

# AMNESTY INTERNATIONAL

## Media Briefing

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## Russian Federation: Discrimination on grounds of race

Amnesty International's report '*Dokumenty!* *Discrimination on grounds of race in the Russian Federation*' is being published as part of Amnesty International's major worldwide campaign against human rights abuses in the Russian Federation.

Amnesty International's research shows how legislation governing registration and citizenship requirements is often applied in a discriminatory way by the authorities:

Particular groups are targeted disproportionately by police for checks of their identity documents, often leading to arbitrary detention or ill-treatment.

Asylum-seekers and refugees suffer the additional difficulty that their documentation is not recognized by the police.

In some regions the legislation in practice denies whole communities their right to a range of economic, civil and political rights, including their right to citizenship.

The report, which was written in September 2002, is not intended to be a comprehensive survey of all the national, ethnic or racial groups in the Russian Federation who are subjected to discrimination. It highlights particular groups who have been the subject of Amnesty International's research.

**Racism is an attack on the very notion of universal human rights. It systematically denies certain people their full human rights because of their colour, race, ethnicity, descent or national origin.**

The right to be free from racial discrimination is a fundamental principle of human rights law. Under international human rights law, governments are obliged to combat discrimination in all its forms. The Russian Federation is a state party to the International Convention on the Elimination of All Forms of Racial Discrimination. The Convention obliges the authorities to take active measures to prohibit and eliminate discrimination on grounds of race, colour, descent, or national or ethnic origin and to guarantee to everyone equality before the law.

### **Ethnicity and Nationality in the Russian Federation**

Fifteen nationalities were accorded separate republics within the Soviet Union. Several dozen other groups were assigned autonomous regions or territories. All were citizens of the one entity, the Soviet Union. The end of the Soviet Union saw these republics emerge as 15 sovereign states, the largest of which is the Russian Federation. Each contained ethnic or national minorities. All citizens of the former

Soviet Union had the same passport, indicating the person's place of birth and their "nationality". These passports have remained in use, only gradually being replaced by passports of the new states or annotated to denote citizenship of a particular republic.

**By the end of 2003 the old passports will cease to be legally valid, possibly leaving millions of people for various reasons stateless.**

While national and international law promises those living in the Russian Federation equality and protection from discrimination, procedures and practices on the ground, as well as local laws, mean that racial discrimination frequently goes unrecorded and unpunished.

### **International Standards**

The Russian Federation is party to several human rights treaties of particular relevance to race-related discrimination, including the principal UN treaty aimed at eliminating and prohibiting such discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination.

The Committee on Elimination of Racial Discrimination (CERD) was established by the Convention to monitor states' implementation of their obligations. In 1998 the CERD expressed concern about the increasing incidence of acts of racial discrimination and inter-ethnic conflicts and the situation in Chechnya. It repeated its call for domestic legislation to be fully implemented in order to guarantee in practice real enjoyment by all of the right to freedom of movement and residence and the right to a nationality. In April 2002 the Russian Federation submitted a combined report to the CERD covering the period from January 1997 to February 2002. This responds to previous CERD comments and highlights promotional and preventive initiatives taken in response. The report was considered by the CERD in March 2003.

In 1993 the Council of Europe set up the European Commission against Racism and Intolerance (ECRI) to combat racism, racial discrimination, xenophobia, anti-semitism and intolerance in all its member states. In its most recent report in 2001, ECRI noted that the authorities had taken some positive measures aimed at combating racism and intolerance. It also raised concerns about the persistence of discrimination, racism and xenophobia, notably against ethnic and racial minorities, including Chechens, Meskhetians, Ingush refugees, members of the Jewish community and Roma, as well as asylum-seekers and refugees.

### **Registration - a gateway to abuse**

Those living in the Russian Federation are required to register their place of residence with the police. However, Article 27 of the 1993 Constitution guarantees the right of everyone legally resident in the Russian Federation to move freely and to choose their place of residence. Registration, therefore, should entail informing the police of one's address. It should not give the police the opportunity to deny registration to those legally entitled to register.

In practice, in many places, including Moscow and St Petersburg, and the southern regions of Stavropol and Krasnodar, registration procedures require people to seek permission to live at a particular address, rather than just to give information of the fact of one's place of residence. These practices continue despite being contrary to the Constitution, national and international law and Constitutional Court rulings.

Additional restrictions and conditions for registration have been introduced by local governments in the Russian Federation. These open the way for arbitrary decision-making and arbitrary sanctions for violations of the registration regime. Identity checks are often accompanied by bribery, intimidation, extortion and the confiscation of people's identity documents; and frequently result in short-term detention in police stations.

### **Prejudiced policing**

Many communities report that police unjustly target members of ethnic minorities and automatically see them as potential criminal suspects. There have been a number of reports of law enforcement officials making statements which negatively stereotype certain ethnic or national groups. In the overwhelming majority of instances which have come to Amnesty International's attention, the authorities have failed to act decisively to combat racism of this kind in the administration of justice.

**Discrimination in law and in the administration of justice has dire consequences for the victims of racism. It creates a climate in which both police and members of the public feel they can get away with racist crimes, and in which racial minorities feel unprotected by the state and are left vulnerable to attack.**

Many victims of racist torture or ill-treatment do not lodge a complaint. One reason for this is that the victims believe there is little chance of securing a successful conviction of a police officer accused of ill-treatment. Lack of confidence in the justice system is exacerbated by the fact that there is no independent body to review complaints of torture or ill-treatment at the hands of agents of the state.

Racism can pave the way for other human rights abuses such as torture and ill-treatment. Those vilified by nationalist public figures as "the enemy" or as less than human are seen as legitimate targets for human rights abuses simply because of their national, ethnic or religious identity.

#### **'No one to turn to' - failing to protect**

States are responsible for protecting people not only against discrimination and torture by officials, but also against similar practices by private individuals. Under international human rights law, states also have an obligation to act with due diligence to prevent, investigate and hold perpetrators accountable for abuses of human rights, including acts by private individuals.

Officials often blame racist attacks on young children or drunken teenagers engaged in petty hooliganism. A survey conducted between May 2001 and April 2002 by the Moscow Protestant Chaplaincy's Task Force on Racial Attacks gives a very different picture. The 180 African respondents reported having suffered 204 attacks during the year, the vast majority carried out by groups. Of the 204 attacks, only 61 had been reported to the police. Of the 61, only a quarter were actively investigated by the police. In only seven per cent of cases were the alleged perpetrators reported to have been prosecuted. Only two cases reportedly resulted in the perpetrators being found guilty of a crime. One of the main reasons given for not reporting assaults, about half of which involved racist verbal abuse as well as violence, was that the victims feared the police would either not recognize their papers issued by the UNHCR, or would use their lack of registration as a reason to detain them and focus on their status rather than on the violent assault they had suffered.

The authorities in the Russian Federation are failing to ensure effective protection of racial and ethnic minorities from racist attacks by private individuals. Such attacks are a persistent and increasingly visible factor in Russian society.

#### **Racist application of citizenship laws**

**Meskhethians** are a largely Muslim group who were forcibly relocated from southwest Georgia in 1944 by the former Soviet regime. Many Meskhethians who had been transported to Uzbekistan were subsequently forced to flee to Russia in 1989 after violent attacks on them.

As citizens of the former Soviet Union who were "permanently residing" in the Russian Federation when the Citizenship Law came into force (on 6 February 1992), and who had not declined Russian citizenship, they are by law Russian citizens. There are estimated to be between 50,000 and 70,000 Meskhethians living in the Russian Federation. Most have been able to affirm their right to citizenship. However, the vast majority of the 13,000 to 16,000 Meskhethians living in Krasnodar Territory continue to be denied their legal rights, including their right to citizenship, because of discriminatory legislation and practices in the Territory. (Meskhethians make up around 0.3 per cent of the Territory's five

million inhabitants, and between 1.6 and 6.4 per cent of the four local rural districts which they chiefly inhabit.)

A number of ethnic or national minority groups who were citizens of the former Soviet Union and who were forced to move to what became the Russian Federation prior to the collapse of the Soviet Union have found themselves in a similar position, despite legislation which clearly entitles them to citizenship of the Russian Federation.

**Those denied citizenship and permanent registration in the Russian Federation are effectively denied a whole range of basic rights including freedom of movement and equality before the law.** Their "statelessness" also expresses itself in denial of access to pensions, child benefits and higher education. They cannot officially register house or vehicle purchases, marriages or deaths. They are frequently stopped and questioned by police on the pretext of checking their identity documentation, and obstructed in their work or going about their daily business.

### **Asylum-seekers and refugees**

Asylum-seekers are frequently left without recognized identity documents for months or even years, waiting for their claims for protection to be examined. Those who are detained for not having recognized identity documents can be held indefinitely as "illegal aliens" in reception and distribution centres pending deportation.

The UNHCR has registered 40,000 asylum-seekers, predominantly from Africa, the Middle East and Asia, in the Russian Federation since 1992. However, the UNCHR estimates that only 500 individuals from non-CIS countries have been granted asylum over the past five years.

Asylum-seekers are often harassed and ill-treated by law enforcement officers who feel they can abuse such people with impunity. Amnesty International has received persistent reports of asylum-seekers from outside the territory of the former Soviet Union having their identity papers destroyed by police and being subjected to police harassment in the form of extortion, beatings and general intimidation. Many have been subjected to police raids or intimidated into leaving their homes.

People who have fled to the Russian Federation from countries where human rights abuses are widespread are at risk of being forcibly returned in violation of the Convention relating to the Status of Refugees, to which the Russian Federation is a party. They are also at constant risk of being detained in violation of international human rights standards.

### **Recommendations to the government of the Russian Federation**

Amnesty International calls on the Russian government to implement measures, which the human rights organizations believes would radically improve the protection of human rights of minorities, including combatting discrimination on grounds of race.

- Eliminate racism and promote tolerance and respect for difference
- Stop racist implementation of citizenship and registration regulations
- Eradicate prejudiced policing
- Protect ethnic or racial minorities from arbitrary detention, torture and ill-treatment
- Guarantee the safety of asylum-seekers, refugees, migrants and internally displaced people
- Strengthen the effectiveness of international protection

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