of a number of federal ministries and departments, the government authorities of the constituent entities of the Russian Federation, local administrations, nationality-based voluntary organizations and national-cultural autonomous entities.

48. The plan of action pays considerable attention to measures of a preventive nature targeted at all sectors of the population and designed to foster tolerance and rejection of all manifestations of nationalism and chauvinism, for example the establishment of a mechanism for ethnological monitoring; improvement of the patriotic education of military personnel and the development of an atmosphere of respect between nationalities and harmony in military units. Courses covering the basics of State nationalities policy and the history, traditions and culture of Russia's peoples are taught in higher educational establishments of the Ministry of Defence, the Ministry of Internal Affairs, the Federal Security Service and the Federal Frontier Service.

49. The main focus of nationalities policy is increasingly shifting towards the regions. More than 60 constituent entities of the Russian Federation are devising and implementing regional programmes for the national-cultural development of peoples and ethnic groups and cooperation between nationalities taking account of the social, economic, ethnic and demographic characteristics of each constituent entity of the Russian Federation. For example, as a result of

the implementation of these specific programmes, native-language tuition at various stages of education takes place in 35 national languages, and the study of more than 80 languages of different peoples and ethnic groups throughout Russia is publicly funded. The number of different languages in which newspapers are published has increased considerably, as have the number of radio and television programmes (as many as 100 languages).

50. Inter-nationality coordinating councils of an advisory nature have been set up to report to the authorities in nearly all the constituent entities of the Russian Federation; an Assembly of Peoples of Russia has been founded and its regional branches established. Conferences and congresses of peoples from various regions are held regularly to promote tolerance and harmony between nationalities. In various forums, special emphasis is laid on the role of the press in the positive development of inter-nationality relations. The authorities in Moscow and other big cities of the Russian Federation operate 24-hour hotlines for citizens who have been discriminated against in one way or another, and react promptly.

51. The justice authorities have registered 11 federal national-cultural autonomous entities: German, Ukrainian, Korean, Belarusian, Azerbaijani, Serb, Lezgin, Tatar, Gypsy, Jewish and Kurdish. They have also registered more than 100 regionally based entities and more than 200 locally based entities.

52. Efforts are continuing to establish national-cultural autonomy and genuinely to enable autonomous institutions to address the challenges of preserving and developing ethnic cultural identity.

53. The difficult economic situation has made it hard to apply the provisions of the law on State support for the (financial) operation of national-cultural autonomous entities.

54. Meanwhile, provision has been made for special expenditure sections in the budgets of a number of the constituent entities of the Russian Federation to support the activities of national-cultural autonomous entities (Tyumen, Omsk and Saratov oblasts, Moscow, etc.).

55. The overall socio-economic situation and the effects of the industrial development of certain areas have taken their toll on the state of health of the indigenous peoples of the North, Siberia and the Far East. Approximately 10 of the 45 peoples in these areas are on the brink of extinction. Average life expectancy is 15 years lower than in Russia as a whole.

56. That the authorities are attentive to the situation of Russia's indigenous peoples is demonstrated by the adoption, on a priority basis, of the Rights of Small Indigenous Minorities of the Russian Federation (Guarantees) Act; the Communities of Small Indigenous Minorities of the North, Siberia and the Far East (General Organizational and Operational Principles) Act; and the Territories of Traditional Natural Resource Use (Small Indigenous Minorities of the North, Siberia and the Far East) Act, all of which establish a legal framework to regenerate traditional ways of life in a modern setting. In many regions the problem of traditional use of natural resources and economic activity has been addressed by passing special provisions (Amur, Magadan and Chita oblasts, Krasnoyarsk territory) and, in the Republic of Sakha (Yakutia), by

adopting laws and regulations. Land in the Republic of Buryatia and the Taimyr and Chukchi Autonomous Areas is apportioned provisionally on a leasehold basis, and in Murmansk and Sakhalin oblasts fishing grounds are exploited by businesses and enterprises based on extended families.

57. The special federal programmes “Children of the North” and “Economic and Social Development of Small Indigenous Minorities of the North up to the year 2010” are being implemented.

58. The authorities are also doing preventive work to forestall discrimination. The work of the Dostlug-Druzhba international voluntary organization which has been established in Tula (Tula oblast) by ethnic Azerbaijanis is being supported. One of this organization’s core objectives is to protect the rights and interests of citizens of different nationalities through cooperation with the executive and judicial authorities. In 2000 a conference was held combining theory and practice and focusing on cooperation between nationality-based voluntary associations, national-cultural autonomous entities and organs of the Russian Ministry of Internal Affairs with a view to protecting the honour and interests of citizens of the Russian Federation. The Ministry for Federation Affairs and Nationalities and Migration Policy and the Ministry of Internal Affairs provided assistance in organizing the conference.

59. The Government of Moscow constantly reviews cooperation between voluntary organizations and the authorities with a view to preventing discrimination. Matters relating to the peoples of the Caucasus and their diasporas in Moscow are given considerable attention at the “Russia - Peoples and Culture” round table. Meetings are organized with representatives of the Ministry of Internal Affairs and other State bodies, and with deputies of the Moscow City Duma. A Moscow Government hotline enables people to report instances of discrimination.

60. The Ministry for Federation Affairs and Nationalities and Migration Policy of the Russian Federation receives a small number of nonetheless very worrying reports of nationality-motivated discrimination from individual citizens. These complaints often concern the actions of local law enforcement officers and certain administration officials who, in the opinion of the persons filing the reports, are exceeding their authority, applying sanctions and opening criminal cases based not on the gravity of a particular misdemeanour, offence or action, but because a person belongs to a particular “non-indigenous” nationality. More often than not, this category includes people from the north Caucasus and the Transcaucasian republics. In following up these complaints, the Ministry approaches the relevant federal bodies or government authorities of the constituent entities of the Russian Federation and undertakes fact-finding missions to address problems that have arisen.

61. Thus, in conjunction with the Ministry of Internal Affairs and at the request of the Congress of Poles in Russia, the Ministry has dealt with the problem of unlawful actions taken against Wiktor Potewski, the president of the Polish cultural and educational society “Piast”, and members of his family in Nizhny Tagil.

62. Following a complaint from a voluntary organization of the Dagestan diaspora that a number of persons of Dagestan nationality living in Kologriv (Kostroma oblast) had been beaten up in February 2001, senior officials of the Ministry of Nationalities, the Ministry of Internal

Affairs and the Office of the Procurator travelled to the area. The problem was discussed with representatives of the local administration and the Dagestan voluntary organization, and steps were taken to prevent similar conflicts in the future.

63. The issue of national minorities, which is both a matter of internal jurisdiction and of inter-State relations, is one of the most topical themes in European (and international) politics. In 2001 the Russian Federation ratified the Framework Convention on the Protection of National Minorities, adopted by the Council of Europe in 1995. The State Duma Committee on Nationalities is concurrently drafting a federal bill to protect the rights of national minorities.

Article 3

64. As successor to the USSR, the Russian Federation is a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid of 30 November 1973 (signed by the USSR on 12 February 1974 and ratified on 26 November 1975), and the International Convention against Apartheid in Sports of 10 December 1985 (signed by the USSR on 16 May 1986 and ratified on 14 June 1987).

Article 4

65. As stated above, article 282 of the Russian Penal Code stipulates that efforts to arouse hatred based on nationality, racial or religious grounds, to demean national dignity, or to propagate the exclusivity, superiority or inferiority of citizens on the basis of their attitude to religion, nationality or race shall, if committed in public or through the mass media, incur criminal liability. One example of the determination to proscribe organizations that encourage and abet racial discrimination is the decision of Moscow City Hall and the Moscow City Duma to ban the activities of the organization Russian National Unity.

66. Some examples of actions with anti-Semitic intent that constitute an offence under article 282 of the Code are the systematic publication by Mr. K.R. Kasimovsky, editor-in-chief of the Moscow newspaper Shturmovik (Storm Trooper), of material demeaning to the national dignity of persons of Jewish nationality, and the publication of anti-Jewish appeals by Mr. A.A. Sergeev of Vladimir oblast. Criminal prosecutions resulting in convictions were brought against both men. The judgements against them have now become enforceable. In addition, criminal proceedings have been brought against Mr. A.M. Airapetyan and Mr. P.P. Drozdov in connection with an explosion on 5 November 1998 on the premises of the Jewish religious community "Maryina roshcha" in Moscow; and against Mr. N.V. Krivchun for the attempted murder of Mr. L.Y. Kaimovsky, the director of a Jewish cultural centre, contrary to article 105, paragraph 2 (k) of the Penal Code (and also, in Mr. Krivchun's case, article 30, paragraph 3).

67. In connection with mass media that publish and print material with intent to propagate fascism and incite discord based on social grounds, race, nationality or religion (the newspapers Russky poryadok, Pamyat, Ya russky; the magazines Rusich, Russkaya pravda; and books by P. Shubin - U istokov velikoi tragedii (Origins of a great tragedy) - and B. Mironov - Chto delat russkim v. Rossii (What is to be done by Russians in Russia) etc.), the Ministry of Internal Affairs has taken the initiative by writing to the justice authorities, the Moscow City Procurator's

Office and the State Press Committee requesting the cancellation of the registration certificates issued to these media, the review of decisions to grant licences to the enterprises that printed them, and the prosecution of the authors.

68. An investigation by the Moscow City Procurator's Office led to criminal proceedings against Mr. V.I. Korchagin, the founder and director of the "Vityaz" limited partnership, for the publication and distribution in 1998 of the books Sledy zverya v. Rossii (Trail of the beast in Russia), U istokov velikoi tragedii and Chto delat russkim v. Rossii, the content of which is intended to propagate discord based on social grounds, race, nationality and religion.

69. As also indicated above, in addition to article 282, the Russian Penal Code also makes it a criminal offence to violate the equal rights of citizens in connection with sex, race, nationality, language, origin, material or official status, place of residence, attitude to religion, convictions or membership of voluntary organizations, causing damage to their rights and legitimate interests (Penal Code, art. 136); and also to commit genocide, i.e. actions committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, by means of killing members of the group; causing serious harm to their health; forcible prevention of births; coercive transfer of children; or forcible resettlement or other infliction of conditions of life calculated to bring about the group's physical destruction (Penal Code, art. 357).

70. The Russian Federation has recently witnessed a proliferation of various forms of extremism which are provoking instability in society and contributing to an overall weakening of order in the Russian State. This is reflected in the emergence of separatist sentiment in certain constituent entities of the Russian Federation, which helps extremists to further their aims and goals. These developments are a real threat to the foundations of the constitutional structure of the Russian Federation and lead to violations of human and citizens' rights and freedoms.

71. Article 4 of the Mass Media Act prohibits the use of the mass media to foment intolerance and discord between nationalities.

72. Under articles 4 and 16 of the Act, regional offices of the Russian Press Ministry may issue cautions to print media (for example, cautions have been issued to Mr. V.I. Korchagin, editor of the newspaper Russkie vedomosti, and to the editorial offices of the newspapers Shturmovik, Moe delo, Lokid, Mif and others).

73. By far the most hard-hitting and effective way of using the law to combat extremism is to bring criminal prosecutions and call the guilty parties to account according to law.

74. A criminal case was opened in Tomsk oblast under article 282, paragraph 1, of the Code against Mr. P.A. Rozhin on account of the discovery of leaflets in various areas of Tomsk city containing appeals calculated to arouse hatred between nationalities. On 15 December 1999 he was given a suspended sentence of three years' deprivation of liberty.

75. In the Republic of Dagestan, a criminal investigation was opened under article 282, paragraph 1, of the Penal Code regarding the activities of one M.B. Musaev, who was charged

with distributing a book entitled Gazavat ili kak stat bessmertnym (Ghazawat or how to become immortal). Musaev was sentenced to three years' deprivation of liberty by Khasavyurt City Court.

76. As indicated above, article 13 of the Constitution of the Russian Federation prohibits the establishment and activities of voluntary associations whose aims or actions are directed, among other things, at "the incitement of discord based on social grounds, race, nationality or religion". Corresponding provisions authorizing the proscription of organizations which encourage or abet discrimination on the grounds of race or nationality are enshrined in the Voluntary Associations Act of 19 May 1995. Article 16 of this Act prohibits the establishment and activities of voluntary associations whose aims and actions are calculated to change by force the foundations of the constitutional structure and violate the integrity of the Russian Federation by undermining State security, forming armed units, and fomenting discord based on social grounds, race, nationality or religion. Accordingly, the Ministry of Justice and the Office of the Procurator-General have been adequately empowered to monitor the conformity of the activities of voluntary associations to their ends as set out in their by-laws.

77. It must be borne in mind, however, that the absence of legislation suited to the current situation, with clear definitions of the sort of actions that will incur liability of various kinds, makes it far harder for law enforcement authorities to suppress extremism.

78. That efforts to combat political extremism are ineffective is primarily due to the difficulty of proving guilt. A handbook on investigative methods for offences linked to political extremism has been prepared by the Institute for Research on Law Enforcement Issues attached to the Office of the Procurator-General, in conjunction with the Academy of the Russian Federal Security Service, for the benefit of investigative personnel. Recommendations on methods of investigating crimes involving the incitement of discord based on race, nationality or religion have been sent to the directors of public prosecutions in the constituent entities of the Russian Federation for use in their supervisory functions.

79. The directors of public prosecutions in the constituent entities of the Federation have been sent recommendations on investigative methods for offences involving violations of citizens' equality of rights on grounds of nationality, race or attitude towards religion. They have been instructed to notify the Procurator-General of the Russian Federation immediately of all such occurrences, and of the steps taken in response to them.

80. The introduction of the new Russian Penal Code on 1 January 1997 has afforded stronger legal grounds for countering various forms of racial discrimination, including fascism and other forms of political extremism. The Code does not, however, provide set legal definitions of "fascism" or "political extremism", which means it is impossible to assign wrongdoing of an extremist nature to a particular category of offence properly. The absence of definitions is also a hindrance to the application of Presidential Decree No. 310 of 23 March 1995 on measures to ensure the coordination of action by State bodies to combat manifestations of fascism and other forms of political extremism in the Russian Federation.

81. Confirmation of this can be found in a summary by the Russian Procurator-General of practice in the enforcement of criminal legislation against fascism and political extremism,

which shows that prosecutors and investigators have difficulty in determining the underlying intent of published texts, films, photographic, audio and video material. They thus make mistakes when commissioning and interpreting expert findings and advisory opinions, and as a result the cases do not get into court.

82. The Russian Ministry of Justice is careful about registering voluntary organizations and conducts checks to ensure that their by-laws are consistent with the Constitution of the Russian Federation. A number of organizations have been denied registration after a legal appraisal of their founding documents, on the grounds that their by-laws breach the Constitution and their activities are illegal.

83. But many of these organizations continue to operate. Russian National Unity (Russkoe Natsionalnoe Edinstvo), a political organization, has been in the Procurator-General's sights virtually from the moment it was founded and tried to register its by-laws. It applied for registration as a public movement and submitted its founding documents to the Ministry of Justice in 1997. It has been denied registration twice. Attempts by its leadership to bring legal proceedings against the Ministry of Justice for unjustified denial of registration have been unsuccessful.

84. According to figures as on 1 January 1999, however, Russian National Unity has regional branches, including unregistered ones, in 64 constituent entities of the Russian Federation (400 cities), with memberships ranging from 3,000 to 25,000. The large variation is due to the fact that some governmental departments count the members and supporters of unregistered branches, while others count only registered branch members. The largest and most active branches are in Moscow city (Moscow municipal procurator S. Gerasimov applied to the Moscow municipal court on 3 March 1999 to have Russian National Unity disbanded, and the court ruled in his favour), Moscow oblast, Krasnoyarsk and Stavropol territories, Nizhegorod, Novosibirsk, Kaliningrad, Saratov, Chelyabinsk and Perm oblasts, Sakhalin and Kamchatka. The organization's members come in the main from supporters of the "Russian national ideal".

85. Two Russian National Unity branches, in the Republic of Bashkortostan and in Vologda oblast, closed down in 1998.

86. There are a range of unlawful voluntary associations whose by-laws contain no calls for the violent overthrow of the constitutional order, the formation of paramilitary units, etc., generally camouflaging their true aims and objectives as military and patriotic. In such cases there are no formal grounds for denying them registration, and the only option left to the Ministry of Justice is to keep a close eye on what they actually do.

87. If they are found to be in breach of current legislation, or engage in activities inconsistent with the objectives set out in their by-laws, the agency responsible for registering associations can send their governing bodies written warnings, specifying its grounds for doing so. An association will be suspended after receiving two such warnings. Associations can also be suspended by court decision if their activities violate the Russian Constitution, the constitution of

a constituent entity of the Russian Federation, or federal law, and in the event of repeated or gross violations of the law or other regulations, or systematic involvement in activities inconsistent with the objectives set out in their by-laws, associations may, again by court decision, be closed down.

88. The untested nature of the law against propagating politically extremist ideas in the mass media continues to create great problems.

89. A court can decide to suspend or prohibit the activities of an association at the same time as it closes the association down in the event of a breach of the Constitution of the Russian Federation, the constitutions or charters of the constituent entities of the Federation, or federal law. The political extremism bill currently under consideration in the State Duma contains similar language.

90. The Office of the Procurator-General has sent the procurators' offices in a number of constituent entities of the Federation instructions to make immediate arrangements for one-off sweeps by the internal affairs authorities, the Federal Security Service, the Customs Committee and the Border Guard to seize newspapers and literature, films, audio and video products designed to promote fascism, incite racial, national or religious discord, change the constitutional order by force, violate the integrity of the State or undermine its security, or establish armed units, and to detain those distributing them so that legal action can be taken against them. Such measures should, it is suggested, be taken regularly, at least once a month, and the Office of the Procurator-General of the Russian Federation should be notified of the outcome and the action taken in response.

91. Action to combat all instances of political extremism and enforce Presidential Decree No. 310 of 23 March 1995 on measures to ensure the coordination of action by State bodies to combat manifestations of fascism and other forms of political extremism in the Russian Federation is a subject to which the bodies in the procuratorial system pay constant attention.

92. The work involved is conducted in conjunction with other law enforcement authorities and government departments.

93. One way in which the Office of the Procurator-General oversees compliance with the law on relations between nationalities is by cooperating with the Presidential Commission on Action to Combat Political Extremism in the Russian Federation.

94. The Office of the Procurator-General also has in operation an interdepartmental task force on political extremism which includes representatives of the Federal Security Service, the Ministry of Internal Affairs, the State Customs Committee, the Ministry of Justice and the Ministry of the Press, Broadcasting and Mass Communications. The task force goes carefully through the available and incoming material and decides on the specific arrangements for planned activities and coordinated action by different government departments.

95. Action to avert and suppress extremism is also constantly being waged through the Commonwealth of Independent States (CIS). In accordance with a basic plan of action by law enforcement authorities to coordinate crime-fighting efforts, a coordination meeting of managers of Russian law enforcement agencies was held in June 2001 and worked on a range of measures to step up the campaign against Islamic extremism. Also under the plan, the CIS Executive Committee met in Minsk on 21 and 22 March 2001, with representatives of all the government departments concerned, including the Office of the Procurator-General of the Russian Federation, in attendance, and a theoretical and practical seminar was held on ways of improving the ways in which CIS countries' law enforcement authorities fight crime and combat international terrorism and other manifestations of extremism.

96. The State Duma of the Russian Federation is currently considering a federal bill to amend the Penal Code (clarifying the factual elements of actions associated with the incitement of discord between nationalities and categorizing such actions as more serious offences). The bill would amend articles 136, 280 and 282 of the Code. It would introduce greater criminal responsibility for offending a citizen's honour or dignity on grounds of nationality, moving not only serial offenders but also the leaders of nationalist organizations and movements into the highest liability category.

97. Many constituent entities of the Russian Federation not only have in their legislation no language that discriminates against members of national minorities but, in addition, grant national minorities extensive rights to uphold their traditions, cultures and languages. Pursuant to the Federal National Cultural Autonomy Act, for example, there are 12 national cultural autonomous entities and 49 ethnic cultural associations registered in Stavropol territory, and 6 national cultural autonomous entities and 120 ethnic cultural associations registered in Krasnodar territory. The Adygei Republic has an Armenian cultural association, "Druzhba", a Greek association, "Argo", and other autonomous national cultural entities; Kalmykia has a Slav association, "Zov", the Zherlester Kazakh national cultural centre and the Sabur Dagestani cultural centre.

98. At the same time, unfortunately, some constituent entities of the Federation do have discriminatory provisions in their constitutional instruments. There are still clauses in the constitutions of the Adygei Republic and the Republic of Ingushetia that are designed to restrict human and citizens' rights and freedoms. They provide that any candidate for the presidency of the Republic concerned must be proficient in Russian and the language of the eponymous nationality. Article 35, paragraph 1, of the Constitution of Ingushetia also provides that Russian and Ingush must be studied in the Republic's schools. Under article 26, paragraph 2, of the Constitution of the Russian Federation, everyone has the right to free choice of language of instruction. These points and other contradictions between national constitutions and federal legislation are presented in a report by the Procurator-General to the Russian Government which says that the Constitutional Court of the Russian Federation needs to check the basic laws and regulations of a number of northern Caucasian entities to ensure that they are in conformity with federal legislation.

99. An office of Ombudsman (Federal Commissioner for Human Rights) has been set up in accordance with the Constitution of the Russian Federation by the Federal Commissioner for

Human Rights Act, to give effect to the State's guarantees of protection for citizens' rights and freedoms and ensure that those rights are observed and respected by the State and local authorities and officials.

100. The activities of the Ombudsman supplement existing means of protecting citizens' rights and freedoms as laid down in article 19 of the Constitution of the Russian Federation.

101. Units to deal with migration and religious and nationalities affairs have been set up in the office of the Ombudsman, and these draw up proposals for the federal authorities responsible for countering discrimination based on race and nationality. Their spheres of authority also include the consideration of complaints that citizens' rights have been violated on religious or nationality grounds, or that the rights of refugees and forcibly displaced persons have been violated. In September 2000 the Ombudsman published and submitted to the State authorities of the Russian Federation a special report on the constitutional rights to freedom of movement and free choice of place of residence in the Russian Federation; this report summarized information on respect for human rights as regards migration, discussed the commonest restrictions on citizens' constitutional right to free choice of place of residence, provided information on the Ombudsman's efforts to rectify violations of civil rights, and put forward related suggestions for improving the legislation and law enforcement practice.

102. The Ombudsman has met repeatedly with representatives of ethnic diasporas and non-governmental organizations. On 13 March 2001, in particular, he met leaders of ethnic communities seeking asylum in the territory of the Russian Federation at the office of the United Nations High Commissioner for Refugees. On 14 March 2001 he had a meeting with the Head of Mission of the International Committee of the Red Cross. On 6 April 2001 he visited the Traditional Religions Centre. On 12 April 2001 he attended the Congress of Small Indigenous Minorities of the North, Siberia and the Far East, and on 8 June met the leaders of the Association of Small Indigenous Minorities of the North, Siberia and the Far East. On 28 June 2001 he met representatives of the Chechen diaspora at the Permanent Mission of the Chechen Republic to the President of the Russian Federation.

103. The Ombudsman and his staff pay regular visits to the northern Caucasus region, where they discuss the observance and protection of human rights, including efforts to prevent discrimination on grounds of race or nationality.

104. The institution of ombudsman has spread to the constituent entities of the Federation, 17 of which have appointed their own commissioners for human rights, while 8 have passed laws on local ombudsmen. The federal and local ombudsmen are currently at work drafting a federal bill defining the bases for action by ombudsmen in the constituent entities of the Russian Federation.

Article 5

105. The federal legislation governing matters of electoral law contains language banning agitation to incite social, racial, national or religious hatred or enmity and prohibiting any propagation of social, racial, national, religious or linguistic supremacy

(Participation in Elections and Referendums (Basic Guarantees of Citizens' Rights) Act No. 124-FZ of 19 September 1997, Presidential Elections Act No. 228-FZ of 31 December 1999, etc.).

106. While the judicial system in the Russian Federation is being reformed, considerable attention is being paid to the question of stronger judicial protection for human rights. Among the tasks of the justice system are to guarantee human rights and freedoms and prevent any restrictions on citizens' rights based on social grounds, race, nationality, language or religion, and work is in progress accordingly on strengthening the judicial system and increasing the independence of the judicial authorities. In 1997 the Russian Federation passed the Supreme Court (Judicial Department) Act, and the Federal Court Bailiffs Act; 1998 saw the passage of the Justices of the Peace in the Russian Federation Act. The new Code of Criminal Procedure of the Russian Federation, which regulates the judicial protection of human rights in some detail, will come into effect on 1 July 2002.

107. The rights protected by the Constitution of the Russian Federation of individuals who are, or who might be, subjected to threats or acts of discrimination, hostile behaviour or violence in connection with their ethnic, cultural or linguistic background or creed are in the main protected, in the constituent entities of the Federation, under federal law: articles 3 and 4 of the Labour Code of the Russian Federation, article 228 of the RSFSR Administrative Offences Code, article 1, paragraph 1, article 2, paragraph 2, and article 17, paragraph 1, of the Civil Code, and articles 136, 282 and 357 of the Penal Code. The rights of all individuals, including those belonging to national minorities, while in detention, under arrest, in custody or facing trial are governed by the relevant articles of the Code of Criminal Procedure, which will take effect on 1 July 2002. The legislation in the constituent entities of the Federation provides for no restrictions or advantages for members of national minorities beyond those laid down in federal law.

108. The most effective legal response to violations of citizens' racial, national or religious equality is criminal prosecution of the perpetrators. The Penal Code of the Russian Federation that came into force on 1 January 1997 contains a number of legal norms intended to forestall and prevent forms of racial, national and religious discrimination and to protect the rights and freedoms of all citizens against criminal encroachments.

109. Under the Penal Code it is an offence to knowingly commit socially dangerous acts such as violating citizens' equality (Penal Code, art. 136) and inciting national, racial or religious hatred (ibid., art. 282).

110. By and large, Russian criminal law has incorporated and for the most part complies with all contemporary requirements of international law in the field of interracial relations.

111. In the light of paragraphs 13, 16 and 18 (a) of the concluding observations of the Committee on the Elimination of Racial Discrimination following its consideration of the fourteenth periodic report of the Russian Federation, the following information from the Ministry of Internal Affairs brings the picture up to date.

112. Since the submission of the fourteenth periodic report, the following cases have been recorded in the territory of the Russian Federation:

Violation of citizens' equality (Penal Code, art. 136):

- 1997: three offences;
- 1998: four offences.

Incitement of national, racial or religious hatred (ibid., art. 282):

- 1997: 12 offences;
- 1998: 16 offences.

Murder motivated by national, racial or religious hatred or enmity or blood vengeance (ibid., art. 105 para. (1)):

- 1997: 14 offences, 12 deaths;
- 1998: 15 offences, 16 deaths.

113. The existence of criminal groups formed on the basis of nationality is a problem that needs to be considered in the sphere of inter-nationality relations. It often happens that these groups, which are highly cohesive, are criminally the strongest and enjoy untouchable status vis-à-vis the law enforcement agencies, i.e. they present a high degree of danger to society compared with criminal groups made up of different nationalities.

114. For one reason or another, their activities are frequently directed against other nationalities, with affiliation to a particular nationality often being determined on racial grounds. One of the reasons may be sought in the economic and social backwardness of many areas and peoples in the Russian Federation and other countries in the Commonwealth of Independent States. This is especially true of the mountain peoples of the northern Caucasus, a situation that currently poses a significant threat to public safety in Russia.

115. Another point about the considerable danger to society caused by the formation and activities of criminal groups based on nationality is that they interfere with the development in Russia of national (i.e., ethno-racial or ethno-religious) rapprochement and the growth of understanding and trust between nationalities, thereby in the last analysis aggravating national discrimination and inciting national, racial and religious hatred. It is possible to overcome these obstacles, for example by perfecting forms and methods of propaganda devoted to national, racial and religious tolerance, friendship and respect between peoples.

116. In 1999 Russian procuratorial bodies handled 44 criminal cases under article 282 of the Penal Code (as against 25 cases in 1998). Nine of the 10 persons accused were committed for trial (compared to 5 in 1998). Eighteen cases were dropped for various reasons and 3 were suspended because there was no one against whom charges could be laid. And under article 109

of the Code of Criminal Procedure of the Russian Soviet Federative Socialist Republic (which will lapse after the entry into force of the new Russian Federation Code of Criminal Procedure on 1 July 2002), decisions were taken pursuant to checks on 50 case files.

117. No criminal cases involving offences under article 136 of the Penal Code were investigated in 1999. In 1998 one such offence was recorded in Moscow.

118. In addition, lawmakers have also criminalized a number of offences motivated by national, racial or religious hatred: murder (art. 105, para. 2 (l)); intentionally causing serious injury to health (art. 111, para. 2 (f)); intentionally causing moderate injury to health (art. 112, para. 2 (f)); and torture (art. 117, para. 2 (h)).

119. In the Russian Federation in 1999, nine cases were sent for trial under article 105, paragraph 2 (l) (as against six in 1998). Six cases were sent for trial under article 111, paragraph 2 (f) (compared to four in 1998). Ten cases were sent for trial under article 112, paragraph 2 (f) (compared to 18 in 1998). No offences contrary to articles 117, paragraph 2 (h), were recorded in 1998 or 1999.

120. In 1999, according to information from the Central Information Centre of the Ministry of Internal Affairs, agencies of this Ministry logged 35 reports and communications about actions involving the indicia of the offences referred to above. Of these, two involved violations of citizens' equality (Penal Code, art. 136) and one involved the organization of an association that violates the personality and infringes the rights of citizens (*ibid.*, art. 239).

121. In 1999, 254 unauthorized events took place during which ideas intended to incite social, racial, national and religious discord were propagated. A total of 848 lawbreakers were detained. Criminal prosecutions were brought against three people. Administrative proceedings were instituted against 551 people, of whom 401 had broken the law on meetings, demonstrations, marches, processions and pickets, and 102 had distributed printed, cinematographic, photographic, audio and video material.

122. In the course of their work, the internal affairs agencies uncovered five violations of the procedure for manufacturing and disseminating materials by the mass media (Code of Administrative Offences, art. 171) and 13 violations of the procedure for declaring publication data (*ibid.*).

123. In all, 6,931 copies of printed matter intended to publicize fascism and incite social racial, national and religious discord have been seized.

124. Thirty-nine places for the manufacture and storage of printed matter, cinematographic, photographic, audio and video materials intended to publicize fascism and incite social, racial, national and religious dissent have been uncovered.

125. The Ministry of Internal Affairs and its territorial bodies are conducting a preventive campaign to explain to leaders of political parties, movements and voluntary organizations that

any form of political extremism, racism or racial discrimination committed by members of the voluntary organizations which they lead is unacceptable. The internal affairs authorities are attuned to receiving early warnings of any such action at the preparatory stage.

126. An important question is the regeneration and development of national minority languages and the right to use one's native language freely and without hindrance in private and public life.

127. As indicated previously, article 26, paragraph 2, of the Constitution states that everyone has the right to use his or her native language and to free choice of language for communication, education, tuition and creative work. Under article 24, paragraph 2, of the Constitution, it is the duty of the central and local authorities and their officials to ensure that all persons have the opportunity to familiarize themselves with documents and material that directly affect their rights and freedoms, unless the law specifies otherwise.

128. The new Code of Criminal Procedure stipulates that criminal proceedings shall be conducted in Russian or the official languages of the republics within the Russian Federation. Parties to criminal proceedings who do not know Russian, or are not completely fluent in the language of the proceedings, must be afforded an explanation of and be guaranteed the right to make statements, give explanations and testimony, lodge petitions, make complaints and familiarize themselves with the criminal case file, speak before the courts in their native language or another language which they know, and to have the free assistance of an interpreter as specified under the Code. If the Code provides for the mandatory service of investigative and court documents on the suspect, the accused or other parties to criminal proceedings, these should be translated into the native language of the party concerned or a language which he or she knows. Similar strictures were also to be found in the old RSFSR Code of Criminal Procedure, which was applicable prior to the entry into force of the new Code.

129. In practice, the above-mentioned constitutional norms and those relating to criminal procedure are directly applicable and no violations thereof with regard to national minorities have been recorded by the Office of the Procurator-General.

130. The Russian Federation keeps no statistics on the use of interpreters in criminal trials, including crimes committed by or against persons belonging to national minorities.

131. Meanwhile, the constitutions of the republics of the northern Caucasus (a region of Russia characterized by an exceptional diversity of nationalities) state that Russian is the official language alongside the eponymous national languages. Thus, in Karachai-Cherkesia, Russian, Abaza, Nogai, Karachai and Cherkes are recognized as official languages, and in the Republic of Dagestan the official languages are Russian and the languages of all the peoples of Dagestan.

132. On the basis of articles 26 and 68 of the Constitution of the Russian Federation and the Peoples of the RSFSR (Languages) Act, certain constituent entities of the Russian Federation have passed their own language statutes. Regional instruments of this kind are in force in the Kabardino-Balkar Republic and the Republics of Kalmykia and Adygeia. A comprehensive programme to preserve and develop the languages and peoples of Stavropol Territory has been drawn up and ratified. Stavropol Territory alone has 30 educational establishments offering

tuition in Nogai, Turkmen, Tatar, Modern Greek, Armenian, Georgian and Yiddish. In Krasnodar Territory, more than 6,000 schoolchildren have the opportunity to study Armenian, Adygei, Modern Greek and Georgian in 11 territorial units. A similar approach to the issue has been adopted in higher educational establishments.

133. With a view to protecting and developing the languages of Russia's peoples and preserving their ethnic and cultural diversity, an international seminar-workshop was held in Elista from 9 to 16 May 1999 under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the theme "Languages of the peoples of Russia: prospects for development". Its deliberations resulted in the establishment of a coordination centre to help Russia's peoples to develop their national languages and cultural identity, and to implement their initiatives internationally.

Article 6

134. The following statutes were passed into law during the period January 1997 to December 2000 to amplify measures to ensure that all persons subject to State jurisdiction are afforded effective remedies in the national courts and other State institutions against any act of racial discrimination that violates their rights and fundamental freedoms.

135. Federal Act No. 50-FZ of 17 March 1997 supplementing the RSFSR Code of Civil Procedure, whereby the relevant officials, if so petitioned by the Commissioner for Human Rights of the Russian Federation, must request the transfer of civil cases from the relevant courts to themselves, within the limits of their jurisdiction, in order to rule on matters concerning the lodging of protests under the supervisory procedure.

136. Federal Act No. 51-FZ of 17 March 1997 supplementing the RSFSR Code of Criminal Procedure, whereby the Ombudsman is entitled to familiarize himself with criminal cases in which the judgement has become enforceable, cases in which proceedings have been discontinued, and also with material on the basis of which a decision has been taken not to prosecute.

137. Federal Act No. 49-FZ of 13 July 1997 supplementing and amending the RSFSR Code of Administrative Offences, whereby any interference in the activities of the Ombudsman with a view to influencing his decision or otherwise obstructing his work shall incur administrative liability.

Article 7

138. As part of its "Civil society and awareness-raising" module, the Ministry of Education and organizations under its jurisdiction are implementing a variety of national and international programmes, including:

- Projects within the framework of cooperation with the Council of Europe;
- Ethnic and cultural minorities in education (supported by the Bureau CROSS in the Netherlands);

- Development of teaching materials on civic education for use in teacher training colleges (supported by the United States Agency for International Development (USAID) and the British Council in Moscow);
- Establishment of an Education and Information Centre in Sochi (supported by the Open Society Institute-Assistance Foundation and the British Council in Moscow).

139. The Ministry of Education and 13 other Russian ministries and departments have embarked on the implementation of an interdepartmental programme entitled “Shaping an attitude of tolerance and preventing extremism in Russian society” (“National strategy for promoting the establishment of civil society”). The programme comprises a set of measures to help introduce standards and norms of tolerance into social intercourse, effectively counteract manifestations of extremism in Russian society, anticipate and react flexibly to changes in the political situation, and lay foundations for reducing social tension in Russia.

140. Bearing in mind that education is the most effective means of challenging intolerance, the Ministry of Education is a principal State sponsor and executor of a programme covering the following areas:

- Development and introduction of educational programmes and courses for all levels and types of education, including retraining and skills enhancement for public-sector workers;
- Development and introduction of innovative technologies in education in a context of tolerance;
- Educational aspects of the mass media;
- Partnership to establish civil society: cooperation with voluntary movements and organizations;
- Exchange of information and the study and dissemination of best Russian and international practice.

141. In order to translate the programme into reality, the Ministry of Education is cooperating with international foundations and organizations, voluntary organizations and non-governmental organizations. This not only makes it possible to tap additional sources of funding for specific projects, but also injects a voluntary component into the State programme.
