



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

Distr.: General  
18 March 2010

Original: English

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**Committee on the Elimination of Racial Discrimination**  
**Seventy-third session**

**Summary record of the 1882nd meeting**

Held at the Palais Wilson, Geneva, on Thursday, 31 July 2008, at 3 p.m.

*Chairperson:* Ms. Dah

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

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** (*continued*)

*Eighteenth and nineteenth periodic reports of the Russian Federation* (CERD/C/RUS/19; CERD/C/RUS/Q/19 and Add.1; CERD/C/62/CO/7; HRI/CORE/1/Add.52/Rev.1)

1. *At the invitation of the Chairperson, the members of the delegation of the Russian Federation took places at the Committee table.*
2. **The Chairperson** said she was honoured to welcome such a large and high-level delegation.
3. **Mr. Travnikov** (Russian Federation) said that almost all the government bodies involved in combating discrimination and intolerance were represented in his delegation. The report (CERD/C/RUS/19) covered the period 2002–2006; his delegation would update the Committee on developments since then, focusing on those that fulfilled the recommendations made by the Committee in its concluding observations (CERD/C/62/CO/7) when it had considered his country's seventeenth report in 2003.
4. Consultation with civil society organizations had been facilitated by the establishment of the Social Forum of the Russian Federation (report, para. 29). In 2005, his Government had submitted its report pursuant to the Council of Europe Framework Convention for the Protection of National Minorities. It was working towards ratification of the European Charter for Regional or Minority Languages. New legislation to combat extremism had been passed, and statistics showed the mechanisms thus established for combating extremist organizations to be effective.
5. A special State programme had been adopted to enable non-citizens, including former Soviet citizens living within and outside the Commonwealth of Independent States (CIS), to resettle in Russia. Former Soviet citizens could obtain Russian citizenship after six months.
6. The problem of internally displaced persons from Chechnya had been practically resolved. Serious efforts were being made to support the economic development of the Chechen Republic, recognized as a key factor in enabling displaced persons to return home. Considerable sums had been earmarked for improving the Chechen economy and creating normal living conditions for all citizens.
7. Various steps had been taken to acquaint interior ministry staff and law enforcement officials with international and domestic human rights law. Efforts were being made to involve civil society and representatives of minorities in the work to promote human rights. Particular attention was accorded to training of staff who were to be sent to the northern Caucasus. Dialogue with Cossack organizations was ongoing and the Government was working towards improving legislation that affected them. He highlighted aspects of the statistical data on the composition of the population contained in paragraph 1 of the written replies (CERD/C/RUS/Q/19/Add.1).
8. Those positive developments had occurred against the background of general changes in Russian society, including economic growth and social transformation. The Government's goal was to establish a new social policy centred on the rights, freedoms, skills and opportunities of individuals. Economic growth had resulted in increased budgets at the federal and regional levels which offered greater opportunities to improve the quality of life of citizens. The ultimate objective of the economic, social and political reforms under way was to ensure stability and national unity. His Government fully understood that in a multi-ethnic country such as the Russian Federation, the only way forward was to educate citizens to be tolerant of the views, religions and cultures of others.

9. He said that a comprehensive system of legal instruments ensured equality of rights of citizens irrespective of gender, race, ethnicity, language, origin, property status, occupation, place of residence, religious beliefs, opinions or membership of a trade union or any other social group. A variety of laws provided protection for the cultures of national minorities, including support for ethnic and minority languages and the press of national minorities.

10. The Convention, with its definition of racial discrimination, was an integral part of the Russian legal system and, under article 15 of the Constitution, it was directly applicable, including by Russian military courts. In accordance with resolution No. 5 of the Russian Supreme Court, adopted on 10 October 2003, international treaties to which the Russian Federation was a party and the generally accepted principles of international law constituted components of the legal system and were directly applicable. International agreements were directly applicable provided that they did not require publication of a domestic legislative act. The provisions of international agreements to which the Russian Federation was a party prevailed over any contradictory provisions in domestic legislation.

11. Article 136 of the Russian Criminal Code defined discrimination as the violation of the rights, freedoms and legitimate interests of persons and citizens on the basis of sex, race, ethnicity, language, origin, wealth or official status, place of residence, attitude to religion, beliefs or membership of a voluntary association or social group. Such offences infringed the constitutional right of citizens set out in article 19 of the Constitution of the Russian Federation, according to which everyone was equal before the law and in courts of law. The offences might take the form of favouring citizens of a specific ethnic group or sex in hiring, admission to educational establishments or dismissal from work. Following amendments to the Criminal Code, offences that had previously been classified as acts of “deliberate hooliganism” were considered to be hate crimes. Seven different offences could now be identified as being racially motivated. Moreover, racial motivation was considered to be an aggravating circumstance for the purpose of sentencing.

12. Legislation on civil procedure, administrative offences and criminal procedure provided equal opportunities to use procedural means to defend one’s rights and interests. The parties were given equal opportunities to consult the materials of the case, file petitions, question parties to the proceedings, witnesses and experts, raise objections, provide explanations to the court and participate in deliberations. In addition to equal procedural rights, the parties had equal procedural obligations. The principle of the equality of the parties was also observed in constitutional proceedings. His Government therefore considered Russian legislation on combating racial discrimination and racially motivated crime to comply with the relevant international norms, although it recognized the importance of continuing to respond to new threats.

13. Although policy for combating discrimination and protecting national minorities was a matter of federal competence, it was implemented in conjunction with the regions. Federal legislation was complemented by a considerable body of regional legislation to allow application of the guarantees that had been established at the federal level.

14. Under the Constitution, the President of the Russian Federation determined basic policy directions and was the guarantor of rights and freedoms. The Government was responsible for the legal and financial instrumentation of the policy. The Ministry of Regional Development, established in 2004, was the authoritative body for developing State strategies on cultural policy and inter-ethnic relationships, including defending the rights of national minorities and small indigenous peoples. An interdepartmental commission had been established in 2006 to coordinate the work of other ministries and public institutions. Combating racial discrimination fell within the remit of the Commissioner for Human Rights (Ombudsman) of the Russian Federation, which was independent of the Government.

15. The Social Forum of the Russian Federation produced an annual report on the status of civil society. Having given some statistics on the number of civil society organizations in the Russian Federation, he noted that the Social Forum included commissions on inter-ethnic relations, reform of the legal system and the development of civil society.

16. In June 1996, the Ministry of Regional Development had set up an Advisory Council on the affairs of autonomous ethnic cultural organizations which discussed ways of improving the legal protection of national minorities, including Roma. The Advisory Council also undertook general monitoring of inter-ethnic relations and related issues. It had helped resolve situations of ethnic tension, including in the Samara, Tula and Novgorod regions, and it cooperated with public organizations in other CIS countries.

17. The Ministry of Regional Development had issued recommendations to help the constituent entities of the Russian Federation identify emerging inter-ethnic tensions, determine a model for action to tackle those tensions and overcome their consequences. Federal Act No. 131-FZ of 6 October 2003 on general principles for organizing local self-government in the Russian Federation gave local administrations competence to make arrangements for the exercise of the rights of local ethnocultural entities and to establish local programmes targeting specific local issues.

18. An international dialogue of cultures and interfaith cooperation, known as the Volga Forum, had been held in Nizhny Novgorod in 2006 within the framework of the Russian Federation's chairmanship of the Committee of Ministers of the Council of Europe.

19. There were 45 small indigenous peoples in the Russian Federation, characterized as such on account of having fewer than 50,000 members. Most were to be found in the North, Siberia or the Russian Far East. The status of indigenous peoples had first been recognized in a federal law in 2000. In 2006, the Russian Government had approved a list of small indigenous peoples. According to census data from 2002, members of small indigenous peoples numbered 244,000.

20. Measures taken in observance of the Second International Decade of the World's Indigenous People included an exhibition held in April 2008 and intended to bring the products of traditional people to modern markets. The Fifth World Congress of Finno-Ugric Peoples had taken place in June 2008, and two Finno-Ugric cultural centres had been set up. Other planned events included an international art festival known as "Art Arctic".

21. A strategic plan would be drawn up setting out principles and objectives and establishing legal mechanisms to protect traditional ways of life and resource use. Payments to the regions from the federal budget were to increase threefold in 2009. Funding would also be obtained from regional budgets in order to ensure proper living conditions and protect traditional activities and ways of life. The federal authorities were looking into developing a legal framework to enable indigenous people to receive various benefits while carrying out traditional ways of life.

22. Tackling racial discrimination and xenophobia meant teaching future generations about tolerance and fostering diversity, and funding was being made available for projects that did so. Examples included the publication of school textbooks containing text and images intended to promote tolerance and the development of an encyclopedic atlas showing where indigenous peoples lived.

23. A strong civil society helped to promote solidarity. His Government hoped that a conference on legal and practical steps to eliminate terrorism and extremism would stimulate interesting debate and lead to practical solutions. It wanted to support media projects to prevent extremism through subsidies provided on a competitive basis. In education, measures taken included authorizing textbooks for use in schools. A series of

interfaith events had been organized and a special group had been set up to look at ways of educating children about various religions.

24. He read out the statistics on racially motivated crimes contained in paragraph 7 of the written replies. Efforts were being made in schools to prevent organized public disorder or hooliganism on the basis of racial or religious hatred and an awareness-raising campaign was under way to promote observance of human rights by internal affairs officials. Guidelines had been produced for the police.

25. While it was important to achieve a balance between freedom of expression and the prevention of racism, his Government believed it was vital to take a firm line on hate speech in the media. When an offending statement was identified, expert advice was sought and an official warning issued. Media outlets had a right of appeal, and decisions to close a media outlet could only be made by a court.

26. **Mr. Sicilianos** (Country Rapporteur) noted with satisfaction the timely submission of the report. Members of the Committee had received only a summary version of the written replies; due consideration would be given to the full version as soon as it had been translated.

27. The definition of racial discrimination contained in the Criminal Code was not sufficient, as the scope of racial discrimination extended beyond criminal law. He had been interested to hear that the Convention formed an integral part of Russian legislation and that its provisions were self-executing; he asked for details of specific examples of its direct application.

28. He noted with regret that the report made little mention of the special measures that were advocated by the Committee as a way of empowering disadvantaged groups and asked to hear in more detail about measures to enhance the representation of indigenous peoples.

29. The State party seemed reluctant to adopt comprehensive anti-discrimination legislation, preferring a sector-by-sector approach, which meant that some sectors of public life were not covered. The principle of a shared burden of proof was a positive aspect and an important tool for protecting against discrimination.

30. Another positive aspect was the increased powers of the Presidential Council for Promoting the Development of Civil Society Institutions and Human Rights compared to its predecessor, the Presidential Commission on Human Rights (report, para. 30). However, he wished to know whether the budget of the Presidential Council had been enhanced in line with its new powers and if it was sufficient to allow it to deal with the consideration of more than 18,000 communications from members of the public mentioned in the report. He also wished to know why its accreditation as a national human rights institution had not been requested. He requested clarification of the relationship between the Presidential Council and the Commissioner for Human Rights (Ombudsman) and between the federal and regional commissioners for human rights. How many subjects of the Russian Federation had established posts for commissioners for human rights?

31. He asked for more information about specific results and practical outcomes achieved by the department for inter-ethnic relations of the Ministry of Regional Development and by the Social Forum.

32. Recalling that the Committee had discussed in depth the issue of residence registration when it had considered the State party's previous report, he said that NGOs reported that residence registration continued to have discriminatory effects, especially for visible minorities. For example, school directors reportedly continued to refuse to enrol children whose parents were not properly registered, despite the existence of legislation expressly requiring them to do so, regardless of the parents' legal status. A number of judicial decisions had condemned the practices of refusing or imposing additional

requirements for residence registration. Welcome steps had been taken to simplify the issuance of work permits and the procedure for obtaining permission for temporary residence.

33. He took note of amendments to the Criminal Code to incorporate an explicit prohibition of discrimination and make racial motivation an aggravating circumstance in relation to a range of crimes. He also took note of provisions concerning racial discrimination contained in a law on the prevention of extremism. However, reports by Amnesty International, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the European Commission against Racism and Intolerance suggested that racially motivated violence — especially against visible minorities — had increased.

34. Having thanked the delegation for the copious data it had already provided, he requested a statistical analysis of trends in the rates for racially motivated violence. He asked whether article 136 or 282 of the Criminal Code had been or could be applied to sanction possible abuses by members of the police. He noted with consternation information that racist discourse was being held openly in Russia, including in the mainstream media, and suggested that the Government intensify its efforts to combat that phenomenon.

35. While taking note of assurances that the Cossack organizations that received public funding did not perpetrate violence, he said that further efforts were nevertheless needed. Refugee status seemed to be granted only very rarely: he wished to know the number of applications for asylum made and granted. He also wished to know more about the practical impact of a federal law on temporary measures concerning representation of small indigenous peoples in legislative bodies. The delegation should respond to reports of undue delays and arduous requirements in the issuing of fishing licences for indigenous peoples; a lack of adequate funding for the special programme for small indigenous peoples; and private companies depriving indigenous people of their lands, in most cases without compensation.

36. The fact that the houses demolished in Roma settlements had been constructed unlawfully (written replies, para. 17) did not exempt the State party from taking better account of the disproportionate effect that such demolitions had on the day-to-day life of the Roma.

37. It was part of the Committee's doctrine that the absence of complaints was not necessarily a positive phenomenon, as it sometimes indicated lack of confidence in the authorities, lack of awareness of complaints procedures or fear of reprisal.

38. He wished to understand the practical impact of the anti-discrimination provisions in the Labour Code, as there was indeed a need for such provisions in areas that went beyond the scope of criminal law. He expressed interest in the work to publish school textbooks that promoted tolerance and said that additional information about the relevant training for police forces would be appreciated.

39. **Mr. Thornberry** asked whether the process of establishing areas of traditional resource use for small indigenous peoples had been completed (report, paras. 50–51) and whether the rights of indigenous peoples not characterized as “small” were also protected. Many examples had been provided of things being done for indigenous people, but he was curious to know the extent to which they themselves were encouraged to provide input and express their own needs. He wished to know whether the land entitlements of indigenous peoples were deemed to be inherent, or were regarded as being granted by the State. He invited the delegation to comment on the reasons for the State party's opposition to a United Nations Declaration on the Rights of Indigenous People.

40. The delegation might also wish to comment on suggestions that the motivation for the Government's counter-extremism measures had more to do with protecting State institutions than with protecting human rights. He asked how the State party defined the term "national minority", as opposed to "ethnic minority", and whether the distinction had legal consequences. Excessive media reporting on the ethnicity of alleged offenders could contribute to a climate of xenophobia.

41. Given the strict view taken by the Committee regarding automatic segregation of Roma children into special classes, he was glad to read that the Russian Federation did not have special classes. He wished to know the extent to which traditional Roma nomadism was permitted to exist in the Russian Federation.

42. **Mr. Prosper** said that he had observed a disconnect between what was reported by the State party and what he had read in other reports. Did the State party consider the problem of racially motivated violence to be generally under control, or was it perceived as a source of concern?

43. He noted with regret reports that "dark-skinned" people, including Russian citizens, found themselves the subject of abuse not only by Russian citizens, but also by public officials. They comprised 4.6 per cent of all passengers in the underground system, but 50.9 per cent of all individuals stopped and detained by the authorities for example. He asked what steps the Government had taken to ensure that law enforcement officials were not only trained in, but also held accountable for, non-discriminatory behaviour, and whether any prosecutions or disciplinary proceedings had been instigated against public officials for acts of discrimination.

44. **Mr. de Gouttes** requested specific examples of judicial decisions in which the Convention had been applied directly and of criminal prosecutions for racial discrimination or racial hatred. More detailed information about the procedures, conditions and time frame for the granting of citizenship to former Soviet citizens and about the human rights training provided to the police would be appreciated.

45. Information from several sources indicated ongoing problems with racial discrimination in Russian society. Racially motivated crimes, neo-Nazi groups, anti-Semitism and racism against Muslims were all on the rise, and some political parties had adopted a racist or xenophobic platform. In the light of reports of discriminatory and unlawful behaviour against minorities perpetrated by the police, he recalled the Committee's views on the risks of racial profiling.

46. Since the Russian Federation was the subject of numerous cases brought before the European Court of Human Rights, he wished to know what the Government intended to do to align itself with the European Convention on Human Rights, especially with regard to racial discrimination. Although the general trend in the country appeared to be positive, the State party must remain vigilant about tackling racial discrimination.

47. **Mr. Lahiri**, having commended the delegation on the wealth of information contained in the report, challenged the State party's policy of not collecting statistics on ethnic origin as a means of avoiding discrimination (paragraph 1 of the written replies). Without disaggregated statistics, it was not possible to identify where special measures might be needed.

48. Although he understood the State party's explanation that one of the reasons for the increase in extremist offences was the amendment of the Criminal Code to cover extremist activities, he would like the delegation to comment on anecdotal evidence that suggested that such incidents were objectively on the increase. The absence of complaints was neither a positive phenomenon, nor necessarily indicative of a climate of fear; some societies were simply more litigious than others.

49. **Mr. Cali Tzay** said he was surprised by the composition of the delegation, given the description of Russia as culturally diverse. He asked whether the guarantee of the opportunity to receive an education (report, para. 15) incorporated the right for indigenous peoples to receive an education in their own languages. The Labour Code afforded considerable protection to workers; however, it was not clear whether it only protected against labour discrimination, or also helped members of ethnic minorities gain access to jobs.

50. More information was needed on the situation in the Russian Federation of indigenous peoples, who were reported to be even poorer than people in developing countries and to be excluded from international aid flows. An update on the outcome of the monitoring of “skinheads” referred to in paragraph 43 of the report would be appreciated. He requested clarification of the relevance of the term “small indigenous peoples” to those with populations over 50,000. Did the State party consider that the many statutes, laws and regulations it had enacted provided sufficient protection for indigenous peoples?

51. It would send a positive message if the State party would consider ratifying the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169). He asked the delegation to clarify the distinctions it made between the terms “indigenous peoples”, “national minorities” and “ethnic group”.

52. **Mr. Murillo Martínez**, having asked how many young students in Russia had been victims of racial hatred, the nature of the offences perpetrated against them and the rate of convictions for such offences, expressed alarm at the idea that politicians and political parties might have been involved in such incidents. He asked what the Russian Federation was doing in terms of follow-up to the Durban Declaration and in particular about the involvement of civil society in that process.

53. **Mr. Diaconu** said that the picture painted by NGOs of violence perpetrated against foreigners on the basis of racial hatred seemed to be rejected by the State party. Racial discrimination was not only prohibited as a point of principle under the Russian Constitution, but was also addressed in legislation relating to specific sectors. He welcomed the commitment expressed by the State party to resolving the problems experienced by former Soviet citizens residing in the Russian Federation. The definition set out in article 136 of the Criminal Code was a definition of discrimination in general, not of racial discrimination in particular, and did not correspond to the definition in article 1 of the Convention. It was based on the violation of a right; however, unfairness could exist in the ways that rights were granted, without the rights of individuals having been violated. In that light, he invited the State party to consider reopening discussion on a definition in its domestic legislation of racial discrimination.

54. He asked what could be done to resolve the problems of the Meskhetian Turks who had not emigrated to the United States of America. He wished to know more about the “special opportunities” afforded to small indigenous peoples to allow them to preserve and develop their traditional culture (report, para. 80). He invited the delegation to respond to reports that Roma were subjected to forced segregation in some hospitals and schools. He emphasized the imperative of rehousing the inhabitants of Roma settlements that were demolished, especially given that lack of residence registration could affect their enjoyment of other rights, such as education.

55. He echoed concerns already expressed about the rights of indigenous peoples with more than 50,000 members and asked how the Government intended to ensure that their traditional livelihoods and ways of life were sufficiently protected against the interests of big companies. Were indigenous peoples consulted in projects relating to their lands, and did they receive compensation when their lands were used?



56. Noting that extremism seemed to have become a major preoccupation in the Russian Federation, he asked why it was thought to be central to all that was wrong with the country. He wished to know whether the causes of the rise in extremism were economic or social. Extremism could not be effectively countered using excessive policing methods such as excessive identity checks on the street or on public transport and counter-terrorist measures must not violate human rights. It was important to strike a balance between protecting society and protecting the rights of individuals.

57. Foreign policy developments seemed to influence the attitudes of public servants to particular ethnic groups: for example, NGOs reported a toughening of police action against Georgians. The State party should strive to prevent any deterioration in its foreign relations with certain States from hardening attitudes towards foreigners. Although extremism was a phenomenon often associated with religious organizations, the Russian Orthodox Church was well placed to support efforts to counter it.

58. Human rights was a federal matter, and the State party should therefore bolster federal control over local authorities in order to put an end to the discriminatory practices of some local authorities against certain ethnic groups. The work done by bodies that had been abolished should be furthered, and not replicated, by the bodies that replaced them.

59. **Mr. Ewomsan** expressed his dismay and surprise at the proliferation of extremist and virulently racist groups (report, paras. 96–98). He invited the delegation to explain what might be behind the proliferation of racism and violence against black students.

60. **Mr. Lindgren Alves** said that he shared his colleagues' puzzlement and concern about the alarming proliferation of neo-Nazi organizations and increasing violence against dark-skinned people. It was important to reflect on and find out the reasons for those trends. He asked for a copy of the final document of the Volga Forum.

61. **Mr. Kemal** said that improved economic conditions in the Russian Federation could be expected to help reduce the social discontent that often engendered violence and antisocial behaviour. He welcomed the news that tolerance was an important objective, as well as the emphasis on indigenous rights and on countering discrimination in education, labour and culture, inter alia. Any specific instances when the definition of racial discrimination contained in article 15 of the Constitution had been applied in the civilian or military legal systems would be of interest.

62. It was shocking that neo-Nazis and skinheads were allowed to terrorize segments of the population. How had they managed to earn respect in Russian society, given the millions of Russians who had died fighting the Nazis in the war known as the Great Patriotic War?

63. He wished to know whether indigenous people had recourse to the Commissioner for Human Rights (Ombudsman). The State party might consider establishing an ombudsman for indigenous people, as their rights — especially when their traditional lands were known to contain valuable resources — were often overlooked. Lastly, he asked about the issue of internally displaced persons in the Russian Federation.

64. **Mr. Peter** noted that imprisonment featured last in the long list of punishments for incitement to ethnic, racial or religious hatred provided for by the Criminal Code (report, para. 25). The State party might consider whether the sentences handed down for such crimes were sending the right message, given the increasing number of crimes of that nature. In addition, there was a lack of correlation between the number of offences and conviction rates.

65. The risks run by foreign students were unfortunately such that the St. Petersburg Procurator's Office had felt the need to issue and distribute an instruction booklet entitled "Protect yourself" (report, para. 41). What had happened to spark such aggression against

foreign students, and what social solutions was the Government using to remedy the problem? Given that the State party reported that it was “doing its utmost to strengthen international cooperation in order to address problems affecting indigenous peoples” (para. 54), he wished to know how the State party was cooperating with Finland, Sweden and Norway in respect of the Sami people.

66. The “threat from international terrorism” (para. 150) was often invoked as a justification for interfering in religions. He expressed some scepticism about the feasibility of achieving genuine interfaith dialogue in the presence of strong State support for one religion.

67. **Mr. Travnikov** thanked the members of the Committee and said that his delegation would do its utmost to obtain the additional information requested.

*The meeting rose at 6 p.m.*