

Sub-Commission on the Promotion
and Protection of Minorities
Fifty-sixth session
Working Group of Minorities
Ninth Session, 2 March 2004
Geneva
Agenda Item: 3b

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Thank you Mr. Chairman,

Our names are Igor Krasavin and Madina Uzhegova. We represent Yekaterinburg Gypsy national cultural autonomy "Roma Ural" and The Caucasian Refugee Council, NGOs based in Yekaterinburg and in Vladikavkaz, Russia.

We want to make a joint statement not only concerning the situation of particular minorities but also about laws connected with defending minority rights in Russia. We state that though it is written in the Chapter 1 Article 1 of the Constitution of Russian Federation that our state is legal, Russian laws cannot provide effective defence of human and minority rights that is a violation of Article 2 point 3 of International Covenant on Civil and Political Rights.

Firstly, there is no notion of "discrimination" in the Constitution of Russian Federation.

Secondly, Article 136 of Criminal Code called "Violation of Equality of Human and Citizen Rights and Freedoms" doesn't provide effective defence of these rights. Its content is only declarative. It is so wide that if the discrimination of human and minority rights took place, it is impossible to provide their defence in the court, because court will examine this case as a criminal one or will reject the case as a whole. As a consequence in 2003 not a single court case on discrimination issues was won in Russian Federation. This fact was stated by an official of the Institute of the Office of General Prosecutor in a seminar about issues in Russian law. In this way we argue that such article was adopted to show to the rest of the world that Russian Federation is a legal state.

But in reality the discrimination of national minorities is a common thing. If taking into consideration the situation in the North Caucasus, the Federal Government doesn't participate in improving living conditions of internally displaced people suffered in the Ossetian-Ingush conflict in 1992 and the IDPs who were displaced due to the Chechen conflict. As for Roma in Yekaterinburg, the local authorities refuse to register their housing and development of infrastructure as if these people don't exist at all. If the case on discrimination issues is in the court, the judges, when taking the decision, base the decision on domestic laws first of all and only after that on International Covenants and Treaties. If the case on a discrimination issue can't be

examined in the domestic law, the case is not examined at all. though Russian Federation ratified International Covenant on Civil and Political Rights. Thirdly, Russian laws don't allow to create centres of human and minority rights on the base of national cultural autonomy or without such autonomy. All organizations dealing with human rights activities avoid the law. As a result NGOs are not allowed to provide effective protection of human rights.

On behalf of our organisations we ask Working Group on Minorities to recommend to the Government of Russian Federation to take the following measures:

1. To make the provision of Article 136 of the Criminal Code precise with guidelines for interpretation of the provision that complies with international law so that it is possible to provide evidence of discrimination in cases.
2. To secure in such article that if the case on discrimination issues takes place the respondent must provide evidence that he/she is innocent but not the complainment that he/she was discriminated.
3. To make reforms to the law in accordance with international Covenants and Treaties and ensure that this law can be used in practice.
4. To add an issue in the legislation that would allow to create centres of protection of human and minority rights on the base of national cultural autonomy or without such autonomy.
5. To take appropriate measures to regulate post conflict consequences of the Ossetian-Ingush conflict in 1992.
6. To take appropriate measures in conflict prevention on the territory of North Ossetia-Alania.

Our organisations suppose that these measures will be able to provide effective defence of human and minority rights, help democratisation of society and development the country as a whole.

Thank you, Mr. Chairman.