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Committee on the Elimination of Racial Discrimination

Views adopted by the Committee under article 14 of the Convention, regarding communications Nos. 85/2023, 86/2023 and 87/2023*,**

<i>Communication submitted by:</i>	X, Y, Z
<i>Alleged victim:</i>	The authors (represented by counsel)
<i>State Party:</i>	Russian Federation
<i>Date of communication:</i>	20 December 2022 (initial submission)
<i>Date of adoption of decision:</i>	23 April 2026
<i>Subject matter:</i>	Racial discrimination of a minority indigenous people in Crimea
<i>Procedural issues:</i>	Admissibility; exhaustion of domestic remedies; substantiation of claims
<i>Substantive issue:</i>	Discrimination on the grounds of national or ethnic origin
<i>Articles of the Convention:</i>	1 (1); 2 (1) (a), 5 (a), (b), (d)(viii), d(ix), (e) and 6

1.1 The authors of the communications are X (communication No. 87/2023), Y (communication No. 85/2023) and Z (communication No. 86/2023). The authors are Ukrainian citizens of Crimean Tatar ethnicity born in 1963, 1982 and 1986, respectively. They claim that the State Party has violated their rights under articles 1 (1); 2 (1) (a), 5 (a), (b), (d)(viii), (d)(ix), (e), and 6 of the Convention. The individual complaints procedure under the Convention entered into force for the State Party on 1 January 1992. The authors are represented by several counsels, including the European Human Rights Advocacy Centre.

1.2 On 20 December 2022 pursuant to rule 96 of the Committee's rules of procedure, the Committee decided to join communications No. 87/2022, No. 85/2018 and No. 86/2018, submitted by three different authors, for a joint consideration and the decision, in view of substantial factual and legal similarity.

* Adopted by the Committee at its 117th session (13 April – 1 May 2026).

** The following members of the Committee participated in the examination of the communication: The following members of the Committee participated in the examination of the communication: Shaikha Al-Misnad, Michal Balcerzak, Pela Boker-Wilson, Chinsung Chung, Bakari Sidiki Diaby, Régine Esseneme, Jian Guan, Ibrahima Guisse, Gun Kut, Carla Ivette Pousa Caride, Vadili Rayess, Verene Shepherd, Chrispine Gwalawala Sibande, Stamatia Stavrinaki, Mazalo Tebie, Faith Dikeledi Pansy Tlakula, Abderrahman Tlemcani and Saúl Vicente Vázquez.

Facts as submitted by the authors

2.1 The authors submit that they are Crimean Tatars, one of the indigenous peoples of Ukraine and its ethnic minority, whose homeland is Crimea: they comprise approximately 0.5% of the population of Ukraine, with 98% of Crimean Tatars living in the Crimean Peninsula.¹ The status of Crimean Tatars as an indigenous community has also been recognised by the European Parliament.² It has been recognised and accepted by both the Russian Federation and the International Court of Justice (ICJ) that Crimean Tatars constitute a distinct ethnic group for the purposes of protection under the CERD.³ Their families were deported from Crimea in 1944 but they returned to Crimea in 1984 (X) and 1990 (Y and Z). The authors are lawyers and have been representing other Crimean Tatars in criminal and administrative proceedings since Russia's annexation of Crimea in February 2014.

2.2 The authors submit that after the 2014 annexation of Crimea by the Russian Federation,⁴ the State Party justified its actions by citing the "Russian World"⁵ political concept/doctrine and the need to protect Russian-speaking populations and its nationals abroad.⁶

2.3 The authors further note that Crimean Tatars, particularly through their representative body, the Mejlis,⁷ opposed the annexation and have since faced systematic discrimination and persecution by de facto authorities, resulting in significant displacement⁸ due to fear of coercion, legal pressure, and social marginalization. According to the authors, international

¹ See Open Society Justice Initiative (June 2018), Human Rights in the Context of Automatic Naturalization in Crimea). In March 2014, the Ukrainian Government recognised their status as an indigenous community (The Verkhovna Rada of Ukraine adopted the Resolution "On Statement of the Verkhovna Rada of Ukraine re guarantees of rights of the Crimean Tatar people as a part of the State of Ukraine," VERKHOVNA RADA (20 March 2014).

² See European Parliament resolution of 12 May 2016 on the Crimean Tatars (2016/2692(RSP)), paras B, F, 2 and 9) and the United Nations (See, for example, UN Human Rights Committee, Concluding Observations on the seventh periodic report of the Russian Federation, CCPR/C/RUS/CO/07, 28 April 2015, "Violations of Covenant rights of residents of the Autonomous Republic of Crimea and the city of Sevastopol" para. (e); Report of the Special Rapporteur on Minority Issues, Mission to Ukraine, 27 January 2015, UN Doc. A/HRC/28/64/Add.1, paras. 6 and 49).

³ See International Court of Justice, Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v Russian Federation), Preliminary Objections, Judgment of 8 November 2019, §§ 80 and 95 and United Nations, Resolution adopted by the General Assembly on 13 September 2007: 61/295. United Nations Declaration on the Rights of Indigenous Peoples).

⁴ The forcible imposition of Russian law in the Crimean Peninsula was subsequently affirmed in the Russian Federal Constitutional Law of 21 March 2014 No. 6-FKZ "on the admission of the Republic of Crimea into the Russian Federation".

⁵ President of Russia, Address by President of the Russian Federation, 18 March 2014.

⁶ See Centre for Eastern Studies (2014), The consequences of the annexation of Crimea; Chatham House (2016), Agents of the Russian World: Proxy Groups in the Contested Neighbourhood, pp.8-9; Mikhail Suslov (July 2017), "Russian World": Russia's Policy towards its diaspora. And President of Russia, Vladimir Putin answered journalists' questions on the situation in Ukraine, 4 March 2014; Global Rights Compliance (February 2022), International Law and Defining Russia's Involvement in Crimea and Donbas, paras 3.3.1.2 and 3.3.1.3.

⁷ The Mejlis of Crimean Tatar People, created in 1991, is an auto-proclaimed executive body of Crimean Tatars. In 2014, following Russia's annexation of Crimea, it was prohibited by Russian authorities as an extremist organization.

⁸ According to the Report of the Mission of the President of Ukraine in the Autonomous Republic of Crimea, as of 5 July 2019, 39,771 Crimean residents had left Crimea since 2014 (Office of the President of Ukraine in the Autonomous Republic of Crimea, *Report on the Results of Activities of the Representation of the President of Ukraine in the Autonomous Republic of Crimea for the II Quarter of 2019*, p. 13. As the authorities list only officially registered persons, it is possible that the actual data is different and the number of those displaced from Crimea is higher), with OHCHR reporting that Crimean Tatars constituted a large proportion of those displaced (OHCHR, *Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)*, 25 September 2017, para. 50.)

organizations, including the UN Treaty Bodies,⁹ OHCHR,¹⁰ OSCE,¹¹ and the Council of Europe,¹² have extensively documented these violations. They state that Ukraine has brought claims against the Russian Federation before the ICJ under the CERD,¹³ alleging a targeted campaign against Crimean Tatars encompassing enforced disappearances, arbitrary detention, suppression of media and cultural expression, imposition of Russian citizenship, and the banning of the Mejlis. The authors note that the European Court of Human Rights has recognized these claims as prima facie substantiated in the inter-state case of *Ukraine v. Russia (re Crimea)*.¹⁴

2.4 The authors describe that, since 2014, Russian authorities in Crimea have pursued a systematic pattern of discrimination against Crimean Tatars. They state that the Mejlis was banned in 2016 as an “extremist organization”,¹⁵ dismantling the community’s primary political institution, while its leaders¹⁶ and members have faced targeted persecution,

⁹ See, for example: CERD Committee Concluding observations on the twenty-third and twenty-fourth periodic reports of the Russian Federation, CERD/C/RUS/CO/23-24, 20 September 2017, paras. 11, 19 and 20; CERD Committee follow-up letter sent to the Russian Federation, 13 December 2019; UN Human Rights Committee, Concluding Observations on the eighth periodic report of the Russian Federation, CCPR/C/RUS/CO/8, 1 December 2022, paras. 38-39; UN Human Rights Committee, Concluding Observations on the seventh periodic report of the Russian Federation, CCPR/C/RUS/CO/07, 28 April 2015, “Violations of Covenant rights of residents of the Autonomous Republic of Crimea and the city of Sevastopol” para. (e); Committee against Torture, Concluding Observations on the sixth periodic report of the Russian Federation, CAT/C/RUS/CO/6, 28 August 2018, para 48.

¹⁰ See, for example, OHCHR, Report on the human rights situation in Ukraine 15 November 2014, paras. 209 and 212-225; OHCHR, Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), 25 September 2017, paras. 50, 78, 81, 90, 92, 97, 101-103, 107-108, 152, 168, OHCHR, Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine 13 September 2017 to 30 June 2018, paras. 3, 30-31, 42, 50, 55;

¹¹ OSCE, Human Rights Assessment Mission in Ukraine: Human Rights and Minority Rights Situation (March-April 2014); OSCE, Report of the Human Rights Assessment Mission on Crimea (6–18 July 2015).³⁴ See, for example, Report by Commissioner for Human Rights of the Council of Europe, following his mission in Kyiv, Moscow and Crimea from 7 to 12 September 2014, paras. 20-28; European Parliament Resolution of 12 May 2016 on the Crimean Tatars (2016/26(RSP); Parliamentary Assembly of the Council of Europe, Resolution 2387 (2021) ‘Human rights violations committed against Crimean Tatars in Crimea’, paras. 5, 6, 7, 10, 12 and others; European Parliament Directorate-General for External Policies (2016), The situation of national minorities in Crimea following its annexation by Russia.

¹² See, for example: Crimean Human Rights Group (2022), Human Rights and International Humanitarian Law Norms: Crimea 2021 Situation Review; Crimean Human Rights Group and others (2021), Human Rights in Crimea During the Seven Years of Russian Occupation; Human Rights Watch (November 2017), Crimea: Persecution of Crimean Tatars Intensifies; Amnesty International (2015), Crimea: One year on from annexation; critics harassed, attacked and silenced.

¹³ International Court of Justice, Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (*Ukraine v. Russian Federation*), Application Instituting Proceedings filed on 16 January 2017.

¹⁴ *Ukraine v. Russia (re Crimea)* (Nos. 20958/14 and 38334/18), paras. 391, 450, 467, 479, 495, 504, 506, 508-510.

¹⁵ On 15 February 2016, the Prosecutor of the Republic of Crimea brought an action against the Mejlis under Article 262 of the Russian Code of Administrative Proceedings and Article 9 of the Federal Law of 25 July 2002 no. 114-FZ On Counteracting Extremist Activities. The Prosecutor sought a judgment of the Supreme Court of Crimea declaring the Mejlis an extremist organisation and banning its activities. On 12 April 2016 the Crimean Prosecutor temporarily suspended activities of Mejlis, and on 26 April 2016, the Mejlis was declared an extremist organisation by the Supreme Court of Crimea, and was banned from conducting any activities. The ban was upheld by the Supreme Court of the RF on 29 September 2016.

¹⁶ For example, the Russian Federation authorities imposed a five-year ban on Mr Mustafa Dzhemilev (former Chairman of the Mejlis) and Mr Refat Chubarov (Chairman of the Mejlis) entering the territory of Crimea in April and July 2014 respectively. See Report by Commissioner for Human Rights of the Council of Europe, following his mission in Kyiv, Moscow and Crimea from 7 to 12

entry bans, politically motivated prosecutions, convictions in absentia, and lengthy prison sentences. The authors note that anti-extremism and anti-terrorism legislation has been applied disproportionately, with mass raids, arbitrary arrests, and prosecutions often linked to alleged affiliation with banned organizations such as Hizb ut-Tahrir.¹⁷ They further observe that serious human rights violations, including enforced disappearances, torture, extrajudicial killings, and abductions, have been documented,¹⁸ exemplified by the killing of Reshat Ametov.¹⁹

2.5 The authors state that cultural repression has also been systematic, including restrictions on public commemorations,²⁰ freedom of assembly,²¹ and education in the Crimean Tatar language, applied discriminatorily compared to pro-Russian groups.²² Crimean Tatars, including the authors have also been targeted with the issuance of warnings against so-called “extremist actions” when they have sought to organise or participate in public gatherings or events, including events to commemorate the 1944 deportation of Crimean Tatars. On 29 October 2021, 31 Crimean Tatars were detained after taking part in a rally in support of Crimean Tatars defendants in one of the cases within the “Case of Crimean Muslims” . Twenty-two of those detained were charged with participation in an unauthorised mass event under Article 20.2-5 of the Russian CAO.

2.6 On 25 October 2021, there was a large gathering at the so-called Crimean garrison military court to listen to a video stream of court proceedings concerning the appeal of three Crimean Tatars, who are part of a group of Hizb ut-Tahrir cases known as the “Krasnogvardeysk group”. More than 20 Crimean Tatars were detained by officers from Centre E (the Centre for Combatting Extremism), including HRDs and journalists, and were charged under Art. 20.2.2(1) of the Russian CAO, allegedly for gathering in breach of Covid-19 regulations. In the documents relating to their detention, the Russian Federation police noted that a gathering of “citizens of Crimean Tatar ethnicity was observed” . A number of those detained were clients of the author Z. Z was arbitrarily arrested after attending the police department No. 3 “Central” of the Department of Internal Affairs of Russia for Simferopol in order to provide legal assistance to his clients.

September 2014, para. 21; Crimean Human Rights Group and others (2021), Human Rights in Crimea During the Seven Years of Russian Occupation, p. 23.

¹⁷ An organization associated with Islam that has been designated as a terrorist organization in the Russian Federation.

¹⁸ See Parliamentary Assembly of the Council of Europe, Resolution 2387 (2021) ‘Human rights violations committed against Crimean Tatars in Crimea’, paras. 4 and 13.3.1.; European Parliament Resolution of 12 May 2016 on the Crimean Tatars (2016/26(RSP), para. B

¹⁹ High-profile disappearances include the case of Reshat Ametov, a Crimean Tatar who disappeared after attending a protest in Simferopol on 3 March 2014 and whose body was found on 15 March 2014 bearing signs of torture; and the disappearance of Crimean Tatar cousins Islyam Dzhapparov and Dzhevdet Islyamov, relatives of a former member of the Mejlis, who were abducted on 27 September 2014 by men in military uniform. See OHCHR, Report on the human rights situation in Ukraine 15 November 2014, paras. 212-217; Crimean Tatar Resource Centre (2019), Contributions for the study of the Working Group on enforced or involuntary disappearances.

²⁰ See, for example, Crimean Tatar Resource Centre (2021), Crimean Tatar activists were given warnings “about the inadmissibility of breaking the law”; Kharkiv Human Rights Protection Group (2021), Russia calls celebrating Crimean Tatar Flag Day ‘extremism’ and threatens prosecution; Kharkiv Human Rights Protection Group (2021), Remembrance banned as ‘extremism’ and political trials on anniversary of Crimean Tatar Deportation; Kharkiv Human Rights Protection Group (2020), Crimean Tatar rights activist takes Russian prosecutor to court over ‘warnings against extremism’; Kharkiv Human Rights Protection Group (2019), Russian occupiers warn against using an ‘extremist symbol’ on Crimean Tatar Flag Day.

²¹ See Crimean Human Rights Group (22 November 2021), Discrimination of Crimean Tatars and Freedom of Peaceful Assembly and Crimean Human Rights Group (October 2021), Crimean Human Rights Situation Review.

²² OSCE, Freedom of Assembly in Crimea Occupied by the Russian Federation, PC.SHDM.NGO/14/15, 17 April 2015, p.2.

2.7 Crimean Tatar media entities have been denied registration and/or licences to work under Russian legislation, and education in the Crimean Tatar language has been limited.²³

2.8 Finally, the authors note that these patterns have persisted and intensified following Russia Federation's full-scale invasion of Ukraine, with continued enforced disappearances and disproportionate targeting in mobilization efforts. They report that from September to November 2021, at least 184 individuals were detained during peaceful assemblies, often under COVID-19 or administrative regulations.²⁴ The authors emphasize that detentions frequently targeted participants based on ethnicity and affected lawyers, human rights defenders, journalists, and even minors, raising serious concerns regarding due process and access to legal representation.²⁵ They cite the UN Secretary-General, noting that these measures appear aimed less at public health and more at discouraging peaceful assembly, highlighting their discriminatory and disproportionate nature.²⁶

2.9 In their respective appeals, X, Y and Z advanced substantially similar claims alleging that the decisions of the Kyiv District Court of Simferopol (in Y's case) and the Central District Court of Simferopol (in Z's and X's cases) were discriminatory on the basis of their ethnicity as Crimean Tatars. They argued that their administrative prosecution formed part of a broader pattern of persecution targeting Crimean Tatars as an ethnic minority, in violation of the guarantees of equality and non-discrimination under domestic and international law, including article 19 of the Constitution of the Russian Federation, article 14 of the European Convention on Human Rights, article 26 of the ICCPR, and the CERD. In support of these claims, the applicants referred to a series of related incidents involving the detention and prosecution of other Crimean Tatars, including legal professionals, arguing that these circumstances demonstrated a systemic and discriminatory enforcement practice. In each case, the Supreme Court of the Republic of Crimea dismissed the allegations of discrimination, finding that there was no evidentiary basis in the case files to substantiate claims that the proceedings had been motivated by ethnic bias.

2.10 The facts relevant to each individual communication are summarized below.

X v. Russian Federation (communication No. 87/2023)

2.11 X has worked as a human rights defender since 1997 and has represented many high-profile Crimean Tatars. Between 2001 and 2013, she was a member of the Mejlis, where she headed the department of Tatar language in education. On 25 October 2021, she arrived at a police station in Simferopol to provide legal assistance to detainees, including Y. After leaving the station, she made public statements to the media and those gathered outside. On 26 May 2022, she was detained outside the Kyiv District Court of Simferopol while preparing to represent Z and was charged under Article 20.2.2 of the Russian Code of Administrative Offences (CAO) for alleged participation in a mass gathering on 25 October 2021. On 28 May 2022, she was sentenced by the Central District Court of Simferopol to 5 days of administrative detention. She was held in poor conditions, which had a detrimental impact on her health. Her appeal was rejected by the Supreme Court of the Republic of Crimea on 22 June 2022.

Y v. Russian Federation (communication No. 85/2023)

²³ See OHCHR, Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine), 25 September 2017, para. 157.

²⁴ See OHCHR (June 2022), Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, A/HRC/50/65, para 28. See also Crimean Human Rights Group (22 November 2021), Discrimination of Crimean Tatars and Freedom of Peaceful Assembly.

²⁵ See, for example, Communication to the Russian Federation dated 29 July 2020 concerning Mr Server Mustafayev, Ref: AL RUS 4/2020; Communication to the Russian Federation dated 21 January 2020 concerning Mr Emir Usein Kuku, Ref: AL RUS 10/2019; Communication to the Russian Federation dated 13 February 2019 concerning Mr Emil Kurbedinov, Ref: AL RUS 2/2019; Communication to the Russian Federation dated 11 July 2018 concerning Mr Server Mustafayev, Ref: AL RUS 14/2018.

²⁶ OHCHR (June 2022), Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, A/HRC/50/65, para 28.

2.12 Y was admitted to practice law in 2016 and has defended many Crimean Tatars, including a Deputy Chairman of the Mejlis. On 25 October 2021, he arrived at a police station in Simferopol to provide legal assistance to more than 20 detained Crimean Tatars. He was subsequently detained and charged with two counts of “police disobedience” under Article 19.3(1) of the CAO after recording a conversation with police officers and refusing a strip search. On 11 November 2021, he was sentenced to 12 days of administrative detention and fined 4,000 roubles; these decisions were upheld on 18 November and 20 December 2021 by the Supreme Court of the Republic of Crimea. His case was denounced by two UN Special Rapporteurs,²⁷ and he was released on 23 November 2021, after which several Crimean Tatars who gathered to witness his release were arrested. On 26 May 2022, he was again arrested and charged under Article 20.3.3 of the CAO based on a Facebook post that he had been tagged in and had promptly deleted a month prior. On 27 May 2022, he was fined 75,000 roubles by the Kyiv District Court of Simferopol. His appeal was rejected on 29 June 2022.

Z v. Russian Federation (communication No. 86/2023)

2.13 Z has been engaged in human rights defence since 2016, advising Crimean residents, including Crimean Tatars, persecuted by Russian authorities. He was admitted as a lawyer in 2019 and has since represented several Crimean Tatars, including those accused of involvement in Hizb ut-Tahrir. On 25–26 October 2021, he provided legal assistance to Y and made a public statement outside the police station. On 27 May 2022, after representing Y in court, he was arrested by the Centre for Combatting Extremism (Centre E) and charged under Article 20.2.2 of the CAO for alleged participation in a mass gathering related to the October 2021 events. He was sentenced the same day by the Central District Court of Simferopol to 8 days of administrative detention. His appeal was rejected on 29 June 2022.

2.14 X, Y and Z appealed against the decision of 27 May 2022 of Kyiv District Court and the decisions of 27 and 28 May 2022 of Central District Court, respectively, to the Supreme Court of the Republic of Crimea, claiming discrimination on the basis of their ethnicity. On 22 June (X) and 29 June (Y and Z) 2022, their three appeals were rejected. The authors claim that they have been subjected to discriminatory judicial harassment as part of a broader pattern of systemic racial discrimination of Crimean Tatars in Crimea. They refer, in this regard, to ongoing proceedings before the ICJ and the ECHR.²⁸

Complaint

3.1 The authors submit that the Supreme Court of the Republic of Crimea is *de facto* the highest court in the Crimean Peninsula and its decisions are final. They conclude that there are no further effective domestic remedies available to them. In the alternative, they refer to the Committee’s admissibility decision *Qatar v. UAE* claiming that the requirement to exhaust domestic remedies should be considered inapplicable due to the existence of a generalized policy and practice of racial discrimination by the State Party of Crimean Tatars.

3.2 The authors claim that the State Party has violated article 1(1) of the Convention as they have been subjected to a different treatment on the grounds of their ethnicity and their association with other Crimean Tatars, as lawyers representing individuals of Crimean Tatar ethnicity.

3.3 The authors submit that their administrative prosecution under article 20.2.2 of CAO was based on their ethnicity and on their legal representation of other Crimean Tatars. Their prosecution was part of an ongoing pattern of state harassment intended to repress and silence Crimean Tatar lawyers who defend other Crimean Tatars. The suppression by the State Party of Crimean Tatars as an ethnic minority, who has been opposed to the 2014 occupation, has been perpetrated in pursuit of the State Party’s policy to “Russify” Crimea and is inherently

²⁷ Communication of 30 November 2021 to the Russian Federation from the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the situation of human rights defenders, Ref: AL RUS 12/2021.

²⁸ ICJ, Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v Russian Federation); ECHR, *Ukraine v. Russia*, Nos. 20958/14 and 38334/18).

discriminatory. In light of thereof, the authors submit that the discriminatory and abusive administrative proceedings against them have had both the purpose and the effect of impairing the enjoyment of their rights, in violation of the State Party's obligations under article 1(1) of the Convention.

3.4 They also claim violation of their rights to equal treatment before the Crimean courts, security of person, freedom of opinion and expression, and work as lawyers representing other Crimean Tatars under articles 5(a), 5(b), 5(d)(viii), and 5(e), as well as, with respect to X and Z, article 5(d)(ix), of the Convention.

3.5 Finally, they claim that the State Party breached article 2(1)(a) of the Convention by engaging in acts or practices of racial discrimination and failed to ensure an adequate remedy against racial discrimination under article 6 of the Convention.

State Party's observations on admissibility and merits

4.1 In a note verbale dated 2 February 2024, the State Party submitted its observations on the admissibility and merits of the communication. The State Party rejects the allegations advanced by the authors and maintains that no violations of the Convention have occurred. It submits that the measures taken against the authors constituted lawful, necessary and proportionate responses to administrative offences under domestic law and were applied without any discrimination.

4.2 The State Party submits that Y was twice held administratively liable for failure to comply with lawful orders of police officers, namely his refusal to cease video and audio recording within a restricted Ministry of Internal Affairs facility in Simferopol and for filing to undergo a personal search. By judgments of the Tsentralny District Court of Simferopol, he was found guilty under Article 19.3(1) of the Code of Administrative Offences and sentenced to 12 days of administrative detention and a fine of 4,000 roubles. The State Party observes that these decisions were upheld by the Supreme Court of the Republic of Crimea. It recalls that the domestic courts found the legal classification of the acts to be correct, the procedural requirements and limitation periods to have been duly respected, and the evidence to be sufficient, with no indication of bias or interest on the part of the police officers involved.

4.3 The State Party further submits that, by a decision of the Kyiv District Court of Simferopol, Y was found guilty under Article 20.3.3(2) of the Code of Administrative Offences. This finding was based on a publication on the Facebook, containing calls to participate in unauthorized public events and assessed by the competent authorities as aimed at discrediting the use of the Armed Forces of the Russian Federation. He was consequently fined 75,000 rubles.

4.4 The State Party also notes that, by decisions of the Tsentralny District Court of Simferopol, X and Z were found guilty under Article 20.2.2(1) of the Code of Administrative Offences. It observes that on 25–26 October 2021 they participated in a mass simultaneous gathering near a police facility in Simferopol in support of detained individuals. The domestic courts established that their actions resulted in breaches of public order and applicable sanitary regulations in force during the COVID-19 pandemic. They were sentenced to administrative detention for 8 and 5 days respectively, with the findings supported by a body of evidence.

4.5 The State Party observes that, in their communications, the authors allege that since 2014, the Russian authorities have engaged in discriminatory and persecutory practices against Crimean Tatars, including extrajudicial executions, abductions, torture, and other forms of treatment purportedly constituting inhuman or degrading treatment. The State Party further notes that the authors rely on reports by Ukrainian and Western human rights organizations and other materials of an anti-Russian nature.

4.6 The State Party observes that, pursuant to Article 14(7) of the Convention, the Committee shall not consider any communication unless it has ascertained that all available domestic remedies have been exhausted. In this regard, the State Party notes that, under Article 30.13(1) of the Code of Administrative Offences, complaints against final decisions

in administrative offence cases may be submitted to cassation courts of general jurisdiction, as well as to the Supreme Court.

4.7 The State Party further submits that these remedies are effective in practice. It refers to statistical data indicating that, in the first half of 2023, the Administrative Chamber of the Supreme Court of the Russian Federation considered 4,460 complaints, of which 401 cases were examined on the merits and 91 complaints were upheld in whole or in part. Likewise, cassation courts of general jurisdiction have overturned or amended a significant number of administrative decisions annually between 2020 and 2023.

4.8 However, the State Party notes that, according to the information before the Committee, the authors did not avail themselves of these remedies, as they failed to lodge cassation appeals either with the cassation courts of general jurisdiction or with the Supreme Court. Accordingly, the State Party submits that the present communication is inadmissible under article 14(7) of the Convention for failure to exhaust available domestic remedies. Furthermore, the State Party observes that, in the absence of statutory time limits for filing such cassation appeals, the authors retain the possibility of pursuing these remedies.

4.9 The State Party recalls that, under article 1(1) of the Convention, the authors have failed to demonstrate any link between the measures taken against them and their ethnic origin. It notes that the proceedings against Y arose from his refusal to comply with lawful police orders and conduct deemed to discredit the Armed Forces, while those against X and Z concerned their participation in a mass gathering that disrupted public order. The State Party submits that these measures were based solely on the authors' conduct. It further notes that the relevant legal provisions are neutral in nature and apply equally to all individuals, and that the authors have not demonstrated that similarly situated persons of a different ethnic origin were treated more favourably.

4.10 In light of the above, the State Party submits that the communication is unsubstantiated and inadmissible, respectfully invites the Committee to find that no violation of the Convention has occurred.

Authors' comments on the State Party's observations

5.1 On 23 July 2024, the authors submitted their comments on the State Party's observations on the admissibility and merits.

5.2 The authors stated that they had exhausted all available and effective domestic remedies within the meaning of the jurisprudence of UN treaty bodies and contested the State Party's claim to the contrary. They argued that the State Party relied primarily on general statistical data regarding cassation and supervisory review procedures, which failed to demonstrate the practical availability and effectiveness of such remedies in cases comparable to theirs, particularly in the context of the occupation of Crimea. In this regard, the authors emphasized that the relevant assessment should concern the accessibility of remedies in similar cases within the specific territorial and factual context, rather than nationwide statistics.

5.3 The authors further noted that, contrary to the State Party's assertion, one of the authors, Y, had in fact lodged a cassation appeal, which resulted in the quashing of one of the decisions against him²⁹. However, they claimed that this outcome did not demonstrate the effectiveness of the remedy. On the contrary, they argued that it illustrated its ineffectiveness, as the sanctions imposed—namely administrative detention and a fine—had already been executed prior to the appeal, and no mechanism for adequate redress or compensation was provided. They further maintained that the quashing of the decision on procedural grounds did not eliminate the negative consequences suffered nor remove the author's victim status.

²⁹ In particular, one of the two decisions against Y—namely, the decision of the Tsentralny District Court of Simferopol dated 11 November 2021—was quashed by the Fourth Cassation Court of General Jurisdiction on 7 August 2023.

5.4 Moreover, the authors contended that the mere formal availability of cassation review does not render it an effective remedy. They argued that the absence of procedural time limits, the discretionary nature of the review, and the practical constraints linked to short limitation periods for administrative offences undermine its effectiveness. In particular, they noted that, once the limitation period has expired, courts are unable to examine the merits of a case and may only address procedural issues, as demonstrated in the case of Y. They also stressed that the outcome in that case was based on specific procedural irregularities and could not be regarded as indicative of the general effectiveness of the remedy.

5.5 In this respect, the authors referred to the jurisprudence of UN treaty bodies demonstrating that such supervisory or cassation review procedures are not considered effective remedies. In particular, they relied on the decision of the Human Rights Committee in *Elena Popova v. Russian Federation*, where the Committee rejected the State Party's argument on non-exhaustion, noting that the State had failed to demonstrate whether and in how many cases supervisory review procedures in administrative matters had been successfully applied. Similarly, in *Voronkov v. Russian Federation*, the Human Rights Committee found that cassation and supervisory review procedures were extraordinary and discretionary remedies and therefore not required to be exhausted where the State Party had not demonstrated their effectiveness in comparable cases.

5.6 The authors also invoked the jurisprudence of the ECHR referring in particular to *Smadikov v. Russia*, where the Court emphasized that the supervisory review procedure under the Code of Administrative Offenses lacks specific time limits and therefore creates legal uncertainty, undermining its effectiveness as a remedy for the purposes of admissibility.

5.7 Finally, the authors argued that, in the context of a generalised pattern of discriminatory practices against Crimean Tatars in occupied Crimea, domestic remedies cannot be considered effective. They maintained that such circumstances further absolve them from the obligation to exhaust domestic remedies. Accordingly, the authors requested the Committee to reject the State Party's observations on inadmissibility and to proceed the communication on the merits under article 14 of the Convention.

5.8 The authors further submitted their comments on the State Party's observations on the merits, stating that the State Party's assertion that there was no evidence of ethnic discrimination is unfounded and fails to engage with the substance of their claims. They noted that the State Party artificially narrowed the scope of the complaint to the absence of direct discrimination in the imposition of administrative liability, while disregarding the broader context of intimidation, harassment, and systemic persecution of Crimean Tatars, within which the impugned measures must be assessed³⁰.

5.9 The authors emphasized that proof of direct discrimination is not required, as indirect discrimination may be established through evidence of differential treatment or disproportionate impact on a protected group. In this regard, they reiterated that the administrative proceedings against them were unfounded, abusive, and punitive, and formed part of a wider pattern of harassment targeting them as Crimean Tatar lawyers and human rights defenders. They further stressed that these actions must be understood against the background of a broader campaign of discriminatory persecution of Crimean Tatars in occupied Crimea.

³⁰ Forum18, "Crimea: continuing Russian attempts to crush religious communities", 14 December 2023, https://www.forum18.org/archive.php?article_id=2878; Russia/Ukraine: 10 Years of Occupation Of Crimea Russia is Seeking to Effect Demographic Change while Suppressing Ukrainian and Crimean Tatar Identities, Amnesty International, <https://www.amnesty.org/en/wp-content/uploads/2024/03/EUR5078052024ENGLISH.pdf>, March 2024, p. 10 CrimeaSOS, "107 people became victims of persecution for 'involvement in Hizb ut-Tahrir'", 16 January / 2024, <https://krymsos.com/en/krymsos-107-osib-staly-zhertvamy-peresliduvan-za-prychetnist-do-hizb-ut-tahrir/>; See Amnesty International, "Russian Federation: terrorising the dissent: abuse of terrorism-related charges in Russia", 19 February 2024, <https://www.amnesty.org/en/documents/eur46/7705/2024/en/>, p.5; <https://hudoc.echr.coe.int/eng?i=001-221291>

5.10 The authors stated that, since 2014, 234 individuals have been prosecuted in occupied Crimea for alleged violations of public order during mass gatherings, 205 of whom (almost 90%)³¹ were Crimean Tatars, indicating disproportionate targeting of this population. They cited incidents between September and November 2021, including: the detention of 53 Tatars on 4 September for inquiring about previously arrested individuals; 15 on 11 October outside a court hearing; over 20 on 25 October at the Crimean garrison military court; 31 on 29 October at a rally; 18 on 1 November at the military court; and 32 on 23 November in Simferopol during the release of Y.

5.11 The authors further noted that the UN Secretary-General's June 2022 report indicated that sanctions for alleged COVID-19 regulation violations, including those against Z, appeared aimed at discouraging peaceful assemblies rather than protecting public health. They cited the Commissioner's call for Russian authorities to review the legal framework on public gatherings and ensure the protection of minorities rather than their harassment.³²

5.12 The authors also submitted that the extension of Russian legislation to Crimea, in the context of policies of "Russification," inherently resulted in differential treatment based on ethnicity, disproportionately affecting Crimean Tatars as an indigenous minority. They argued that the enforcement of laws on public assemblies and public order has been systematically used to suppress Crimean Tatar cultural, political, and civic expression, as demonstrated by disproportionate arrests, detentions, and prosecutions.³³

5.13 Furthermore, the authors highlighted that legal professionals representing Crimean Tatars, including the authors, have been subjected to targeted judicial harassment, arbitrary detention, disbarment, and intimidation, illustrating a broader strategy aimed at suppressing legal defence and silencing dissent within the community.³⁴

5.14 With respect to the burden of proof, the authors argued that they had established a prima facie of discrimination, thereby shifting the burden to the State Party to demonstrate that its actions were non-discriminatory and applied equally in comparable situations. However, the State Party failed to provide concrete or verifiable evidence, relying instead on general assertions.

5.15 The authors further relied on relevant international jurisprudence, noting in particular that the European Court of Human Rights, in *Ukraine v. Russia (re Crimea)*, found an administrative practice of discrimination against Crimean Tatars, including through arbitrary prosecutions, restrictions on assemblies, and judicial harassment, and submitted that similar conclusions should be drawn in the present case.

5.16 Finally, while acknowledging the judgment of the International Court of Justice in *Ukraine v. Russian Federation*, the authors argued that it does not preclude the Committee from reaching its own conclusions, given differences in scope and facts. They also referred to recent jurisprudence of the Human Rights Committee confirming that discrimination may arise in contexts of occupation and armed conflict³⁵.

5.17 The authors maintained that they had established discriminatory treatment contrary to the Convention and requested the Committee to proceed the communication on the merits.

³¹ Crimean Tatars' struggle for human rights By the Council of Europe Commissioner for Human Rights, 18 April 2023, <https://rm.coe.int/report-on-crimean-tatars-by-dunja-mijatovic-commissioner-for-human-rig/1680aeb4b%20paras.%2034-5>

³² OHCHR (June 2022), Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, A/HRC/50/65, para. 28.

³³ Amnesty International, <https://www.amnesty.org/en/wp-content/uploads/2024/03/EUR5078052024ENGLISH.pdf>, March 2024, p. 14

³⁴ Human Rights Watch, Russian Authorities Increase Pressure on Crimean Human Rights Lawyer. Mustice Ministry Calls for Emil Kurbedinov's Expulsion from Bar Association, 14 January 2019, <https://www.hrw.org/news/2019/01/14/russian-authorities-increase-pressure-crimean-human-rights-lawyer>; Crimean Tatars' struggle for human rights By the Council of Europe Commissioner for Human Rights, 18 April 2023, <https://rm.coe.int/report-on-crimean-tatars-by-dunja-mijatovic-commissioner-for-human-rig/1680aeb4b>, p. 17

³⁵ Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 3022/2017, paras. 8.17-19

The authors submitted their comments, reiterating that they had presented compelling evidence demonstrating a pattern of discriminatory practices by the State Party against the Crimean Tatar population. They stated that the documented instances of judicial harassment, disproportionate arrests, and detentions targeting Crimean Tatars, particularly lawyers and those opposing the occupation of Crimea, reveal a systematic campaign of persecution, notwithstanding the State party's assertions to the contrary.

5.18 In light of the above, the authors requested the Committee to reject the State Party's arguments, to declare the communication admissible, and to examine it on the merits under article 14 of the Convention. They further invited the Committee to find violations of articles 1(1), 2(1)(a), 5(a), 5(b), 5(d)(viii), 5(e), and 6, as well as, with respect to X and Z, article 5(d)(ix) of the Convention.

5.19 Finally, the authors invited the Committee to recommend both individual and general measures. At the individual level, they requested compensation for pecuniary and moral damage, the review and quashing of remaining administrative sanctions, and the cessation of ongoing harassment. At the general level, they called for measures to prevent discriminatory practices against Crimean Tatars, ensure protection of their fundamental rights, guarantee access to effective remedies and reparation, eliminate obstacles to the enjoyment of their economic, social, and cultural rights, and prevent racial bias in judicial proceedings.

Issues and proceedings before the Committee

Consideration of admissibility

6.1 The Committee notes that both the authors and the State Party acknowledge that the State Party exercises effective control over the territory of the Crimean peninsula, which engages the State Party's jurisdiction for the purpose of the Convention³⁶. The Committee reiterates its position on the legal status of Crimea under international law and the fundamental importance of the principle of territorial integrity of all Member States of the United Nations.³⁷

6.2 Before considering any claim contained in a communication, the Committee must establish, pursuant to rule 106 (e) of its rules of procedure and article 14 (7) (a) of the Convention, whether domestic remedies have been exhausted, unless the application of such remedies is unreasonably prolonged. The Committee takes note of the State Party's contention that the authors failed to exhaust all effective domestic remedies by not filing cassation appeals available to them. The authors argued that the remedies would have been ineffective, particularly in the light of the fact that one of them, Y, did attempt to file a cassation appeal before the Fourth Cassation Court of General Jurisdiction. The Committee notes that Y lodged a cassation appeal before the Fourth Cassation Court of General Jurisdiction in Krasnodar, which resulted in the quashing of one of the impugned decisions. However, according to the authors, those cassation proceedings did not provide an effective remedy to Y in respect of the administrative detention or the fine imposed on him, and that no mechanism for adequate redress or compensation was available to him.

6.3 The Committee recalls that, under article 14 (7) (a) of the Convention, a communication shall be declared inadmissible unless all available and effective domestic remedies have been exhausted. As concerns the authors X and Z, the Committee notes that they did not lodge cassation appeals either before the cassation courts of general jurisdiction or before the Supreme Court of the Russian Federation. The State Party argued that these remedies were effective in practice, indicating that, in the first half of 2023, the Supreme Court considered 4,460 complaints, out of which 401 cases were examined on the merits and 91 complaints were upheld in whole or in part, and that between 2020 and 2023, cassation courts of general jurisdiction overturned or amended a significant number of administrative

³⁶ See European Court of Human Rights, *Ukraine v. Russia (re Crimea)*, Application No. 20958/14, Admissibility decision, 16 December 2020, paras. 303 et seq. For similar approach, also see *Bratsylo et. al v. Russia* (CCPR/C/140/D/3022/2017), para. 7.3.

³⁷ See CERD/C/RUS/CO/25-26, para. 23

decisions annually. The Committee considers, however, that in the present case the State Party has not demonstrated, for the purposes of article 14 (7) (a) of the Convention, that the proposed remedies were effective in the specific circumstances.³⁸ This would have required the State Party to substantiate that allegations raised by Crimean Tatars were genuinely and effectively examined within the Russian judicial system, in particular by the cassation courts of general jurisdiction and the Supreme Court of the Russian Federation.

6.4 The Committee recalls that the requirement to exhaust domestic remedies under article 14 (7) (a) of the Convention must be applied with some degree of flexibility and without excessive formalism, particularly where a continuing or administrative practice of violations affecting a specific group is alleged.

6.5 The Committee notes the authors' contention that their rights under article 5 (e) of the Convention were violated. In the absence of further detailed information and explanations, the Committee finds that the authors failed to sufficiently substantiate their claims under this provision of the Convention, as is required by rule 95 (1) (f) of the Committee's rules of procedure. Accordingly, it declares this part of the communication inadmissible under article 14 (1) of the Convention.

Considerations of the merits

7.1 The Committee has considered the present communication in the light of all the submissions made available by the parties, as required under article 14 (7) of the Convention and rule 113(1) of its rules of procedure.

7.2 The Committee recalls that article 5 (a) of the Convention guarantees the right of everyone, without distinction as to race or ethnic origin, to equality before the tribunals and all other organs administering justice in the State Party. In the present case, the Committee notes that the authors, all of Crimean Tatar ethnicity, consistently raised arguable claims that the administrative proceedings against them were discriminatory and formed part of a broader pattern of discriminatory treatment affecting Crimean Tatars, including lawyers providing legal assistance to members of that community. These claims were supported not only by the specific facts as submitted by the authors, but also by contextual and corroborative information, including evidence of disproportionate targeting of Crimean Tatars in the enforcement of public order and assembly laws, as reflected in reports by international and regional human rights bodies and in the statistical information referred to in the footnotes. The Committee observes, however, that the domestic courts – at two levels of jurisdiction – dismissed the authors' allegations of racial discrimination without addressing their substance, relying on the absence of direct evidence of discriminatory intent and failing to examine the broader factual context or the cumulative impact of the measures complained of. The Committee recalls that the right to equality before the courts requires that allegations of racial discrimination be genuinely and effectively examined. In the absence of any substantive judicial assessment of the authors' discrimination claims, the Committee considers that the authors were not afforded equal treatment before the tribunals within the meaning of article 5 (a) of the Convention.

7.3 The Committee recalls that article 5 (b) of the Convention guarantees the right of everyone, without distinction as to race or ethnic origin, to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution. In the present case, the Committee notes that the authors were subjected to regular detentions which they claim were related to their professional activities, or on behalf of the Tatar community, including short-term administrative detention, arrests and police custody. The Committee further notes the consistent allegations, supported by corroborative material and reports by international and regional human rights bodies,³⁹

³⁸ See rule 107(8) of the Committee's rules of procedure.

³⁹ See European Court of Human Rights, *Ukraine v. Russia (re Crimea)* (Applications Nos. 20958/14 and 38334/18), admissibility decision, 16 December 2020, where the Court accepted as *prima facie* substantiated the existence of an administrative practice by the respondent State in Crimea, established on the basis of corroborated international reports, including arbitrary detention, judicial harassment and intimidation disproportionately affecting Crimean Tatars, among them human rights

that such detentions formed part of a broader pattern of intimidation, harassment and punitive enforcement measures disproportionately affecting Crimean Tatars, including human rights defenders and legal professionals. The Committee observes that the detentions in question were imposed several months after the alleged events, were not shown to be strictly necessary, and were accompanied by additional elements of harassment. In this regard, the Committee considers that the cumulative effect of the authors' administrative detention and judicial harassment constitutes an impairment of their right to personal security. The Committee notes, in particular, that although author Y's detention was quashed by the courts, he failed to receive any redress for the violations suffered. In the absence of any indication that the State Party took measures to prevent or remedy such discriminatory interference with their security of person, the Committee concludes that the authors' rights under article 5(b) of the Convention were not effectively protected.

7.4 The Committee further recalls that article 5 (d) (viii) of the Convention guarantees the right of everyone, without distinction as to race or ethnic origin, to freedom of opinion and expression. In the present case, the Committee notes that the measures taken against the authors were closely linked to their expressions of opinion and the exercise of communicative activities in the context of their professional and civic engagement, including making public statements, communicating with journalists, recording interactions with law-enforcement officials, and providing legal assistance to detained members of the Crimean Tatar community. The Committee observes that the authors were subjected to prosecution and detention following such activities, which, as reflected in the case file and the supporting material, were treated as grounds for sanction rather than as conduct warranting protection. It further notes that these measures occurred within a broader context in which expressions associated with Crimean Tatar identity, dissenting views regarding the situation in Crimea, and advocacy on behalf of Crimean Tatars have been systematically restricted, a matter of concern previously highlighted by the Committee.⁴⁰ In the absence of the detailed explanations by the State Party that the interference with the authors' expressive activities pursued a legitimate aim in a non-discriminatory and proportionate manner, the Committee considers that the authors' enjoyment of their right to freedom of opinion and expression was impaired in a manner that disproportionately affected them as members of a protected ethnic group, contrary to article 5 (d) (viii) of the Convention.

7.5 As to the claims brought by X and Z under article 5 (d) (ix) of the Convention, the Committee recalls that this provision guarantees the right of everyone, without distinction as to race or ethnic origin, to freedom of peaceful assembly and association. It notes that X and Z were subjected to administrative prosecution and short-term detention in connection with their presence at peaceful gatherings near judicial and law-enforcement institutions, which took place specifically in response to the detention and prosecution of members of the Crimean Tatar community. The Committee observes that it is not argued that the gatherings in question were accompanied by violence, and that X and Z attended them in a professional capacity, including to provide legal assistance and to observe proceedings of public interest. It further notes that the authorities relied on broadly framed public order and sanitary regulations to characterize such presence as unlawful assembly, despite the absence of evidence that X or Z posed any genuine threat to public order or public health⁴¹. As with restrictions imposed on the rights to freedom of opinion and expression, the Committee considers that the interference with the authors' right to peaceful assembly must be assessed in its broader context. In this regard, it recalls its concluding observations on the State Party, in which it expressed concern about the disproportionate restriction of peaceful assemblies affecting members of certain ethnic minorities and called upon the State Party to ensure that legislation on public assemblies is not applied in a discriminatory manner.⁴² In the absence of any indication that the interference with the assemblies involving X and Z was necessary

defenders and legal professionals; see also Grand Chamber judgment, 25 June 2024, confirming a systematic pattern of repression directed against Crimean Tatar activists and opponents of the occupation. See also See OHCHR (June 2022), Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, A/HRC/50/65, para 26.

⁴⁰ Please see CERD/C/RUS/CO/25-26, para. 24(d).

⁴¹ For similar approach, please see CCPR/C/114/D/2139/2012.

⁴² Please see CERD/C/RUS/CO/25-26, para. 24(d).

and proportionate in a non-discriminatory manner, the Committee considers that their right to peaceful assembly was impaired, contrary to article 5 (d) (ix) of the Convention.

7.6 The Committee recalls that article 6 of the Convention obliges States Parties to assure effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination, as well as the right to seek just and adequate reparation or satisfaction for damage suffered. In the present case, the Committee notes that the authors' allegations of racial discrimination were consistently rejected by the domestic courts without substantive examination, thereby depriving them of any meaningful avenue to obtain redress. The Committee further observes that, although one of the authors, Y, succeeded in having one administrative decision quashed by a higher court, that outcome did not result in any form of reparation, compensation or other form of satisfaction for the deprivation of liberty and other harm already suffered, nor did it address the underlying claims of discriminatory treatment. As regards the other authors, their convictions and sanctions were upheld, and no remedies were made available to challenge effectively the discriminatory nature of the proceedings or to obtain redress for the harms sustained. The Committee reiterates that remedies under article 6 must be effective in practice as well as in law and must be capable of providing appropriate relief, including reparation, in cases of discrimination. In the absence of any convincing information as to the existence of effective judicial or administrative remedy capable of addressing the authors' discrimination claims or providing adequate redress, the Committee considers that the State Party has failed to comply with its obligations under article 6 of the Convention.

7.7 The Committee, acting under article 14 (7) of the Convention, is of the view that the facts before it disclose a violation of articles 5 (a), 5 (b), 5 (d) (viii), read in conjunction with article 2 (1) (a), and of article 6 of the Convention, for all authors, and of article 5 (d) (ix), read in conjunction with article 2 (1) (a), for authors X and Z.

8. The Committee recalls that, according to the rules of the responsibility of States Parties under international law, any violation of an international obligation that has resulted in harm entails a duty to make full reparation for the injury caused.⁴³ The Committee emphasizes that it is the responsibility of the State Party to make reparation for the violations of its obligations under the Convention and of the rights of the authors established in the present case, which should include full and effective reparation. Such reparation should encompass, inter alia, adequate compensation for the material and moral damage suffered, including reimbursement of the fines imposed as relevant, as well as other appropriate forms of satisfaction. Moreover, the Committee requests the State Party to take further measures to ensure that existing legislation is applied in an effective manner and with due regard to the requirements of the Convention, including by preventing structural and indirect discrimination and advancing substantive equality in practice. The State Party is also requested to give wide publicity to the Committee's Views, including by disseminating them in its official language or languages, as well as in the language of the authors.

9. The Committee wishes to receive from the State Party, within 90 days, information on the measures taken to give effect to the present Views.

⁴³ *Pérez Guartambel v. Ecuador* (CERD/C/106/D/61/2017), para. 6.