

REPORTS TO TREATY BODIES

Committee on the Elimination of Racial Discrimination

Russia's 14th periodic report (CERD/C/299/Add.15, April 1997) was considered by the Committee at its March 1998 session. The report prepared by the government covers the period from February 1996 to January 1997 inclusive, and contains information on, *inter alia*: constitutional protections and prohibitions; provisions in the new Penal Code which came into effect on 1 January 1997; the Family and Labour Codes; the work of the State Duma Committee on Nationalities; the National Cultural Autonomy Act and the advisory council on national cultural autonomy, a deliberative governmental body; a proposed bill to ban the propagation of fascism; the mandate and functions of the Government Prosecutor's Office; the Judicial System Act 1996; the Outline of Russian State Policy on Nationalities and the draft plan of action to put the Outline into effect; the situation of minorities and indigenous populations living in the North; and statistical data on the populations in the constituent entities of the Federation, as well as the ethnic/linguistic situation among the peoples of the Federation.

Annex III of the report contains information on the situation in the Chechen Republic and mainly focusses on the incidents and manifestations of discrimination and intolerance against Russian and Russian-speaking inhabitants. Criminal elements have been accused of violence, hostage-taking, confiscation of property, extortion, eviction and other acts of persecution on national grounds.

The Committee's concluding observations and comments (CERD/C/304/Add.43) noted factors and difficulties hindering implementation of the Convention, including that: Russia is a large multi-ethnic, multi-religious and multicultural state composed of more than 176 nationalities and ethnic groups; the political changes that occurred in the last few years continue to affect the economic and social situation of the population; historically there has been discrimination against individuals on ethnic grounds; in recent years inter-ethnic tensions have risen in various parts of the Federation; and Russia is a country in transition, with problems of coordination at the legislative and administrative levels.

The Committee welcomed: the adoption of new legislation to complete the provisions of the Constitution guaranteeing equality of rights and freedoms and prohibiting discrimination; the fact that the new Penal Code (January 1997) prohibits discrimination on any grounds, makes it a criminal offence to engage in deliberate acts intended, *inter alia*, to instigate national, racial or religious hatred or discord, describes punishments for such acts and establishes the general rule that having "motives of national, racial or religious hatred or enmity" for committing a crime is an aggravating circumstance; entry into force of the National Cultural Autonomy Act, guaranteeing to all ethnic communities national cultural autonomy; the establishment of a number of autonomous regional, local and federal cultural entities;

the adoption of the Outline of Russian State Policy on Nationalities and establishment of a governmental commission to implement it; adoption in a number of republics of laws which guarantee the rights of national minorities, indigenous peoples and small ethnic groups; the work of the State Duma on a number of important federal laws, *inter alia*, the National Minorities Act, the Small Indigenous Groups of the North, Siberia and the Russian Far East Act, and the Refugees and Displaced Persons Act; and efforts to strengthen the court system and the independence of the judiciary, and to train judges in matters relating to the exercise of citizens' rights and freedoms.

The principal subjects of concern identified by the Committee included, *inter alia*: the increasing incidence of acts of racial discrimination and inter-ethnic conflicts; the limited information provided on the activities of the Prosecutor's Office and the judiciary to investigate and punish acts of racial discrimination, as well as reparation for damages suffered as a result of such discrimination; despite efforts made, shortcomings in the legal framework for protecting all persons against racial discrimination, including the lack of a definition in national legislation of racial discrimination; lack of provisions in the Constitution and the Penal Code related to a prohibition on racist organizations, incitement, propaganda and similar acts; and the situation in Chechnya where serious human rights violations still occur.

The Committee recommended that the government, *inter alia*:

- ♦ take further measures to harmonize domestic legislation with the provisions of the Convention, in particular with regard to outlawing and combatting all organizations and political groups and their activities that promote racist ideas or objectives;
- ♦ provide, in the next report, further information on the investigation of racial discrimination by prosecutors and its punishment by the courts;
- ♦ fully implement domestic legislation to guarantee in practice the realization by everyone of the rights listed in article 5 of the Convention (generally civil, cultural, economic, political and social rights) and, in particular, the rights to freedom of movement and residence and the right to a nationality;
- ♦ provide, in its next report, further information on: (a) complaints and court cases related to racial discrimination, including the respective decisions and judgements; (b) reparation for damages suffered as a result of discrimination in cases brought before courts; (c) measures taken to combat racial prejudice, to promote understanding among different groups; (d) development regarding the bills under discussion in the State Duma Committee on Nationalities, as well as the bill banning the propagation of fascism; (e) measures to ensure the adequate development and protection of less developed groups within the Federation; (f) the situation of Gypsies or Roma;