

# **ECRI REPORT ON THE RUSSIAN FEDERATION**

**(fourth monitoring cycle)**

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## Foreword

The European Commission against Racism and Intolerance (ECRI) was established by the Council of Europe. It is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members, who are appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country-by-country monitoring work, which analyses the situation in each of the member States regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country-by-country monitoring deals with all member States of the Council of Europe on an equal footing. The work is taking place in 5 year cycles, covering 9/10 countries per year. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, and those of the third round at the end of the year 2007. Work on the fourth round reports started in January 2008.

The working methods for the preparation of the reports involve documentary analyses, a contact visit in the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidences. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on an important number of national and international written sources. The in situ visit allows for meeting directly the concerned circles (governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final report of ECRI.

The fourth round country-by-country reports focus on implementation and evaluation. They examine the extent to which ECRI's main recommendations from previous reports have been followed and include an evaluation of policies adopted and measures taken. These reports also contain an analysis of new developments in the country in question.

Priority implementation is requested for a number of specific recommendations chosen from those made in the new report of the fourth round. No later than two years following the publication of this report, ECRI will implement a process of interim follow-up concerning these specific recommendations.

**The following report was drawn up by ECRI under its own and full responsibility. Except where expressly indicated, it covers the situation up to 6 December 2012 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposal made by ECRI.**



## SUMMARY

**Since the publication of ECRI's third report on the Russian Federation on 16 May 2006, progress has been made in a number of fields covered by that report.**

Russian Federation citizenship has been granted to large numbers of people and statelessness has significantly reduced. Regional ombudsmen have been established in 71 out of 83 constituent entities.

Substantial efforts have been made to react firmly to the escalation of racist violence. Legislation has been improved; criminal law now provides that racial hatred or enmity is an aggravating circumstance. Law enforcement authorities have targeted the most aggressive ultranationalist groups and the number and quality of criminal prosecutions for hate crime have increased. Steps have been taken to suppress publications of racist organisations. As a result, there has been a decline in the number of racist attacks.

A plan is being developed to improve the situation of the Roma with specific goals in education, employment, housing and health care. Roma children are no longer placed in schools for the disabled and Roma-only classes seldom occur.

Licences have been introduced for migrant workers from visa-free countries to undertake domestic work in households and thereby regularise their legal status.

The reform of the police has introduced tougher punishments for those found guilty of crime. As a result, the number of criminal offences committed by police has decreased.

**ECRI welcomes these positive developments in the Russian Federation. However, despite the progress achieved, some issues continue to give rise to concern.**

The residence registration system poses significant problems; access to many social rights and services is still, in practice, conditional upon registration of permanent or temporary residence, although this is contrary to the law. Persons belonging to groups of concern to ECRI (non-nationals or Russian citizens belonging to certain minority communities) are particularly affected.

**There are indications that the anti-extremism legislation (Article 282 of the Criminal Code and the Federal Law on Combating Extremist Activity) is sometimes misused and over-used, targeting those expressing politically unpopular opinions, certain human rights activists and members of minority religious communities; their publications are also being banned as extremist and their members prosecuted.**

Anti-discrimination legislation is sector-based and is rarely applied. No independent body specialised in combating racism<sup>1</sup> and racial discrimination<sup>2</sup> has been set up.

Roma children living in remote settlements rarely go to school and there is currently limited access to pre-school facilities close to or in Roma neighbourhoods where children could learn Russian before entering primary school.

Radical nationalism is on the rise and there is a high incidence of racist violence, directed predominantly against persons of "non-Slav appearance", in particular North Caucasians and Central Asians. The use of racist and xenophobic language in the

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<sup>1</sup> According to ECRI's General Policy Recommendation No. 7, racism is the belief that a ground such as "race", colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons or the notion of superiority of a person or a group of persons.

<sup>2</sup> According to ECRI's General Policy Recommendation No. 7, racial discrimination is any differential treatment based on a ground such as "race", colour, language, religion, nationality or national or ethnic origin, which has no objective and reasonable justification.

media remains a problem. Ultrnationalist, racist and neo-Nazi websites are rife on the Internet. Some public figures engage in racist and xenophobic rhetoric.

**The Federal Law on Freedom of Conscience and Religious Associations can be used to dissolve minority religious communities or ban their activities with no alternative, less severe sanctions possible. Some non-traditional religious groups have been denied re-registration.**

Migrants often work illegally and are subject to exploitation and abuse. Violations of labour regulations and basic rights of migrants occur on a massive scale.

Allegations of police misconduct against persons belonging to vulnerable groups and disproportionately frequent identity checks, arrests and harassment concerning Roma, North Caucasians, migrants and Black people, continue to be reported.

**In this report, ECRI requests that the Russian Federation authorities take further action in a number of areas; in this context, it makes a series of recommendations, including the following.**

The Russian Federation authorities should find ways to identify those Russian nationals, non-nationals and stateless persons who face obstacles in the residence registration procedure and facilitate their registration so that they are not denied access to their rights.\*

**The definition of extremism in the Federal Law on Combating Extremist Activity should be revised to ensure that it only applies to serious cases where hatred or violence are involved.\* The authorities should do their utmost to prevent any over-use of misuse of anti-extremist legislation.**

Comprehensive civil and administrative legislation against discrimination should be drafted. An independent body specialised in combating racism and racial discrimination should be set up.

Access to schools should be facilitated for Roma children living in remote settlements as well as pre-school facilities close to or in Roma neighbourhoods to enable the necessary linguistic skills to be acquired for attending primary school.

Permission should be granted for Muslim communities to build a sufficient number of mosques in regions where they are a minority in order for them to exercise their right to manifest their religion in worship. **The Federal Law on Freedom of Conscience and Religious Associations should be revised to provide for alternative, less serious sanctions.**

The authorities should review the quota system for foreign workers, explore new mechanisms for the legalisation of irregular migrants in all categories and in all sectors of work, and take more resolute action against breaches of labour regulations by employers. They should also establish a functional mechanism whereby migrants in an irregular situation are able to report labour abuses.

All allegations of police misconduct and ill-treatment of members of vulnerable groups should be thoroughly investigated and the perpetrators brought to justice. Racial profiling should be clearly defined and prohibited by law. The authorities should ensure that there is a body competent to investigate all complaints against the police involving allegations of racial discrimination.

The programme on tolerance in Russian society should be restored across the country.

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\* The recommendations in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.



## FINDINGS AND RECOMMENDATIONS

### I. Existence and Application of Legal Provisions

#### International legal instruments

1. In its third report, ECRI recommended that the Russian Federation authorities ratify the following international legal instruments: the European Charter for Regional or Minority Languages (signed by the Russian Federation on 10 May 2001), the revised European Social Charter (signed on 14 September 2000), the European Convention on Nationality (signed on 6 November 1997), the Convention on the Participation of Foreigners in Public Life at Local Level, the Convention on Cybercrime and its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. ECRI particularly emphasised the importance of the ratification of Protocol No. 12 to the European Convention on Human Rights (signed by the Russian Federation on 4 November 2000), which provides for a general prohibition of discrimination.
2. ECRI is pleased to note that the revised European Social Charter was ratified by the Russian Federation on 16 October 2009 and entered into force on 1 December 2009. However, it regrets that the situation has not changed in respect of the other above-mentioned instruments. ECRI has been informed that from 2009 to 2011 a programme on “National Minorities in Russia” was carried out during which the application and monitoring of the European Charter for Regional or Minority Languages was successfully simulated in pilot regions. ECRI welcomes these measures and strongly encourages the authorities to complete the ratification process regarding this instrument without further delay.<sup>1</sup> ECRI understands that ratification of the Convention on Cybercrime is under discussion. In view of the serious problems faced by the Russian Federation concerning racist discourse on the Internet (see the section below on *Racism in Public Discourse – Racist statements and publications, including in the media and on Internet*), ECRI considers that ratification of this convention would be helpful, particularly due to the extensive international cooperation it can provide. Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families would signal a firm commitment towards the protection and integration of this immense and growing section of society (see *Vulnerable/Target Groups – Non-nationals – Migrants*).
3. ECRI reiterates its recommendation that the Russian Federation ratifies Protocol No. 12 to the European Convention on Human Rights and the European Charter for Regional or Minority Languages, and that it signs and ratifies the Convention on Cybercrime and its Additional Protocol, the Convention on the Participation of Foreigners in Public Life at Local Level and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

#### Constitutional and other fundamental provisions

- *Citizenship*
4. In its third report, ECRI encouraged the Russian Federation authorities in their efforts to facilitate the acquisition of Russian citizenship by former Soviet

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<sup>1</sup> When acceding to the Council of Europe, the Russian Federation committed itself to signing and ratifying the European Charter for Regional or Minority Languages by 28 February 1998.

citizens who have been permanently living in the Russian Federation. It drew the attention of the Russian Federation authorities to the difficulties still encountered by some ethnic groups in the naturalisation process and encouraged them to find reasonable solutions rapidly in order to avoid cases of statelessness as much as possible.

5. Under Article 14 of the Federal Law on Citizenship of the Russian Federation, foreign citizens and stateless persons who were previously citizens of the Soviet Union and were legally registered in the Russian Federation before 1 July 2002 could receive preferential treatment when applying for Russian citizenship. The simplified procedure permitted the granting of citizenship without the need to observe the condition of five years' uninterrupted residence. The deadline for applying, initially set at 1 January 2006, was extended until 1 July 2009.
6. According to the Federal Migration Service, since 2003, 2.6 million people have acquired Russian citizenship. Of these, around 630 000 were formerly stateless. ECRI commends the efforts undertaken by the Russian Federation to reduce statelessness and the progress being made in this field. However, official data of the Federal Migration Service indicate that there were still 32 698 stateless persons in the Russian Federation at the end of 2012, the majority of whom are former USSR citizens. These people, who have been living in the Russian Federation for many years and have developed strong ties to the country, continue to face significant difficulties in legalising their stay (see *Residence registration* below) and acquiring citizenship.
7. ECRI recommends that the Russian Federation authorities pursue further ways of facilitating and simplifying the acquisition of Russian citizenship by former USSR citizens who have been living permanently in the Russian Federation.

- *Residence registration*

8. In its third report, ECRI dealt with the problem of racial discrimination in the system of residence registration as a specific issue and addressed a number of recommendations to the Russian Federation authorities, including the following: to review thoroughly the whole system of residence registration in order to ensure its full conformity with international, constitutional and legislative standards pertaining to freedom of movement and choice of residence within the Russian Federation; to envisage simplifying and harmonising the rules in order to speed up and facilitate the procedure which is meant to be a mere formality; to consider transferring the task of residence registration from the police to a different authority; to address adequately any arbitrary, discriminatory or abusive behaviour in this field; to ensure the existence of an efficient system of complaints; to provide for appropriate sanctions against any corrupt officers who extort bribes from vulnerable groups on the grounds of lack of proper registration.
9. The residence registration system introduced in 1993, whereby all persons are required to register their temporary or permanent residence at a new location with the local authorities of the district within a specified time, remains in place. The granting of residence registration is the responsibility of the police and Federal Migration Service.
10. ECRI is pleased to note one positive development in the cumbersome and time-consuming procedure. Since 2011, notification of residence to the Federal Migration Service can be done by post or via the Internet. This new possibility, which removes the previous requirement for notification in person, should help to eliminate the discrimination suffered by the vulnerable groups mentioned in this report, such as North Caucasians, Roma and migrants, as well as the

widespread corruption of the police in this area, as highlighted in ECRI's third report. ECRI welcomes the use of the Internet to provide services promptly and anonymously as a way of improving relations between the authorities and the public.

11. However, other problems associated with the system of residence registration remain unresolved. Despite the fact that it is intended merely as a notification of address, for information purposes only, and therefore not subject to official refusal, there are conditions which are sometimes difficult or impossible to meet. Notably, registration still requires the submission of proof of ownership of a property, a signed tenancy agreement or a statement of a person providing accommodation. Some people are not able to produce the necessary accommodation document, such as Roma living in illegal settlements or tenants who are being exploited by unscrupulous landlords. As a result, ECRI has been informed, there are people who are not registered as residents anywhere in the country. Furthermore, stateless persons, not being able to provide the necessary documentation, are also excluded from temporary or permanent residence registration.
12. This has several negative effects. Firstly, since failure to register is an administrative offence, these people risk being fined if caught. This opens further possibilities for the police to extort bribes when checking for registration stamps. Secondly, despite the law expressly stating that registration shall not constitute a precondition for the exercise of citizens' rights, numerous reports continue to indicate that, in practice, the enjoyment of many social rights and benefits depends on registration and that government offices will refuse to provide services to people who are not registered in the district. Thus even a Russian citizen who holds a Russian internal passport but is not registered can be denied access to a wide range of rights and services normally available to citizens. ECRI considers this situation alarming in so far as it affects persons belonging to the vulnerable groups mentioned in this report.
13. ECRI urges the Russian Federation authorities to find ways to identify those Russian nationals, non-nationals and stateless persons who face obstacles in the residence registration procedure and facilitate their registration, so that they are not denied access to their rights.

### **Criminal law provisions and anti-extremism legislation**

#### *- Criminal Code*

14. In its third report, ECRI encouraged the Russian Federation authorities to review and complement the criminal law provisions aimed at combating racially motivated hate speech in the media. In particular, the criminal law should provide for effective, proportionate and dissuasive sanctions for all racist offences.
15. ECRI notes that the Criminal Code has been amended several times since its third report, most recently in December 2011. Notably, in 2007, Article 63 on circumstances aggravating punishment established that the grounds of political, ideological, racial, ethnic or religious hatred or enmity or hatred or enmity towards any social group are aggravating circumstances. In addition, the same grounds were expressly inserted as aggravating circumstances in the commission of numerous crimes, including murder (Article 105), intentional infliction of bodily harm (Articles 111, 112 and 115), battery (Article 116), torture (Article 117), threat of murder or infliction of grave injury to health (Article 119), hooliganism (Article 213), vandalism (Article 214) and desecration of places of burial (Article 244). ECRI welcomes these new elements which should help to ensure effective, proportionate and dissuasive sanctions for racist offences.

However, ECRI notes that language and nationality do not figure among the hate-motivation grounds in any of the above-mentioned provisions, as according to its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.

16. ECRI recommends that language and nationality should figure expressly among the hate-motivation grounds in all the above-mentioned articles of the Criminal Code dealing with aggravating circumstances.
17. Article 136 has also been amended. ECRI notes that according to various reports, the provisions were dysfunctional and very few cases were brought under them. The article now covers violation of equality of rights and freedoms, and punishes discrimination “committed by a person in his official position” on the grounds of sex, race, nationality, language, origin, property and official status, place of residence, attitude to religion, beliefs, affiliation with public associations or any social group. ECRI hopes that the restriction of the provisions to a person in his official position might signal a willingness on the part of the authorities to prosecute cases of discrimination. Furthermore, it is not clear whether the article applies also the private sector. In ECRI’s view, and according to its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, it is important for the law to penalise racial discrimination committed in the exercise of one’s public office “or occupation” (see § 44 of the explanatory memorandum to ECRI’s General Policy Recommendation No. 7).
18. Finally, ECRI notes that the Criminal Code does not penalise the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes. In ECRI’s view, these are important elements which should be included in the criminal legislation of all countries, as recommended in its General Policy Recommendations No. 7 on national legislation to combat racism and racial discrimination and No. 9 on the fight against antisemitism.
19. ECRI recommends that the authorities amend the Criminal Code to ensure that it penalises the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes.
- *Anti-extremism legislation: Article 282 of the Criminal Code and the Federal Law on Combating Extremist Activity*
20. ECRI commends the substantial efforts made by the Russian Federation authorities to react firmly and visibly to the extremely worrying escalation of racist violence in the country in 2005, as reported in its third report. This is manifested in improvements to the criminal law provisions as well as in a forceful crackdown on extremism in general, which is discussed below. By all accounts, these efforts have paid off and the situation generally in the country is now significantly calmer and more stable than at the time of ECRI’s third report.
21. ECRI recalls Article 282 of the Criminal Code on incitement of hatred or enmity as well as abasement of human dignity<sup>2</sup> on the grounds of sex, race nationality, language, origin, religion, or membership of a social group, committed publicly or with the use of mass media, which has now become a major tool in the Russian Federation’s fight against extremism.
22. The Federal Law on Combating Extremist Activity of 25 July 2002, mentioned in ECRI’s third report, is the other major tool to counter extremism. It has been

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<sup>2</sup> Prior to the amendments of December 2011, Article 282 was entitled “Incitement of National, Racial, or Religious Enmity”.

amended several times, in 2006, 2007 and 2008. Article 1 defines as extremist the activity of public and religious associations or any other organisations, or of mass media, or natural persons, to plan, organise, prepare and perform any of 13 specific acts, including incitement to social, racial, ethnic or religious discord, and propaganda of exclusiveness, superiority or inferiority of an individual based on his/her social, racial, ethnic, religious or linguistic identity, or his/her attitude to religion.

23. "Liquidation" of an extremist organisation or the prohibition of its activity are the main sanctions, along with the banning of extremist materials. Individuals cannot be punished for extremism under the law, but can be prosecuted under the Code of Administrative Offences (for failure to comply with official warnings given against inadmissible extremist activity, which can result in the imposition of a fine) or under Article 282 of the Criminal Code.
24. Materials which are declared extremist by a court, on the basis of a submission by the prosecutor and following an expert evaluation of the material, are entered into the Federal List of Extremist Materials, which is maintained by the Ministry of Justice and which is made public on the Internet and in the media. Persons found guilty of the illegal manufacture, spread and storage of works included in the Federal List of Extremist Materials are liable to administrative or criminal proceedings. ECRI notes that there are no set criteria in the law for establishing how materials may be classified as extremist, thus leaving a wide margin of appreciation.
25. The law has been criticised both nationally, including by the Public Chamber and the Presidential Council for Civil Society Institutions (which has also submitted proposals to the President for amendments), and internationally, most recently by the European Commission for Democracy through Law (Venice Commission)<sup>3</sup>, for its broadness, lack of clarity and openness to different interpretations leading to arbitrariness. It can be applied to extremely serious acts of terrorism as well as to more banal activities since no element of violence is required.
26. ECRI is concerned not only that the scope for misuse of the law is wide but also that the law is being over-used (see section below) and sometimes for matters which should not be within its scope. For example, trade unions have been punished under the law for inciting social discord. ECRI is aware that it has operated in conjunction with Article 282 of the Criminal Code as an instrument of oppression of some politically unpopular opinions and has been used against certain human rights activists, especially those involved in monitoring violations of the rights of vulnerable groups. Such activities have been construed as actions aimed at the incitement of enmity towards the State. Some minority religious groups known to be peaceful have also been targeted and their religious materials have been declared extremist and banned (see also *Vulnerable/Target Groups – Religious minorities*).
27. In response to the widespread criticism, the Supreme Court issued a Resolution, in June 2011, on judicial practice in criminal cases involving extremist offences. It instructed that only statements calling for genocide, mass repressions, deportations, or the carrying out of other illegal actions, including with the use of violence, against categories of people constitute actions inciting hatred or enmity. On the other hand, criticism of political organisations or political, ideological or religious convictions should not in themselves be

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<sup>3</sup> For a detailed assessment of the law, ECRI refers to the Opinion No. 660 / 2011 of the European Commission for Democracy through Law (Venice Commission) on the Federal Law on Combating Extremist Activity of the Russian Federation, adopted at its 91<sup>st</sup> Plenary Session, 15-16 June 2012.

considered as actions directed at inciting hatred or enmity. The instruction warns that it is important to consider the individual's intention in distributing propaganda works; if the intention is not to incite hatred or enmity or to hurt the dignity of others, prosecutions should not be initiated. Human rights defenders and members of religious communities particularly targeted have welcomed the Supreme Court's intervention.

28. ECRI considers that the law itself should set out clearly and precisely the definitions and standards to be applied. Moreover, a law which foresees such heavy sanctions should have a high threshold so that only organisations which promote hatred or violence can be targeted and not ones which do not necessarily represent a threat to social or public order. This would ensure that legitimate efforts to combat racism as a form of extremism do not result in violations of civil liberties.

29. ECRI strongly recommends that the Russian Federation authorities revise the definition of extremism in the Federal Law on Combating Extremist Activity to ensure that it only applies to serious cases where hatred or violence are involved. The law should also specify clearly the criteria to be met when declaring any material extremist.

30. ECRI encourages the authorities do their utmost to prevent any over-use or misuse of the anti-extremist legislation, in line with the instruction of the Supreme Court.

- *Application of criminal law and anti-extremism provisions*

31. In its third report, ECRI recommended that the Russian Federation authorities undertake special efforts to improve the methods of recording, classifying, investigating and prosecuting complaints of racist offences. It also recommended that they monitor the application of criminal law provisions aimed at combating racist offences in a more thorough and detailed manner.

32. While ECRI welcomes the inclusion of relevant aggravating circumstances in many offences in the Criminal Code, as mentioned above, it notes that these are rarely applied in practice. According to many sources, this is because the motive of hate is extremely difficult to prove. Furthermore, law enforcement authorities, while they have been very active in pursuing violent groups (see below), do not make special efforts to investigate or apply aggravating circumstances, such as racial hatred, as these have important procedural implications, namely that the defendant is then entitled to a jury trial which, according to NGOs, is less likely to end in conviction. Therefore, many cases are prosecuted for the simple offence rather than the aggravated offence. ECRI regrets that opportunities to draw attention to the serious nature of crimes committed on racist grounds are thus lost. Furthermore, it makes it virtually impossible to assess the extent of crime committed on racist grounds.

33. ECRI recommends that the authorities ensure that all allegations of racially motivated offences are effectively investigated, properly prosecuted and adequately punished, in particular through the effective application of aggravating circumstances.

34. As regards Article 282 of the Criminal Code, ECRI notes that convictions have increased substantially; in 2005, 56 persons were convicted for incitement of national, racial or religious enmity with the use of violence (Article 282 § 2a); in 2010, the figure rose to 329. Most cases have been against members of far right organisations. However, although there has been a steady increase in the extent to which genuine hate crime has been recognised and prosecuted, the number of successful prosecutions appears to be far below the overall amount

of incidents of violent attacks in the Russian Federation (see *Racist Violence*). Moreover, ECRI notes that there is a tendency for courts to hand out suspended sentences (119 in 2010), which contributes to maintaining a high level of impunity. Finally, ECRI draws attention to criticism of the improper application of Article 282 in conjunction with the Federal Law on Combating Extremist Activity.

35. As regards the Federal Law on Combating Extremist Activity, ECRI has been informed that for the first six months of 2011, 31 744 acts of prosecutorial response to violations were recorded, including 27 654 submissions by prosecutors and 4 090 warnings. For the same period in 2010, there were 24 985 acts, with 19 494 submissions and 5 401 warnings issued. Thus it is clear that this law is being invoked on a large scale and increasing each year.
36. According to information provided by the authorities, in 2010, coordinated efforts by the counter-extremism units in collaboration with other law enforcement agencies resulted in the neutralisation of 43 separate radical nationalist groups and, as mentioned above, the conviction of 329 persons by various courts. In the same year, the Russian Federation experienced a 25% decline in the number of violent offences against foreign nationals on its territory, with 36% fewer murders and a 16% decrease in cases of grievous bodily harm.
37. ECRI recognises the efforts made by the Russian Federation authorities to tackle extreme nationalism and demonstrate that it will not be tolerated (see above). For example, in April 2010, Moscow City Court outlawed one of the Russian Federation's largest ultranationalist groups for promoting neo-Nazi ideology. Four of its activists were sentenced to life in prison for organising a series of explosions, including a 2006 blast at a Moscow market that killed 14 people. In July 2011, the same court handed down sentences ranging from ten years to life in prison to 12 members of an openly neo-Nazi group outlawed in 2010, for a murderous rampage that left 27 non-Slavs dead.
- *Data collection*
38. The authorities informed ECRI that in May 2010, a statistical report form for collecting information on the enforcement of the laws on federal security, inter-ethnic relations and combating extremism was introduced.
39. ECRI notes that extremist offences, which can cover a broad range of acts with various motives, are all placed under one statistic with no breakdown of the data. As a result of this, as well as the limited use made of aggravating circumstances in the relevant Criminal Code provisions (see above), it is virtually impossible to know the extent of crimes committed on racist grounds.
40. ECRI recommends that the Russian Federation authorities set up an effective system that will enable them to monitor the situation concerning all offences motivated by racial hatred, as this concept is understood in its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.

### **Civil and administrative law provisions**

41. In its third report, ECRI strongly encouraged the Russian Federation authorities to continue adopting precise and comprehensive provisions prohibiting racial discrimination in order to ensure that all fields of life such as education, access to housing, public services and public places, as well as contractual relations between individuals are covered.

42. ECRI notes that, while the attention of the authorities has focused on fighting violent extremism, non-violent discrimination has been given second place in recent years. Many reports indicate that everyday discrimination is very common. ECRI observes that this is mainly due to a widespread lack of understanding, even on the part of some senior officials, of what constitutes discrimination and the importance of non-discrimination as a fundamental human right, protected by both Article 14 of the European Convention on Human Rights and its Protocol No. 12, ratification of which ECRI has recommended (see § 3).
43. ECRI has been informed by the authorities that anti-discrimination legislation continues to be sector-based and functions in combination with human rights norms in specific areas, including labour rights, the right to education and the right to social services. However, such legislation is rarely applied in practice.
44. ECRI considers that there is an urgent need to adopt comprehensive anti-discrimination legislation, which expressly and specifically counters racism and racial discrimination in all spheres of public life in the Russian Federation.
45. ECRI strongly recommends that the Russian Federation authorities adopt comprehensive civil and administrative legislation against discrimination, including racial discrimination, covering all persons in the Russian Federation, drawing inspiration from its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.
46. ECRI notes that, in July 2012, the Russian Federation enacted the Federal Law Introducing Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of Activities of Non-commercial Organisations Performing the Function of Foreign Agents. ECRI will keep a close watch on the application and effects of the law in practice, particularly in respect of civil society organisations engaged in the fight against racism and racial discrimination.

#### **Training of police, prosecutors, judges**

47. In its third report, ECRI recommended that the Russian Federation authorities considerably strengthen their efforts to train police, prosecutors, judges and judicial candidates on issues pertaining to the application of legislation concerning racist offences.
48. According to information provided by the authorities, a large-scale awareness campaign is underway in the country aiming at instructing law enforcement officers on international norms and Russian legislation in the field of human rights. Measures are also being taken to develop their communication skills with respect to civil society organisations, migrants and members of various ethnic groups.
49. ECRI has also been informed that workshops are organised for the police when new legislation is adopted, most recently in December 2011, and explanations have been provided on how to recognise hate crime. Special attention is given to training law enforcement officers who are sent to work in the North Caucasus; they are familiarised with the ethnic and religious traditions of the local people in order to avoid conflict situations.
50. The Prosecutor General's Office held a seminar for its employees in November 2010 on measures to improve the detection and removal of printed materials, as well as audio and video content, aimed at inciting national, racial and religious hatred. During the first six months of 2011, three assistant prosecutors



and 11 heads of public prosecutor's offices of the constituent entities<sup>4</sup> have undergone training in the federal security laws and laws related to inter-ethnic relations and combating extremism, organised by the Prosecutor General's Office.

51. Those studying at the State Educational Institution of Higher Professional Education ("Russian Academy of Justice"), including judges, attend lectures on international and national criminal legislation to combat racial discrimination, xenophobia and related forms of violence.
52. Despite the above efforts, which ECRI welcomes, training provided to police, prosecutors and judges in matters pertaining specifically to racism and racial discrimination is still limited and needs to be reinforced. As observed above, discrimination is not a well understood concept in general and could explain to some extent why the existing legislation is seldom applied. Moreover, should an anti-discrimination law be adopted, as recommended above, thorough training will need to be given to all actors involved in its application.
53. ECRI strongly recommends that both initial and in-service training is reinforced for judges, prosecutors and police in issues of racism and racial discrimination and on the existing criminal, civil and administrative law provisions as well as their effective application.

#### **Specialised bodies and other institutions**

54. In its third report, ECRI strongly encouraged the Russian Federation authorities to set up in the near future an independent body specialised in combating racism and racial discrimination, paying due regard to ECRI's General Policy Recommendations No. 2 and No. 7.
55. ECRI regrets that there have been no positive developments in this area. In its view, such a body would be all the more vital in the Russian Federation since the institution of the federal Ombudsman is limited largely to an advisory capacity. The federal Ombudsman can only make recommendations, which are not binding. He may propose amendments to legislation but he cannot initiate the legislative process. Importantly, neither the federal Ombudsman nor the regional ombudsmen have any powers to deal with racial discrimination complaints relating to the private sector. Finally, ECRI has been informed that very few complaints registered by the federal Ombudsman are from ethnic minorities or migrants, indicating a lack of awareness or faith in the institution.
56. ECRI is convinced of the concrete contribution that specialised bodies can make to strengthening the effectiveness of anti-discrimination measures, by monitoring their application, providing assistance to victims and raising the awareness of the general public. ECRI refers again to its General Policy Recommendations No. 2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level and No. 7 on national legislation to combat racism and racial discrimination, both of which provide guidance on the functions and responsibilities of such bodies.
57. ECRI reiterates its recommendation for the Russian Federation authorities to set up an independent body specialised in combating racism and racial discrimination, drawing inspiration from its General Policy Recommendations No. 2 and No. 7.

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<sup>4</sup> Russia is a federation which, since 1 March 2008, consists of 83 constituent entities, also known as federal subjects, comprising 21 republics, 46 oblasts (provinces), nine krais (territories), one autonomous oblast (autonomous province), four autonomous okrugs (autonomous districts) and two federal cities (Moscow and Saint Petersburg).

- *Regional ombudsmen*

58. In its third report, ECRI strongly encouraged the Russian Federation authorities to continue their efforts to set up regional ombudsmen throughout the country. These ombudsmen and the Ombudsman for the Russian Federation should be given sufficient human and financial means to accomplish their mission.
59. ECRI is pleased to note that 71 out of a total of 83 constituent entities now have ombudsmen. They deal with complaints from the public concerning local or regional authorities but have no competence in matters relating to federal bodies, such as the police or the migration service. There is no connection, hierarchical or other, with the federal Ombudsman for the Russian Federation, although regular contacts and exchanges of views are held. Their functions and powers are set out in regional laws. ECRI has been informed that these vary sometimes substantially from one region to another with the consequence that their effectiveness is not uniform throughout the country. ECRI considers that harmonisation would be needed to ensure that the tasks, functions and powers of all regional ombudsmen are the same everywhere. This would ensure that the vulnerable groups mentioned in this report receive equal protection throughout the country.
60. ECRI recommends that the Russian Federation authorities find a way to harmonise the powers, functions and activities of regional ombudsmen to ensure consistency throughout the country. ECRI further recommends that regional ombudsmen are established in those constituent entities which do not yet have them.

- *Public Chamber*

61. ECRI notes that an institution called the Public Chamber (or Civic Chamber) was set up in 2005 to coordinate the interests of Russian citizens, NGOs, and federal and regional authorities. It consists of 126 members; one third are selected by the President of the Russian Federation and the rest are elected by all-Russian public associations and by regional and inter-regional public associations. Its official mandate is to analyse draft legislation, monitor activities of federal and regional authorities, and provide feedback to the Government. It has only consultative powers. Regional Public Chambers have also been established throughout the Russian Federation; there are currently 64 of these.
62. ECRI notes with interest that the Public Chamber has set up a number of hot lines for the public to complain about the most pressing issues of concern. One such hot line was opened for complaints about police corruption (see also *Conduct of Law Enforcement Officials*). The Public Chamber collects the information, passes it on to the relevant authorities and ensures that account is taken of public opinion when decisions are made by the Government. ECRI commends the initiative to establish consultation between the public and the authorities on questions of general interest across the country. It encourages the Public Chamber to look into some of the issues of concern to ECRI highlighted in this report.

## II. Discrimination in Various Fields

### Employment

63. In its third report, ECRI recommended that the Russian Federation authorities monitor the situation as regards racial discrimination in employment. Measures should be taken to ensure that the anti-discrimination provisions applying in this field are known by the general public and the judicial actors so that they are duly implemented.
64. As noted in ECRI's third report, the Labour Code has detailed and progressive provisions aimed at combating racial discrimination in the field of employment. However, ECRI has received little information about the application of the legislation. Indeed, it was informed by the authorities of Rostov-on-Don that there have been no complaints received relating to discrimination based on ethnicity and that there has been no litigation on these grounds in the field of labour. ECRI finds this surprising and, if this is the case elsewhere as well, encourages the authorities to look into the reasons for this and any possible obstacles.
65. Information concerning the employment of migrants can be found in the section below on *Vulnerable/Target Groups – Non-nationals – Migrants*.

### Education

66. In its third report, ECRI urged the Russian Federation authorities to take measures without delay to improve equal opportunities for children belonging to vulnerable groups in education. It stressed the paramount importance of elaborating a short, medium and long term policy in the matter and providing sufficient funds and other resources to implement this policy.
67. ECRI is pleased to note that the new Law on Education enacted in 2011, contains an anti-discrimination component and does not require the provision of documents for enrolment in school. According to the authorities, the former practice of schools refusing to enrol children whose parents were not registered as residents of the locality does not happen any more.
68. However, ECRI notes that some Roma children continue to face difficulties in accessing education. Roma children are still allegedly refused enrolment on account of lack of registration in some regions. ECRI is deeply concerned by reports indicating that children living in settlements, which are often located in fields or near rubbish dumps, rarely go to school due to the distance. Lack of access to education for these children could constitute a violation of the right to education under Article 2 of the Protocol to the European Convention on Human Rights and it perpetuates the cycle of poverty and marginalisation of the Roma population.
69. ECRI urges the authorities to take steps to ensure that access to schools is facilitated for Roma children living in remote settlements.
70. Furthermore, although pre-school education is universally accessible in the Russian Federation, there is currently limited access to pre-school facilities close to or in Roma neighbourhoods where children could learn Russian before entering primary school. ECRI has been informed that the main reason for the early drop out of many Roma children at around the age of ten or 11 is due to the fact that they do not speak Russian when they start compulsory school and as a result quickly fall behind.

71. ECRI strongly recommends that the Russian Federation authorities set up pre-school facilities close to or in Roma neighbourhoods to enable Roma children to acquire the necessary linguistic skills for attending primary school.
72. In its third report, ECRI strongly encouraged the Russian Federation authorities to conduct an in-depth investigation into the allegations that segregation is practised on the ground of ethnic origin in some schools and to take all the necessary measures, where appropriate, to put an end rapidly to such situations.
73. ECRI is pleased to learn that Roma children are no longer placed in schools for the disabled and that Roma-only classes seldom occur. ECRI encourages the authorities to continue phasing out any remaining instances of segregation on ethnic grounds.
74. As for the development of an education policy for vulnerable groups, see the section below on *Vulnerable/Target Groups – Roma*. ECRI encourages the authorities to draw inspiration from its most recent General Policy Recommendation No. 13 on combating anti-Gypsyism and discrimination against Roma, which provides guidance on measures to combat the prejudice, discrimination and social exclusion experienced by Roma, including in the field of education (see point 4, paragraphs a-r).
75. ECRI notes that the century-long ban on religious studies in State education came to an end in April 2010 when a pilot programme, based on a presidential order, for religious education in schools in 21 regions of the country was launched, including in the Muslim-majority North Caucasus, the Russian Orthodox-majority areas of the country and the Jewish Autonomous Region in the Far East. Fourth-grade students could, with parental permission, choose to study the new subject "Basics of Religion and Secular Ethics". The course is divided into six possible modules: basics of Orthodox culture, basics of Islam, basics of Buddhism, basics of Judaism, basics of world religions or basics of secular ethics. ECRI understands that the pilot programme will be extended to the whole country, based on the current model.
76. In all but five of the pilot regions, most students (42% in total) chose the module on secular ethics. ECRI takes note that both Muslim and Jewish leaders have expressed reservations about the new religious education options. They felt that the system tended to divide school children on religious grounds and has had the negative effect of highlighting religious differences. In their view, uniting all pupils in the study of the various religions practised in the country would have been preferable.
77. ECRI considers that education is an important tool for combating racism and intolerance by promoting diversity. It notes that **the possibilities granted to pupils to study the different religions and faiths which are practiced in the country, with a course on secular ethics for those who do not wish to receive religious instruction, are in line with its General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.**

### **Access to public services**

78. In its third report, ECRI recommended that research be carried out into discriminatory practices in access to public services. The public officials should be made fully aware of the relevant anti-discrimination provisions and of the fact that residence registration does not constitute a prerequisite for granting access to social services.

79. ECRI has no information about any research carried out into discriminatory practices in access to public services. As already noted, access to many social benefits and services is in practice conditional upon registration of permanent or temporary residence, although this is contrary to the law (see *Residence registration* and ECRI's recommendation).

### III. Racist Violence

80. In its third report, ECRI urged the Russian Federation authorities to strengthen their efforts to monitor the activities of skinhead and other racist movements and organisations and develop methods to react quickly and effectively against planned or realised incidents and attacks. The Russian Federation authorities should duly sanction all forms of racially motivated violence to show a clear stance that it will not be accepted in the Russian society.
81. ECRI notes with concern that there is a high incidence of racially motivated violence in the Russian Federation, directed predominantly against non-Slavs. In 2006 to 2009 there was a sharp increase in racist violence against migrants from the North Caucasus and workers from Central Asian countries. Although there are relatively few Black people in the Russian Federation, numerous incidents of hate crime against immigrants and visitors of African origin are reported and Black people are said to live in fear of violence. A small number of attacks against Jews (eight cases in 2009 and two in 2010) are reported each year. 13 attacks against Jewish premises, such as acts of vandalism and desecration of Jewish graves and synagogues, were reported in 2010. Occasional attacks against Muslims occur. In April 2012, a prominent Muslim figure was fatally stabbed in Moscow in what is thought by some to be a religious or ethnically motivated attack and an investigation is currently underway. Mosques, religious buildings and cemeteries are targets of vandalism and arson. In 2011 a cemetery was desecrated; the authorities acted swiftly and the perpetrators were brought to justice. Roma, as well as human rights activists and defenders of hate crime victims, have also been targets of brutal racially motivated assaults.
82. According to the authorities, the available data shows that youth nationalist and neo-fascist groups, including skinheads, are the main source of extremist violence in the country. According to one NGO, there are over 50 000 skinheads in the Russian Federation. In 2008, the Governor of Saint Petersburg admitted that the situation with neo-Nazi groups in the city was "absolutely critical" and called on law enforcement bodies to infiltrate such groups. The principal priority of the Ministry of Internal Affairs in recent years has been to suppress these highly dangerous organisations.
83. It appears that the peak years in racist violence were 2007 and 2008; in 2007, 97 persons were killed and 623 beaten or wounded in racist attacks; in 2008, 116 persons were killed and 499 beaten or wounded. However, in 2010, 37 persons were killed and 391 beaten or wounded in racist violence. These statistics show that while the number of racist attacks remains high, there has been a substantial decrease in the number of victims of such attacks. ECRI takes note that these are conservative statistics and that the total number of actual victims is estimated to be much higher. For example, many victims are undocumented migrants (see below) and do not report racist crimes committed against them for fear of deportation.
84. According to the authorities, the decline in the number of racist attacks can be accredited to several factors, including the updating and improving of relevant legislation, anti-extremist warnings regularly addressed to the media and other organisations, considerable law enforcement efforts targeting the most

aggressive groups and racist movements, and an increase in the number and quality of criminal prosecutions for hate crimes. ECRI commends the important steps taken by the Russian Federation authorities which have brought positive results (see § 34 above). However, vigilance should be maintained and efforts pursued as serious outbreaks of ethnic tension continue to occur.

85. One such incident involving major racist violence occurred in December 2010. Following the killings, on two separate occasions, of two Spartak football fans in street clashes with young people from the North Caucasus, on 11 December a violent demonstration erupted in central Moscow, on the Manezhnaya Square, where a non-authorized memorial rally for one of the murdered fans gathered some 5 000 football fans and nationalists. Protesters chanted racist slogans, raised hands in Nazi salutes and started randomly beating up North Caucasians and people of non-Slav appearance. Thirty people were injured and some 65 people were detained.
86. In the wake of the riots, violent retaliatory incidents were carried out by both ethnic Russians and North Caucasians. For example, two Russian women shot a migrant worker in a grocery shop and three people walking in the south of Moscow were shot at allegedly from a car with Dagestani number plates.
87. ECRI is pleased to note that both the President and Prime Minister publicly blamed the ultra-right movements for instigating the violence. Moreover, in the course of the following months, the President repeatedly condemned the “nationalist” violence and emphasised the importance of strengthening inter-ethnic harmony and communication. ECRI welcomes the public stance taken by the Russian Federation’s leaders in condemning ultra-nationalism as a serious threat to social order. However, it notes with concern that some other senior Government officials appeared to support the nationalists by placing the blame on foreign migrants and regrets that little appears to have been done to stop or sanction inflammatory speech on the part of these public figures (see also the section below on *Racism in Public Discourse – Racist discourse in politics* and ECRI’s recommendation).
88. ECRI is pleased to report another significant response to the Manezhnaya riots: a rally under the banner “Moscow for Everyone” was organised on the initiative of a well-known writer on 26 December 2010. Around 1 500 people attended the anti-racism and anti-xenophobia demonstration.
89. In its third report, ECRI strongly recommended that the Russian Federation authorities monitor inter-ethnic relationships throughout the country and promptly intervene when members of vulnerable groups are threatened or assaulted by members of other ethnic groups. ECRI stressed the need of setting up initiatives promoting peaceful and constructive inter-ethnic common living, particularly in those regions where inter-ethnic tensions have been observed.
90. ECRI would like to draw attention to one particular initiative taken in the Rostov-on-Don region, which comprises 24 distinct ethnic communities and people of more than 150 different “nationalities”. An Advisory Committee on Inter-ethnic Issues was set up under the Ministry of Internal and Information Policy. It is made up of the leaders of the various communities, law enforcement authorities and representatives of the ministry. Regular meetings are held and as a result of the constant dialogue and cooperation, any possible tensions, including those based on ethnicity, have been diffused rapidly and effectively. Both the authorities and representatives of numerous ethnic groups informed ECRI that there is an atmosphere of tolerance and respect between the different communities in the region. ECRI commends this important initiative and

considers it an example of best practice which should be extended to other regions where society is made up of many ethnic groups.

91. ECRI encourages the Russian Federation authorities to study the good practice established in Rostov-on-Don concerning its advisory committee on inter-ethnic relations and assess whether such a model could be usefully transported to other regions of the country.

#### **IV. Racism in Public Discourse**

##### **Climate of opinion**

92. ECRI notes that many people in the Russian Federation assert that the country has a long tradition of inter-ethnic tolerance and peace that continues today. However, a Levada-Center opinion poll carried out in January 2011 indicated that 58% of Russians agreed with the nationalist slogan “Russia for Russians”. Another 62% supported the slogan “Stop Feeding the Caucasus!”, a reference to generous Government funding for development of the mainly Muslim North Caucasus.
93. According to many reports, radical nationalism is on the rise since ECRI’s third report. It is believed by some independent researchers to be the number one challenge in the Russian Federation today. This may result from the on-going conflicts in the North Caucasus, as well as the large influx of immigrants in recent years. Indeed, ECRI notes that the main targets of racist discourse and extremist nationalism are North Caucasians, Central Asians and some other people of “non-Slav appearance”. As observed above, underlying ethnic tensions have several times exploded into major riots with dramatic consequences.

##### **Racist statements and publications, including in the media and on Internet**

94. In its third report, ECRI urged the Russian Federation authorities to monitor and duly sanction all expressions of racist statements and all publications of racist material in order to demonstrate a clear stance that racism, antisemitism and xenophobia will not be accepted in Russian society. It reiterated in the context of the media its recommendation concerning the need to ensure that all instances of incitement to racial hatred are thoroughly investigated and punished. It also encouraged the Russian Federation authorities to impress upon the media, without encroaching on their editorial independence, the need to ensure that reporting does not contribute to creating an atmosphere of hostility and rejection towards members of visible minority groups, including Roma, Chechens and other Caucasians, as well as citizens from CIS countries.
95. ECRI notes that important steps have been taken to suppress extremist publications, including those inciting ethnic and religious discord. Notably, as already highlighted above, the Ministry of Justice has maintained, since July 2007, the Federal List of Extremist Materials that have been banned by a court. At September 2011, the list included 968 works, including those of racist organisations.
96. However, human right activists have criticised the list for including literature which presents no danger, such as the leaflets and publications of non-traditional religions. Moreover, the list has been criticised for not including certain works. For example, in 2011, the Public Chamber urged the Prosecutor General’s Office to ban “The Protocols of the Elders of Zion”, a notorious early 20th-century pamphlet depicting a Jewish bid for global supremacy. Prosecutors decided that it did not contain xenophobic content and the

publication remains widely available. ECRI has made a recommendation concerning the Federal List of Extremist Materials in § 29.

97. ECRI notes that there are several mechanisms in place for monitoring and punishing the media for violations of the law or professional ethics. The Federal Law on Advertising, adopted in 2006, prohibits the use in commercial advertisements of indecent and offensive images, comparisons and expressions based on race and ethnicity. Moreover, according to the Russian Federation Law on Mass Media, the Federal Supervision Agency for Information Technology and Communication can issue warnings to media outlets for statements considered to be extremist made on their forums (see also below). Furthermore, the Press Council, set up in 2005 as an independent civil society body, ensures self-regulation in the media. It investigates complaints submitted by the public, including those involving human rights issues, and has decided on 71 complaints so far. The system is generally considered to work well and the findings of the Press Council are made public. Finally, ECRI is pleased to learn that a bill is under discussion - as well as the subject of a wide public debate - for the introduction of administrative responsibility of media outlets for mentioning ethnicity in the course of their coverage of criminal activity.
98. In recent times, the authorities, including the President, have called upon the media to refrain from xenophobic statements which fuel aggression in the public. In particular, they have made repeated appeals to the media urging them to be careful about the terminology used in reporting on terrorist attacks. In April 2011, for instance, the President underlined that journalists were using the words "shahid" (martyr) in an inappropriate context, offending Muslims.
99. Finally, ECRI is pleased to note a number of positive initiatives taken by the authorities and/or media organisations to promote good inter-ethnic relations. The Ministry of Regional Development, together with the Guild of Inter-ethnic Journalism, has for the last three years been issuing copies of the National Accent, a weekly appendix to the Arguments of the Week newspaper devoted to inter-ethnic relations. The Ministry of Regional Development, together with Radio of Russia and the Guild of Inter-ethnic Journalism, annually hold an "all-Russian" mass media contest (*SMIrotvorets*) on the best coverage of inter-ethnic interaction of the peoples of the Russian Federation and their ethnic and cultural development. According to the results of the 2010 contest, in two years (2009-10) the number of positive publications on inter-ethnic issues in federal, regional and ethnic mass media has more than doubled. The Ministry of Regional Development also propagates messages of equality and intercultural dialogue through the mass media, including through social advertising, transmission of cartoons and documentaries about Russian Federation peoples and various relevant speeches.
100. Despite the above, ECRI notes that the level of racist and xenophobic language in Russian mass media remains high. Any conflicts are generally exaggerated in order to give the impression of heightened ethnic tensions. According to many, the media play a significant role in inciting prejudice and promoting racism, and they bear a certain responsibility for legitimising hatred and thus contribute to a rise in hate crime.
101. ECRI considers that the steps taken so far are inadequate and that efforts need to be reinforced to find ways of ensuring a more responsible attitude on the part of the media, including through a more rigorous application of the law against incitement to racial hatred, verification of the various codes of conduct and declarations to ensure that they are effective and training of journalists in issues concerning the fight against racism and racial discrimination.



102. ECRI recommends that the authorities ensure that media that infringe the prohibition on incitement to racial hatred are duly prosecuted and punished.
103. ECRI recommends that the Russian Federation authorities, without interfering with the independence of the media, encourage the latter to verify that the various codes of conduct for media professionals and declarations of journalists constitute an effective means of combating all forms of racist discourse in the media and strengthen them if necessary.
104. ECRI recommends that the authorities encourage any initiative aimed at offering journalists training in human rights in general and in particular in issues concerning the fight against racism and racial discrimination.
105. In its third report, ECRI particularly recommended that the Russian Federation authorities intensify their efforts to counter racist, xenophobic and antisemitic activities on the Internet.
106. ECRI is very concerned that ultra-nationalist, racist and neo-Nazi websites and discussions are rife on the Internet and that such sites are increasing at an alarming rate. According to one NGO, antisemitic materials in particular, while infrequent in mainstream media, are on the rise on Russian-language Internet sites.
107. On 15 June 2010, the Supreme Court issued a ruling that allows the authorities to require media organisations to remove from their websites materials posted by users that are deemed to be extremist, slanderous or liable to incite hatred. The Federal Supervision Agency for Information Technology and Communication first issues a warning which can be followed by the closing down of the media organisation. In addition, ECRI understands that several special centers to monitor hate-mongering in mass media and on the Internet have been set up, including in Moscow and Saint Petersburg. Police intensified a crackdown on online extremists in 2011, opening 67 criminal cases and closing down 47 websites. ECRI notes also that the Federal List of Extremist Materials includes Internet websites or certain web pages which Internet service providers have been instructed by a court to block.
108. ECRI strongly encourages the Russian Federation authorities to continue their efforts to prevent the Internet from being used to disseminate racist and xenophobic comments and material and to prosecute the perpetrators of such acts. It draws the attention of the authorities to its General Policy Recommendation No. 6 on combating the dissemination of racist, xenophobic and antisemitic material via the Internet.

### **Racist discourse in politics**

109. In its third report, ECRI stressed that political parties must resist the temptation to approach issues relating to visible and other minority groups in a negative way and should instead emphasise the positive contribution made by different minority groups to Russian society, economy and culture. Political parties should also take a firm stand against any forms of racism, discrimination and xenophobia. ECRI called for the adoption of adequate measures specifically targeting the use of racially inflammatory or xenophobic discourse by exponents of political parties, including by ensuring an effective implementation of criminal law provisions penalising the leadership of any group that promotes racism, as well as support for such groups and participation in their activities.
110. ECRI is pleased to note that politicians at the highest level have repeatedly and firmly voiced the need to improve inter-ethnic relations in the Russian Federation. For example, the President condemned the use of racist

terminology in political speech and in the media. Such messages are crucial signals to the public of the high importance given to tolerance and respect.

111. However, there are indications that other politicians and public figures regularly undermine these efforts. ECRI notes that there is an increasing use of racist and xenophobic rhetoric by some politicians. For example, at the end of November 2011, as a result of an eruption of tensions in Russian-Tajik relations, several public anti-Tajik statements were made which resulted in reprisals against Tajik migrants (see *Vulnerable/Target Groups – Non-nationals – Migrants*). ECRI notes with concern that anti-immigrant themes are widely used by right-wing politicians; various anti-immigrant and racist slogans have been used in election campaigns; newspapers have widely reported on the idea of restricting the birth rate of labour migrants and banning immigration from those countries that do not have restrictive measures on birth rates. As far as ECRI is aware, no action has ever been taken against the politicians making these statements.
112. ECRI strongly recommends that the Russian Federation authorities continue to encourage politicians to take a firm and public stance against the expression of racist and xenophobic attitudes, including when they come from within their own ranks. It further invites the authorities to ensure that the Code of Conduct for Members of Parliament includes provisions which expressly ban the use of racist and xenophobic discourse by Members of Parliament and that these provisions are enforced vigorously.
113. ECRI reiterates its recommendation calling for the adoption of adequate measures specifically targeting the use of racist or xenophobic discourse by members of political parties, including by the effective application of criminal law provisions penalising the leadership of any group that promotes racism, as well as support for such groups and participation in their activities.

## **V. Vulnerable/Target Groups**

### **North Caucasians**

114. In its third report, ECRI strongly recommended that the Russian Federation authorities step up efforts to take all appropriate measures to improve the living and human rights conditions in the Chechen Republic.
115. ECRI notes that vast sums of money have been invested by the authorities into the special programme devoted to the social and economic development of the Chechen Republic, which ran from 2008 to 2012. As a result, many positive improvements and clear progress has been observed in the quality of life of the people living in the region. This has helped to encourage the return of people who fled as a result of the armed conflict. Nevertheless, out of an estimated 800 000 people who left the region, and despite attempts made by both the federal authorities and Chechen leaders to encourage people to return, at least 78 000 were still internally displaced in the North Caucasus in 2010 and an unknown number elsewhere in the country.
116. ECRI notes that the Chechen Republic is now home to very few ethnic Russians. It also notes claims by the latter that they constitute a vulnerable group which suffers intolerance and discrimination on the part of the majority population. In addition, many ethnic Russians, particularly those who fled the Chechen Republic (300 000 of those mentioned above were ethnic Russians), resent the substantial investment into the reconstruction and development of the region. ECRI is concerned that these tensions could breed nationalism and lead to further ethnic conflicts and encourages the Russian Federation authorities to pay close attention to the situation. On the other hand, the

authorities have informed ECRI that compensation for lost homes and property as a result of the resolution of the crisis in the Chechen Republic has been paid out both to those who remained permanent residents in the territory (a total amount of 26.4 billion rubles) and to those who permanently left it (a total of just over 4 billion rubles).

117. ECRI notes that the continued instability in the North Caucasus and the constant threat of terrorism contribute to a climate of hostility towards people of North Caucasian origin throughout the country. High levels of racism and xenophobia against Chechens in particular have been reported. This is manifested in discriminatory practices - Chechens are regularly refused when they try to rent a flat, register at their place of residence or find a job - and violence against them is also reported (see the section on *Racist Violence*).
118. On the other hand, ECRI has heard from several sources, including North Caucasians themselves, that their situation is much better now and that the attitude of the authorities and the police is changing in a positive direction. Some of those who left the region have felt welcomed elsewhere, particularly in the neighbouring region of Rostov, and have integrated easily.

## **Roma**

119. In its third report, ECRI urged the Russian Federation authorities to do their utmost to tackle the problems of racially motivated violence and racial discrimination faced by Roma in their daily lives. It also reiterated its recommendation on the need to regularise the legal status of many Roma.
120. There are estimated to be around 850 000 to one million Roma in the Russian Federation, although during the most recent census only 252 000 people declared their affiliation to this group. They live mostly in the north-east and the south of the country, but also around most large cities, including Moscow. The Roma population consists of many different communities with various languages and religions. The vast majority are traditional Russian Roma (Orthodox Christian) and a very small number are from the Baltic States (Catholic) and the Balkans (Muslim).
121. ECRI notes that most Roma now have identity documents (so-called “internal passports”), although it appears that this is not the case for a number of Roma in the Rostov region. In addition, many Roma who do not have birth certificates or live in settlements are unable to register their residence and as a result they are excluded from access to welfare assistance, healthcare, employment and in some cases education. ECRI has drawn attention to these problems in various sections of this report.
122. ECRI recommends that the authorities establish simplified and accessible procedures for Roma to regularise their legal status. This should include the issuing of birth certificates and identity documents (“internal passports”) and facilitated access to residence registration.
123. ECRI has been informed that the situation has improved for Roma in the last few years, with less discrimination and negative stereotyping in the media. Furthermore, ECRI has been told that while most Russians may feel uncomfortable about the Roma and their lifestyle, the general attitude is not negative. However, most reports continue to indicate that Roma are the objects of deep-seated prejudice, discrimination and racist violence in the Russian Federation. Roma are often stereotyped as criminals and, for some years now, also as drug dealers.

124. Such negative stereotyping is reflected in the criminal justice system in general and in particular in the operations of the police. This is manifested by disproportionate stops and searches and persistent racial profiling of Roma, as well as police violence against Roma at the time of arrest and while in custody. ECRI notes with concern reports stating that discrimination against Roma in the criminal justice system creates an environment in which both public officials and private actors feel confident that they will be absolved from responsibility for racially motivated violence and abuse; this exposes the victims to further such violence and abuse.
125. As regards housing, ECRI notes that evictions and demolitions of illegal settlements have not occurred for some years, although there are still threats of such action. Applications for land are frequently turned down. While most Roma now live in decent accommodation, some still live in slums.
126. ECRI is pleased to note that a plan for 2013-2014 is being developed on the federal level by the Department of Ethnic Relations within the Ministry for Regional Development for the improvement of the socio-economic situation and education of Roma. The plan provides for concrete legal measures, such as providing Roma with identification documents and improved access to free legal assistance. Specific goals are being set in the areas of education, employment, housing and healthcare. In education, this would include free access to pre-school facilities, measures aimed at ensuring that pupils stay in school and graduate at secondary level, the development of a Roma language textbook for elementary school and special conditions for university entrance. In the area of housing, the programme envisages the legalisation of Roma settlements and the relocation of Roma living in slums. ECRI is pleased to note that Roma organisations have been consulted and have participated in the drafting of the programme.
127. ECRI encourages the authorities to press ahead with finalising and implementing the plan dedicated to Roma. They should continue to work in close cooperation and full consultation with representatives of the Roma communities in all stages of planning, implementation and evaluation. ECRI furthermore encourages the authorities to seek guidance from its General Policy Recommendation No. 13 on anti-Gypsyism and discrimination against Roma.

## Muslims<sup>5</sup>

128. In its third report, ECRI urged the Russian Federation authorities to monitor the situation as regards Islamophobia, firmly condemn all human rights abuses perpetrated against Muslims, take all necessary measures to redress any existing abuses and adequately punish perpetrators of racist offences or racial discrimination against Muslims.
129. The Russian Federation is home to 20 million Muslims according to official figures and 23 million according to unofficial estimates. The Muslim population is made up mainly of the traditional Muslim people of the Russian Federation but also Muslim migrants from Central Asia. ECRI notes that, other than some occasional acts of violence and vandalism (see the section on *Racist Violence*), according to most Muslims, the situation now is better than it was five years ago. There has been good support, including financial, from the State for numerous social, religious and educational projects and events.

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<sup>5</sup> This sections deals with issues which are not covered under the sections on North Caucasians and Meskhetian Turks.

130. One grievance of the Muslim communities is the difficulty in obtaining land or permission for the construction of mosques. This is a widespread problem at local level in regions where they are a minority and can be attributed to religious intolerance on the part of local people, who have protested, and the authorities. The result is an insufficient number of places of worship.
131. ECRI recommends that the authorities grant permission for Muslim communities to build a sufficient number of mosques in order for them to exercise their right to manifest their religion in worship.

### **Meskhetian Turks**

132. In its third report, ECRI urged the Russian Federation authorities to address as a priority the problems of the legal status and racial discrimination faced by the Meskhetian Turks living in the Krasnodar Krai.
133. ECRI has been informed that the situation for ethnic minorities in general in the Krasnodar Krai is very bad. Attempts by human rights organisations to monitor discrimination suffered by vulnerable groups have been met with hostility by the authorities, including criminal investigations and prosecutions, as well as aggression on the part of right-wing organisations. As a result of the adverse environment, ECRI understands that there is very little human rights monitoring being undertaken at present.
134. Concerning Meskhetian Turks, according to figures provided by the authorities, there are 5 425 members of this ethnic group still living in Krasnodar Krai. Of these, 5 331 have obtained Russian citizenship. Thus the question of legal status appears to have been largely resolved. The process of repatriation to Georgia of Meskhetian Turks from various countries in the world was due to begin in January 2012, in honour of the commitment made by Georgia to the Council of Europe. However, according to information received by ECRI, only a few thousand people applied before the January 2010 deadline and so far no relocation has taken place.
135. As for racial discrimination faced by Meskhetian Turks, ECRI notes reports of harassment by Cossacks in Krasnodar Krai (see also *Conduct of Law Enforcement Officials*).
136. ECRI recommends that the authorities continue to monitor the situation as regards possible discrimination against Meskhetian Turks and take action to combat it where necessary.

### **Religious minorities<sup>6</sup>**

137. In its third report, ECRI reiterated its call on the Russian Federation authorities to monitor the effect of the 1997 Federal Law on Freedom of Conscience and Religious Associations, as well as its application throughout the country, with a view to ensure that no discriminatory acts take place against any small religious groups or their leaders and members. The latter should also be appropriately protected from any intolerant act on the part of the authorities or private parties. ECRI also strongly encouraged the Russian Federation authorities to foster intercultural and inter-religious dialogue throughout the country and particularly dialogue between representatives of the majority religion and the smaller religious groups.
138. Concerning the last recommendation, ECRI is aware that inter-ethnic and inter-religious councils have been established in some regions (see § 90). However,

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<sup>6</sup> This section deals with issues which are not covered under the sections on Muslims and Antisemitism.

it has no information about any dialogue between representatives of the majority religion and the smaller religious groups.

139. As for the other recommendations, ECRI notes that the Preamble to the 1997 Federal Law on Freedom of Conscience and Religious Associations (often referred to as the “Religions Act”) acknowledges Christianity, Islam, Buddhism, Judaism and other religions, as constituting an integral part of the historical heritage of the peoples of the Russian Federation. It also recognises the special role of Orthodoxy in the history of Russia and in the establishment and development of its spirituality and culture.
140. According to data of the Ministry of Justice on 1 January 2010, there were 23 494 religious organisations registered in the Russian Federation<sup>7</sup>; among these, 12 941 belong to the Russian Orthodox Church of the Moscow Patriarchate; 4 438 are Protestant organisations; 208 Muslim organisations; and other denominations amount to 1 489.
141. As already mentioned, the Russian Federation’s anti-extremism legislation is sometimes used to target minority religious faiths. ECRI notes with concern that the law is interpreted to cover as extremist the teaching of the superiority of the doctrine of minority religions over that of other faiths. In particular, Jehovah’s Witnesses and Said Nursi followers have been punished with dissolution of their religious communities and banning of their publications which have been placed on the Federal List of Extremist Materials, as well as criminal prosecutions against their members. For example, in October 2011, six readers of Said Nursi were convicted in Nizhny Novgorod, three of whom received prison terms; a Jehovah’s Witness married couple were convicted in July 2012 in the Siberian city of Chita for distributing extremist materials and sentenced to 200 hours of labour. Attempts have been made to declare as extremist the Bhagavad-Gita As It Is, the holy book of Hare Krishna devotees, and have it banned by a court in Tomsk. In April 2011, a court banned the activities of the local Protestant Grace Church throughout the Khabarovsk region. Furthermore, ECRI notes that the peaceful practice of religious worship is regularly disrupted for these communities by police raids, confiscations of works and arrest and detention of worshipers.
142. In addition, ECRI notes that the 1997 Federal Law on Freedom of Conscience and Religious Associations is another tool which can be used against minority religious groups. It contains similar provisions to those in the anti-extremism legislation, notably Article 14 providing for the liquidation of a religious organisation and prohibition of the activity of a religious association based on a number of grounds, such as violation of the integrity of the Russian Federation or incitement of social, racial, national, or religious enmity. However, unlike in the anti-extremism legislation, there is no provision for issuing warnings which can result in the imposition of fines; forced dissolution and a ban on activities is the only sanction which courts can apply. The European Court of Human Rights pointed out in its judgement of 10 June 2010 in the case of *Jehovah’s Witnesses of Moscow v. Russia* that this constitutes a most severe form of interference and called for the introduction into domestic law of less radical alternative sanctions, such as a warning, a fine or a withdrawal of tax benefits.
143. Furthermore, ECRI notes that since the adoption of the Federal Law on Freedom of Conscience and Religious Associations, some non-traditional religions have been denied re-registration, including the Moscow Community of

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<sup>7</sup> Although this report covers the situation up to 6 December 2012, ECRI has subsequently been informed by the Russian Federation authorities that as of 20 February 2013, there were 30 206 religious organisations registered in the Russian territory.

Jehovah's Witnesses, the Salvation Army and the Church of Scientology. Cases brought before the European Court of Human Rights have consistently condemned Russia for breaching Article 11 (freedom of assembly and association) read in the light of Article 9 (freedom of thought, conscience and religion).<sup>8</sup>

144. ECRI notes with interest that the Office of the federal Ombudsman has a religious freedom department, which receives and responds to complaints. The office received 3 000 religious freedom complaints in 2009, five times more than in the previous year. The office estimated that approximately 75% of these represented genuine violations of religious freedom rights granted by law.
145. These matters are of great concern to ECRI since they provide evidence of religious intolerance on the part of the State. In its view, a revision of the Federal Law on Freedom of Conscience and Religious Associations, along the lines recommended by the European Court of Human Rights establishing less radical alternative sanctions, is necessary.
146. ECRI strongly recommends that the Russian Federation authorities revise Article 14 of the 1997 Federal Law on Freedom of Conscience and Religious Associations to provide for alternative, less severe sanctions.
147. ECRI recommends that the authorities revise their position and open the way for the re-registration of non-traditional religions, having regard to the principles and standards of the European Convention on Human Rights and the case law of the European Court of Human Rights.

## Non-nationals

### - Migrants

148. In its third report, ECRI strongly encouraged the Russian Federation authorities to take all necessary steps to facilitate the legalisation of the situation of non-nationals working illegally in the country and to take all necessary measures to protect foreign workers in an irregular situation from any forms of exploitation by employers and members of the police.
149. Laws and policies related to migration and employment for foreigners are complex and have changed frequently in recent years. Amendments to the 2002 Federal Law on the Legal Status of Foreigners have strengthened control over labour law observance and toughened employers' responsibilities for engaging illegal migrants; administrative fines of 800 000 rubles (close to 20 000 euros) per illegal employee can be imposed. New rules aiming at creating a more favourable regime to attract foreign employees to work in the Russian Federation have simplified the procedure for hiring certain categories of foreign workers (see below). At the same time, quotas have been established on work permits for other categories of migrants. These are currently set at regional level on the basis of applications from businesses each year.
150. Around 80% of migrants come from nine countries of the former Soviet Union with which the Russian Federation maintains a visa-free regime<sup>9</sup>. Nationals of these countries are entitled to enter the territory without obtaining a visa beforehand and can look for work once in the country. They are not subject to

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<sup>8</sup> *Jehovah's Witnesses of Moscow and Others v. Russia*, no. 302/02, 10 June 2010; *Moscow Branch of the Salvation Army v. Russia*, no. 72881/01, 5 October 2006; *Church of Scientology Moscow v. Russia*, no. 18147/02, 5 April 2007.

<sup>9</sup> These are Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Ukraine and Uzbekistan.

quotas on work for foreigners and employers are not required to ask for permission before hiring these migrants. However, nationals of these countries do need permits to work legally.

151. In principle, other migrants are required to obtain visas and work permits before entering the territory and are subject to quotas on foreign workers. Following recent amendments to the law, a more favourable visa regime has been introduced for highly qualified specialists from any country and they are not subject to quotas.
152. The large-scale job migration to the Russian Federation started in the mid 1990's. According to estimates, there are now some two to five million migrants in the country. Only 1.2 million are registered as having work permits, which means that several million foreigners are working illegally in the country. Many of these are Central Asians who are generally rural people having poor knowledge of the Russian language and culture and remain outside the legal environment of employment, housing and social welfare. Migrants are primarily engaged in low-wage sectors such as utility management and cleaning, but approximately 40% of migrants are employed in the highly unregulated construction sector.
153. ECRI notes one important regularisation initiative; licences have recently been introduced for individuals from visa-free countries to undertake domestic work in households "for the personal needs of Russian citizens". So far, according to information provided by the authorities, over one million people have acquired such licences, thereby regularising their legal status in the country. ECRI welcomes this positive development. However, it remains concerned that there are no arrangements for other categories of irregular migrants to become legalised.
154. According to the authorities, since 2007, the established quotas have never been exhausted. ECRI notes that this does not correspond with information received from NGOs, which criticise the system for not permitting a realistic assessment of the number of foreign workers needed, nor an adjustment of the quotas during the year. Additionally, ECRI has been informed, since quotas are generally reached by the fourth month and almost every migrant worker that comes to the Russian Federation in May or later of each year no longer has an opportunity to be legalised, the current system not only fails to eliminate irregular immigration, but actually encourages it. When migrants cannot obtain work legally, they often become the victims of crime and exploitation, including forced labour, illegal confinement in appalling living conditions, long working hours, low wages and other forms of maltreatment. They are often also pushed into crime for survival in the absence of any basic social rights.
155. Regular labour inspections are carried out by the authorities. However, according to many sources, the system does not work properly, allegedly because corruption is deeply embedded in official relations and bribes are paid as a matter of course. Moreover, ECRI notes that it is very expensive for employers to obtain work permits for foreign workers, which deters some employers. Thus it appears that violations of labour regulations and basic rights of migrants occur on a large scale. Irregular migrants are naturally reluctant to report abuses. ECRI is deeply concerned about reports describing the emergence of a massive underclass of migrant labourers, who have become one of the most vulnerable groups in the Russian Federation today.
156. ECRI considers that steps need to be taken urgently to address these problems. ECRI understands that both the Government and businesses are interested in attracting a foreign workforce to resolve the labour shortage. In



addition, migration is considered as a way to improve the demographic situation, as the Russian population is decreasing. Thus the need for low paid migrants is generally recognised. However, it must create an environment where workers who enter the country are treated with dignity and respect. The quota system should be reviewed and improved. New mechanisms for simplifying the legalisation of irregular migrants in all categories and in all sectors should be explored, as has successfully been done in the domestic work market for nationals of visa-free countries. Furthermore, more resolute action against breaches of labour regulations on the part of employers should be taken, along with measures to address corruption in this field. Moreover, by taking steps to overcome illegal migration and the criminality it breeds, ECRI is convinced that some of the problems of racist violence and racial discrimination against Central Asians and non-Slavs, which have been highlighted in other parts of this report, might be reduced or resolved.

157. ECRI strongly recommends that the authorities review the quota system with a view, in particular, to increasing quotas and reducing the costs for employers of obtaining work permits for foreign workers. They should also explore new mechanisms for the legalisation of irregular migrants in all categories and in all sectors of work. Finally, they should take more resolute action against breaches of labour regulations on the part of employers, along with measures to address corruption in this field.
158. ECRI also recommends that the authorities establish a functional mechanism whereby migrants in an irregular situation are able to report labour abuses by employers.
159. Furthermore, ECRI suggests that the authorities should consider experimenting with additional tools, such as those in the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families<sup>10</sup>; by extending the enjoyment of certain social rights to all non-nationals and by giving them a real possibility to exercise other such rights they might already have under national law, the authorities would remove the “competitive advantage” of employing persons in an illegal situation. At the same time they would ensure non-discrimination and tolerance in society.
160. Various interlocutors have suggested that the creation of a special ombudsman for migrants could be a good idea. At present, it appears that there is no official body with an interest in assisting this section of the population and nowhere for migrants to turn for support or to report exploitation or abuse. ECRI invites the authorities to consider this possibility.
161. ECRI encourages the authorities to consider creating a special ombudsman, or a department within the existing structure of the Ombudsman institution, to deal specifically with the problems faced by labour migrants. Inspiration should be taken from ECRI’s General Policy Recommendations No. 2 and 7.
162. In its third report, ECRI considered that the authorities should speed up and strengthen their efforts in order to adopt a general immigration and integration policy covering the whole territory of the Russian Federation.
163. ECRI has learned from the authorities that a State migration policy for the period until 2025 has been discussed and developed in broad consultation with academics and civil society organisations. The document was submitted to the Government for approval in April 2012. According to information currently available, the strategy focuses on the organisation of labour migration, including

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<sup>10</sup> A recommendation has been addressed concerning the ratification of this Convention earlier on in the report.

the development of mechanisms to determine the economy's needs in terms of foreign workforce, as well as migration for educational purposes. ECRI welcomes this development and encourages the authorities to ensure that any migration policy adopted includes integration measures.

164. ECRI encourages the authorities to pursue the adoption of a State migration policy which includes integration measures such as language teaching, advice and assistance in receiving social and welfare benefits, training and other measures to facilitate integration into the employment market, and relevant training for officials dealing with immigrants.

165. In its third report, ECRI strongly recommended that the Russian Federation authorities take all appropriate measures to combat any racist violence or hate speech and any prejudices or stereotypes concerning non-nationals, particularly those who have come to work in the Russian Federation.

166. As noted elsewhere in this report, labour migrants, particularly those from Central Asian countries and those of "non-Slav appearance" are particularly vulnerable to racist violence, racial prejudice and widespread discrimination. Locals frequently object to their culture, traditions and religion. Strong feelings are often expressed about controlling migration and restricting it to only highly qualified foreigners. Despite the labour shortage and the economic necessity for the Russian Federation of attracting migrants, some media have tended to depict migrants as taking jobs away from Russians.

167. ECRI notes that the high levels of xenophobia against migrant workers make them especially vulnerable following political conflicts in the region. For example, in November 2011, when a Tajik court sentenced a Russian pilot to a lengthy prison sentence, reprisals were swift against ethnic Tajik migrants. Immigration agents rounded up at least 300 ethnic Tajiks for arrest and deportation. Independent human rights workers believed that hundreds more might have been detained. Migration authorities stated that all those detained were working illegally. ECRI deeply regrets such action on the part of the authorities, which only serves to legitimise xenophobia and discrimination against all migrants on the part of the public. ECRI urges the authorities to refrain from selective retaliatory action against migrant populations in future.

168. ECRI considers that the authorities should take steps to educate the public on the need for migrants in the Russian economy. They should promote a positive image of migrants in the workplace and raise awareness of the importance of respecting their rights and treating them with dignity.

169. ECRI strongly recommends that the authorities organise an awareness raising campaign for the public on the importance for the country of the Russian Federation's migrant work force, to promote a positive image of migrants and to stress the necessity of respecting their rights and treating them with dignity.

- *Refugees and asylum seekers*

170. In its third report, ECRI recommended that the Russian Federation authorities take steps as soon as possible to: resolve the problems encountered by refugees and asylum seekers due to the precariousness of their status, notably by providing them with a document indicating their legal status in the Russian Federation and allowing them to access the basic human rights granted to them by law; examine the need to change legislation and practice pertaining to asylum seekers and refugees in order to improve their situation; and take all appropriate measures to combat any prejudices or negative stereotypes concerning asylum seekers and refugees by strengthening awareness raising and human rights training for officials coming into contact with them.

171. The Russian Federation currently hosts an estimated 5 000 refugees and receives two to four thousand applications for international protection each year. According to figures provided by the Federal Migration Service, from 2007 until 2012, 13 000 applications for asylum were received from nationals of 18 countries, although the vast majority were from Afghanistan and Georgia. Of these, 963 were recognised as refugees, which represents a recognition rate of 7%. 5 320 received temporary asylum, which is granted to foreign nationals who are denied refugee status and cannot be deported for humanitarian reasons or on medical grounds. This represents a 41% recognition rate. The UNHCR has expressed concern about the increasing use of complementary forms of protection instead of recognising refugee status according to the 1951 Convention.
172. As regards asylum seekers, ECRI regrets that little has changed since its third report. Although, according to the Federal Migration Service Administrative Regulation on Refugees, asylum seekers should be provided with a certificate during the admissibility phase, this is not always the case in practice. Without a document indicating their legal status in the country, they are extremely vulnerable; they have no access to legal employment, healthcare or social benefits and are subject to harassment by the police.
173. ECRI reiterates its recommendation for asylum seekers, in all cases, to be provided with a document indicating their legal status in the country and allowing them to access the basic rights granted to them by law.
174. On the other hand, those who are recognised as refugees receive a refugee ID card, healthcare on the same basis as Russian citizens and the possibility of applying for citizenship within one year. Those granted temporary asylum obtain this status for one year, receive only emergency medical treatment free of charge and have a limited possibility of acquiring citizenship. In both categories, access to the domestic labour market is guaranteed.
175. As for reception facilities, ECRI notes some positive developments. A third reception centre has recently been opened near Moscow with a capacity of 350 persons. Following disturbing reports of extremely poor living conditions at the centre in Ochyor (Perm region), as well as a regime of neglect, mistreatment and racism, it appears that the facility has been significantly improved.
176. As for the need to change legislation, ECRI welcomes the steps taken to prepare a third revision of the Federal Law on Refugees of 1993, as amended in 1997. It notes that the UNHCR is working closely with the Federal Migration Service to ensure consistency of the new legislation with international standards.
177. ECRI recommends that the authorities continue to work closely with the UNHCR and relevant NGOs on the drafting of the new legislation on asylum and refugee issues and to ensure that it is fully in line with international standards.
178. ECRI has been informed that the judiciary does not receive any special training in asylum issues. Consequently, through lack of expertise, at the appeal stage, judges often simply reiterate the decision of the Federal Migration Service at first instance. Therefore, although there is in theory an independent and impartial judicial mechanism empowered to consider the merits of the asylum application, in practice it is not effective.
179. ECRI recommends that the authorities provide specific training for judges on international and national refugee legislation and its practical application.

180. Regarding training of Federal Migration Service personnel, ECRI notes that the UNHCR provides regular training two to three times per year to the heads of territorial branches and caseworkers from different regions of the Russian Federation, where it provides detailed information about international and national norms of treatment of asylum seekers and refugees. In addition, ECRI notes that the Federal Migration Service and the Ombudsman structures have collaborated with the UNHCR to raise public awareness about the rights of asylum seekers, refugees and stateless persons.

## VI. Antisemitism

181. In its third report, ECRI strongly recommended that the Russian Federation authorities monitor very closely all instances of antisemitism and strengthen their efforts to punish the perpetrators of antisemitic offences.
182. According to the 2010 census, there are 156 000 Jews in the Russian Federation. However, Jewish leaders estimate that the Jewish population is around one million, with approximately 300 000 persons actively participating in the life of the community. According to representatives of this community, the situation for Jews is markedly better now than in previous times. There is not only understanding and recognition on the part of the State of issues of concern to Jews but also strong support. For example, the Jewish Museum and Tolerance Centre, funded by the Government as well as by international donors, was opened to the public in November 2012. Moreover, ECRI is pleased to learn that relations between the leaders of the Jewish, Muslim and Orthodox Christian faiths are good.
183. ECRI notes that part of the improvement can be attributed to the efforts of the authorities to fight antisemitism, by firm public reactions to any of its manifestations and by following through with arrests, prosecutions and convictions for antisemitic offences. Consequently, attacks against people are very rare and most forms of antisemitism involve verbal abuse or acts of vandalism. A few dozen such incidents occur each year. They often involve the drawing of swastikas on synagogues or in Jewish cemeteries (see also *Racist Violence*). ECRI notes that Jews do not seem to be the main focus of nationalistic groups and skinheads.
184. Despite this very positive situation in general, ECRI notes that there are certain grievances for Jews in the Russian Federation today. Firstly, they have expressed concern that books such as “The Protocols of the Elders of Zion” are still being printed and sold to the public. Any attempts to have such literature declared extremist and banned or stop their dissemination have failed.
185. Secondly, concern has been raised over the removal by the Rostov-on-Don authorities, in November 2011, of a memorial plaque to the victims of fascism at the Zmievsкая Ravine. In July 1942, genocide was committed against Jews at this location and it is considered one of the most important events of the Holocaust on the territory of the Russian Federation. The plaque was replaced with another one that does not mention Jews among the victims but identifies all those buried beneath the monument simply as “the peaceful citizens of many nationalities, fallen victims of fascism”. The authorities claim that, according to historical documents, the place was the site of mass murder of 27 000 Soviet citizens, of whom only around 13 000 were Jews; therefore the new plaque describes the true situation. The Jewish community has reacted with outrage and fear that it could set a precedent for a new trend in reviewing attitudes to events during the Second World War. ECRI regrets that, in matters of such great sensitivity, the relevant authorities did not engage in dialogue with the

communities concerned in order to find a solution acceptable to everyone involved prior to taking action.

186. ECRI recalls that the European Court of Human Rights has held that disputing the existence of crimes against humanity committed under the National-Socialist regime was one of the most severe forms of racial defamation and of incitement to hatred of Jews<sup>11</sup>. Moreover, in ECRI's view, special attention must be given to paying homage to the memory of the victims of the systematic persecution and extermination of Jews in the Shoah, due to its historical uniqueness.
187. ECRI recommends that the authorities continue their active engagement against antisemitism and support of Jewish culture and encourages them to undertake full and open consultation with the Jewish community in all issues of concern to them. ECRI also recommends that the Russian Federation authorities give special attention to paying homage to the memory of the victims of the systematic persecution and extermination of Jews in the Shoah. It draws attention to its General Policy Recommendation No. 9 on the fight against antisemitism which provides detailed guidance on how to combat this specific form of racism.

## VII. Conduct of Law Enforcement Officials

188. In its third report, ECRI addressed a large number of recommendations to the Russian Federation authorities relating to the conduct of law enforcement officials, including the following: take additional measures to end instances of police misbehaviour, including discriminatory and racist acts and the ill-treatment of members of vulnerable groups; provide law enforcement officials with all the necessary resources in order to work in satisfactory conditions and with absolute respect for the rights of the persons they deal with; increase efforts to provide training in human rights and to raise awareness about problems of racism and racial discrimination; establish an independent investigatory body, competent to conduct investigations into allegations of police misbehaviour; look into allegations concerning the use of evidence fabricated by the police in cases against members of visible minorities; monitor closely the activities of all Cossack units throughout the country in order to ensure that there are no racist elements working in such units and that they do not commit any racist acts; ensure that private security forces who are given the same powers as the police are under the same control and strict obligations as any police officer and that they follow the same awareness raising training on human rights and on the need to fight racism and racial discrimination.
189. ECRI notes with concern that, according to numerous reports, corruption is widespread throughout the Russian Federation in all areas and at all levels, and particularly so in the police. Numerous cases have been documented on police extorting bribes from persons belonging to vulnerable groups, including migrants, North Caucasians, Roma and people of African origin. Other abuses regularly committed by the police include disproportionately frequent identity checks, arrests, detentions and harassment of the same target groups, as well as verbal humiliation and physical brutality. According to research, Central Asians are 22 times more likely than others to be stopped and searched by police.
190. ECRI considers that urgent steps should be taken to address these questions and ensure that all allegations of police misconduct and ill-treatment of

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<sup>11</sup> See *Garaudy v. France*, no. 65831/01, admissibility decision, 24 June 2003 and *Lehideux and Isorni v. France*, no. 24662/94, 23 September 1998.

members of vulnerable groups are thoroughly investigated and the perpetrators brought to justice. Moreover, the authorities should ensure that racial profiling is clearly defined and prohibited by law and that police are trained in the reasonable suspicion standard. ECRI considers that racial profiling violates human rights, reinforces prejudice and stereotypes and legitimises racism and racial discrimination among the general population. It recalls its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, which provides guidance on preventing racial discrimination and racially-motivated misconduct by the police and on prohibiting racial profiling.

191. ECRI urges the Russian Federation authorities to ensure that all allegations of police misconduct and ill-treatment of members of vulnerable groups are thoroughly investigated and the perpetrators brought to justice.
192. ECRI recommends that the authorities clearly define and prohibit racial profiling by law and train police in the reasonable suspicion standard, as explained in ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing.
193. The police is the central law enforcement body in the Russian Federation, operating under the Ministry of Interior. According to the Ministry's website, its officials committed 125 000 offenses in 2010 (21% more than in 2009). Of these, an estimated 63 000 involved misconduct or disciplinary violations, and 4 171 criminal cases against police officers were initiated.
194. A number of high-profile scandals involving Interior Ministry officers in recent years, including cases of atrocities committed by police officials, as well as anger over the widespread corruption of law enforcement officials, caused a public outcry for police reform. In response, the Government submitted a bill to the Parliament for a major overhaul of police ranks, an introduction of tougher punishments for police found guilty of crimes and establishing anti-corruption measures. New federal laws on the Federal Security Service (FSB) and the police were passed in 2010 and 2011 respectively.
195. As part of the police reform, each member of the police should undergo a performance review. This is aimed at removing corrupt and incompetent officers. Other announced measures include the reform of the police training and education system, which should include training in human rights issues. ECRI considers that police training should also cover issues related to racism and racial discrimination and the applicable legislation. It has made a recommendation to this effect in § 53.
196. ECRI notes that the Investigating Committee, established in September 2007 and initially placed under the Prosecutor's Office, became independent in January 2011 and now reports directly to the President. It is a federal agency, with regional departments, which has powers of investigation into serious crime, violent crime and corruption. ECRI was informed that specialised units for investigating allegations against police for involvement in serious crime will be set up. A 24-hour telephone hotline and an Internet site for lodging complaints have also been set up. ECRI welcomes the creation of this body although it remains to be seen whether allegations of police misbehaviour involving acts of racism or racial discrimination will be covered. Moreover, according to ECRI's General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, the body entrusted with the investigation of alleged cases of racially motivated misconduct by the police should be able to deal with a wider range of complaints - not only those concerning criminal offences.

197. ECRI encourages the authorities to ensure that there is a body competent to investigate all complaints against the police involving allegations of racial discrimination, as this concept is understood in ECRI's General Policy Recommendation No. 7.
198. ECRI notes that, according to Interior Ministry estimates, the number of criminal offences committed by police has decreased considerably (by 37%) as a result of the "purge" of the ministry. Nevertheless, police crime rates remain high. According to figures released in September 2011 by the Investigating Committee, police officers committed 67 criminal offences between 21 August and 1 September 2011. ECRI has no information as to how many of these involved racism or racial discrimination. Nevertheless, despite the significant efforts made to reform the police, ECRI considers that a great deal more needs to be done to instil trust in the police.
199. ECRI urges the authorities to continue their efforts to reform the police and crack down on corruption and crime committed by them, in particular against vulnerable groups as this concept is understood in this report.
200. According to the 1996 Federal Law on Non-profit Organisations, Russian Cossacks have the status of a non-profit organisation. In 2005, the Federal Law on the State Service of the Russian Cossacks was enacted; this sets out that Cossacks perform policing duties on the basis of contracts or in accordance with the Federal Law on General Principles of the Organisation of Local Self-government in the Russian Federation of 2003, which gives municipal entities the right to "create conditions for the work of groups of volunteers to protect public order". ECRI has heard about some cases of harassment by Cossacks of vulnerable groups, in particular Meskhetian Turks in Krasnodar Krai. It encourages the authorities to look into these allegations seriously and take action against any abuses where necessary.

### **VIII. Education and Awareness Raising**

201. In its third report, ECRI recommended that the Russian Federation authorities reconsider their decision to close down the nation-wide Programme on Tolerance and Prevention of Extremism in Russian Society.
202. Multiculturalism and a peaceful society based on tolerance constituted the fundamental aims of this programme, which is described in detail in ECRI's third report. All regions of the Russian Federation were required to develop and implement "tolerance programmes". According to the authorities, 52 constituent entities have adopted and are implementing programmes aimed at raising tolerance in inter-ethnic and inter-confessional relations and preventing radicalisation, above all among the youth. ECRI notes that the city of Saint Petersburg is considered a pioneer in this field; a total of over 10 000 events have been carried out at city level or in individual city districts. These included round tables as well as an "ethno-calendar" and a festival of "ethno-fashion", exhibitions of national costumes and cultural events for school pupils.
203. However, ECRI understands that in many regions the programme stopped in 2008. According to several sources, the programme was a useful tool in raising awareness of the diversity of Russian society and helped to strengthen inter-ethnic intercultural interaction. In ECRI's view it merits to be reinstated across the country.

204. ECRI strongly recommends that the authorities restore the programme on tolerance in Russian society across the country. It could include, for example, regional and national campaigns, youth summer camps to promote personal contacts and other awareness raising actions.
205. In its third report, ECRI encouraged the Russian Federation authorities to ensure that the issues of mutual respect, racism and racial discrimination are properly covered in school curricula and in teacher training courses on human rights. It also recommended that the authorities supervise the quality of school textbooks, which must not contain any derogatory or insulting references to any vulnerable group whatsoever. ECRI also encouraged the Russian Federation authorities to revise school curricula and textbooks, including history books, in order to heighten pupils' awareness of the advantages of a multicultural society.
206. ECRI notes with concern that, according to a survey carried out in August 2011, one quarter of high school students support ultranationalist and fascist views. Therefore, ECRI welcomes the growing attention paid by the Russian Federation's leaders to the problem of racism and the importance of educating citizens, and especially schoolchildren, on inter-ethnic tolerance and understanding. The President stressed on numerous occasions that the primary tool to foster inter-ethnic respect is by creating a positive attitude to others in schools and universities. He has also underlined the need to review the contents of textbooks and teaching methods, in order to introduce new practices designed to cultivate a spirit of tolerance and mutual respect.
207. ECRI notes that, according to information provided by the authorities, the Ministry of Regional Development supported the publication of two editions of the fundamental illustrated Atlas of Cultures and Religions of the Peoples of Russia, as well as the wall map "Religions of the Russian Federation", the study guide for university students "Tolerance and Culture of Inter-ethnic Communication". Guidelines are also being developed on combating ethnic and religious extremism among youth.
208. ECRI recommends that the authorities strengthen their efforts to eradicate racism and intolerance by action addressed to children at school and young people. Inspiration should be drawn from ECRI's General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education.

## **IX. Monitoring Racism and Racial Discrimination**

209. In its third report, ECRI strongly encouraged the Russian Federation authorities to consider ways of establishing a coherent and comprehensive data collection system in order to assess the situation of the various vulnerable groups living in the Russian Federation and the scale of manifestations of racism and racial discrimination.
210. ECRI regrets that no positive developments have occurred in this respect. The Russian Federation authorities have stated that they do not collect comparative statistical data on an ethnic basis in order to prevent any discrimination on the basis of ethnicity. ECRI is aware that the issue of ethnic data collection is a sensitive matter in the Russian Federation. It is important, therefore, that people are reassured that the collection of equality data in general need not present a threat for human rights if the principles of anonymity, informed consent and voluntary self-identification are respected. They should also be informed that



the data collected will contribute to effective policy development and implementation in different fields of life.

211. Having said this, ECRI is pleased to note that the census conducted in the Russian Federation in October 2010 contained an optional question on ethnic origin.

212. ECRI recommends again that the authorities establish a monitoring system to enable the collection of relevant information broken down according to categories such as national/ethnic origin, language, religion and citizenship in different areas of policy, and to ensure that this is done in all cases with due respect for the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group.



## INTERIM FOLLOW-UP RECOMMENDATIONS

The three specific recommendations for which ECRI requests priority implementation from the authorities of the Russian Federation are the following:

- ECRI urges the Russian Federation authorities to find ways to identify those Russian nationals, non-nationals and stateless persons who face obstacles in the residence registration procedure and facilitate their registration, so that they are not denied access to their rights.
- ECRI strongly recommends that the Russian Federation authorities revise the definition of extremism in the Federal Law on Combating Extremist Activity to ensure that it only applies to serious cases where hatred or violence are involved. The law should also specify clearly the criteria to be met when declaring any material extremist.
- ECRI strongly recommends that the authorities restore the programme on tolerance in Russian society across the country. It could include, for example, regional and national campaigns, youth summer camps to promote personal contacts and other awareness raising actions.

A process of interim follow-up for these three recommendations will be conducted by ECRI no later than two years following the publication of this report.



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