



REFERENCE: CERD/100<sup>th</sup> session/FU/MJA/ks

13 December 2019

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 100<sup>th</sup> session, considered the follow-up report submitted by the Government of the Russian Federation, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 20 and 26 of the Concluding Observations (CERD/C/RUS/CO/23-24), adopted following the consideration of the State party's combined 23<sup>rd</sup> and 24<sup>th</sup> periodic reports, at its 93<sup>rd</sup> session, held in August 2017.

The Committee appreciates the opportunity provided to continue its dialogue with the State party and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its combined 25<sup>th</sup> and 26<sup>th</sup> periodic reports, to be submitted in a single document, by 6 March 2020.

### **Paragraph 20 of the Concluding Observations**

While noting with appreciation the willingness of the State party to host missions by the United Nations to Crimea, the Committee reiterates its recommendation to allow representatives of the Office of the United Nations High Commissioner for Human Rights (OHCHR) full access to Crimea to take stock of the human rights situation. It notes the information provided by the State party that all credible reports of violations of human rights in Crimea are investigated by the competent Russian authorities. Nevertheless, the Committee regrets the lack of information on the measures taken to repeal any administrative or legislative measures adopted since the State party started to exercise

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effective control over Crimea that have the purpose or effect of discriminating against any ethnic group or indigenous peoples on grounds prohibited under the Convention, as well as in relation to nationality and citizenship rights, the registration of religious communities and the operation of Crimean Tatar representative institutions, including the Mejlis. It is concerned that the State party did not indicate what specific measures have been taken to investigate effectively the allegations of violations of human rights of the Crimean Tatars, in particular abductions, enforced disappearances, arbitrary detention and ill-treatment, and bring perpetrators to justice, and to provide victims or their families with effective remedies. Furthermore, the Committee regrets the absence of information on any effective measures taken to ensure that the Ukrainian language is used and studied without interference. While taking note of the State party's views that the issues raised in this paragraph should not have been included in the Concluding Observations for the sake of objectivity, the Committee would like to stress that these issues were explicitly addressed in its list of themes and during the constructive dialogue between its members and the delegation of the State party. The Committee regrets that appropriate action has not been taken to implement its recommendations and considers the response of the State party unsatisfactory. The Committee requests the State party to provide, in its next periodic report, detailed information and data on the measures taken to implement these recommendations, as well as on their impact.

### **Paragraph 26 of the Concluding Observations**

The Committee notes with appreciation the information provided by the State party that the residents of the village of Kazas were compensated for the withdrawal of their lands due to coal exploitation, with the provision of homes and monetary payments totaling nearly 90 million roubles. The Committee also notes that, according to domestic legislation, priority is given to allocate lands to Shor people in areas of their traditional territories and where they have traditionally carried out their economic activities. It remains, however, concerned at reports that the rights of Shor people originally from the village of Kazas have not yet been fully restored, and recommends that the State party strengthen its efforts to provide adequate compensation to Shor people for the loss of their lands and houses, including by expeditiously adopting a resettlement plan. The Committee further notes that the authorities of the Myskovsky municipal area and coal mining companies active in the district have concluded an agreement aimed at ensuring access without hindrance to the village of Kazas, including its cemetery. Nevertheless, it is concerned at reports that Shor people may still not have unhindered access to their original village, including their cemetery, because of armed checkpoints, and recommends that the State party intensify its efforts to ensure that Shor people can gain access to their ancestral lands and cemetery. The Committee welcomes the measures taken by the State party to uphold the principle of free, prior and informed consent for all decisions affecting the Kemerovo Province's indigenous peoples, including the conclusion of mandatory tripartite agreements between representatives of indigenous peoples, the local government administration and private companies, prior to the beginning of any extraction work in the vicinity of traditional lands, and the adoption of the "Guidelines for business in building social dialogue with numerically small indigenous peoples: An algorithm for action". However, the Committee is concerned about the lack of information on any concrete measures to ensure that the principle of free, prior and informed consent is respected in all decisions affecting Shor people, including with respect to the relocation of their sacred site to another village. The Committee considers the response of the State party partially satisfactory and requests the State party to provide, in its next periodic report, information



on the specific measures taken to fully implement these recommendations, as well as on their impact.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Russian Federation, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Nouredine Amir".

Nouredine Amir  
Chair

Committee on the Elimination of Racial Discrimination