

CITIZENS' WATCH

NON-GOVERNMENTAL HUMAN RIGHTS ORGANIZATION, ST. PETERSBURG

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To: the UN Committee on the Elimination
of Racial Discrimination

20.06.2017

Dear Ms. Anastasia Crickley,

In the attachment to this letter you will find submission to the UN Committee on the Elimination of Racial Discrimination for the 93rd session (31 July – 25 August 2017) of the NGO Citizens' Watch, based in Saint-Petersburg, Russia.



Elena Shakhova

Chair of the Citizens' Watch

SUBMISSION TO THE UNITED NATIONS COMMITTEE ON THE
ELIMINATION OF RACIAL DISCRIMINATION
93rd session of CERD, Geneva 31 July to 25 August 2017

Follow-up Information on the Concluding observations on the twentieth to the twenty-second periodic reports of the Russian Federation, adopted by the Committee on the Elimination of Racial Discrimination (CERD) at its eighty-second session (11 February–1 March 2013)

and the twenty-third to twenty-fourth periodic reports of Russia received 27 May 2016

Prepared by the Human Rights NGO Citizens' Watch
June 2017

Information about the organization

- CW is one of the oldest human rights organizations, which was founded in 1992 and works in St. Petersburg and the Northwest Federal District of Russia.

Citizens Watch focuses its efforts in the following spheres:

- Combating racism and related intolerance;
- Formation of independent court, ensuring transparency of judicial proceedings and access to justice;
- Professional training for defence lawyers in litigation skills.

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The Shadow Report will assess the report to the CERD submitted by Russia under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, CERD/C/RUS/23-24 (Report of Russia, 2016)

by way of commenting the implementation of Russia of the Convention of the following concerns and recommendations of the Concluding observations on the twentieth to the twenty-second periodic reports of the Russian Federation, adopted by the Committee at its eighty-second session (11 February–1 March 2013):

1. Paragraph 8 Disaggregated data;
2. Paragraph 9 (d) Court cases on racial discrimination;
3. Paragraph 11 (a, b, c, d) Racially-motivated crimes;
4. Paragraph 13 Laws on Combating Extremism and on "Foreign Agents";
5. Paragraph 1 (b) Discriminatory treatment of ethnic minorities by law enforcement officials and "Cossack patrols".

Concern: Disaggregated data

Paragraph 8 "The Committee regrets the absence in the State party's periodic report of disaggregated data on the enjoyment of the rights protected under the Convention by ethnic minorities and non-

citizens, despite the explicit request made in its previous concluding observations (CERD/C/RUS/CO/19, para. 10) (arts. 1 and 5)".

| NGO Assessment of the Report of Russia, 2016 on the Recommendations made by the Committee | |
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| Recommendation by the Committee | The Committee reiterates its previous recommendation (CERD/C/RUS/CO/19, para. 10) to establish a mechanism for systematic data collection, based on the principle of self-identification, to assess the socio-economic status of different ethnic groups in the State party, including in areas such as education, employment and housing. Such a mechanism is indispensable in devising and implementing special measures to address any inequalities in the enjoyment of rights, as well as in evaluating the effectiveness of various anti-discrimination measures adopted by the State party, as outlined in the revised reporting guidelines (CERD/C/2007/1, para. 11). It also recommends that such data be disaggregated by gender, given that gender-issues may intersect with racial discrimination (general recommendation No. 25 (2000)). |
| Actions taken by the State party | No measures taken. |
| Current situation / Update of the Issue | <p>There is no mechanism for systemic collection of statistical data. Russia undertakes unsystematic endeavors to collect statistics, not intended to comply with the Committee's recommendation. In particular, in March 2016, the All-Russian Public Opinion Research Center (VCIOM) presented results of a sociological survey of the Russians' attitude to labor migrants working in Russia¹. The survey showed that while the Russians generally have a positive opinion about foreign nationals engaged in unskilled labor (housing, construction), they disapprove of other nationalities' engagement in other sectors (state government and local self-administration authorities).</p> <p>In paragraph 138 of Russia's 2016 Report, there is information on a sociological research of the Roma people that was done in 2015 on order of the Federal Agency for the Affairs of Nationalities (FADN). The research itself has never been published, and only the results are available². The Head of FADN Igor Barinov said that the education of the Roma must be improved (ibid).</p> |
| Impact of the Action of the State party (if any) | No information. |
| Other Comments | We recommend obliging Russia to present a plan for establishing a mechanism for systemic collection of statistical data with consideration of the opinion of NGOs representing the Roma and other ethnic groups in Russia, and to inform the society and the Committee about the |

¹ Migrants on the Russian labor market: pro and contra (in Russian). URL.: <https://wciom.ru/index.php?id=236&uid=115643> (last visited 19.05.2017).

² Results of the research entitled "Social, economic, ethnic, cultural, and legal problems of the Roma in Russia" (in Russian), 7.04.2016. URL.: <http://fadn.gov.ru/news/2016/04/07/2733-itogi-issledovaniya-sotsialno-ekonomicheskie-etnokulturnye-i-pravovye-problemy-tsygan-v-rossii> (last visited 19.05.2017).

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| | implementation of this plan. We recommend asking Russia what action has been taken to improve the education of the Roma. |
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| NGO Grades for the Report of Russia, 2016 on paragraph 8: | A: Action largely satisfactory; B1: Substantive action taken, but further action desirable; B2: Initial steps taken, but substantial action required C1: Some actions taken, but recommendations are not really implemented; C2: No action taken; E: measures taken are contrary to the recommendations | C2. |
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Concern: Court cases on racial discrimination

Paragraph 9 “While noting the information provided by the State party that statistics on the number of civil and administrative court proceedings involving complaints of racial discrimination are not kept because such acts are uncommon in the Russian Federation (CERD/C/RUS/CO/19, para. 28), the Committee reiterates its concern regarding the absence of information on such acts of racial discrimination, particularly in the light of reports that it has received to the contrary. The Committee also regrets the lack of information on cases illustrating direct and indirect application of the Convention by judicial and administrative bodies, as well as on legal redress provided to victims of racial discrimination (arts. 2 and 6)”

| NGO Assessment of the Report of Russia on the Recommendations made by the Committee | |
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| Recommendation by the Committee | The Committee requests that the State party provide in its next periodic report, also taking into account the Committee’s general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system: (d) Illustrative examples of the application of the Convention in criminal and civil courts and administrative procedures. |
| Actions taken by the State party | The requested information is not provided in Russia’s 2016 Report. |
| Current situation / Update of the Issue | We have not found any cases where the Convention would be applied in court practice or in official court statistics. The police and prosecutors collect no statistics on cases of race discrimination and race hate crimes. In view of paragraph 1.1 (b), clause A, section I, “General steps” of the recommendation XXXI (2005), one can note that article 136 of the Criminal Code of Russia contains a definition of discrimination (which differs significantly from the definition in the Convention in the part that under article 136 of the Criminal Code of Russia, discrimination can only be exercised “with use of power”, i.e. by an official) including race discrimination and criminalizes it. However, this article is hardly ever applied; in 2014-2016 there was no such legal practice whatsoever ³ . |

³ Statistics on convictions for 2016, form No. 10-a “Report on the Number of Persons Convicted for all Crimes of the Criminal Code of the Russian Federation” (in Russian). URL.: <http://www.cdep.ru/index.php?id=79&item=3834> (last visited 19.05.2017); Statistics on convictions for 2015 (in Russian). URL.: <http://www.cdep.ru/index.php?id=79&item=3418> (last visited 19.05.2017) and Statistics on convictions for 2014 (in Russian). URL.: <http://www.cdep.ru/index.php?id=79&item=2883> (last visited 19.05.2017).

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| | <p>According to Art. 6 of the Convention on the Elimination of All Forms of Racial Discrimination, Russia has <i>inter alia</i> undertaken to ensure effective protection <i>via</i> national courts. Foreign nationals and stateless persons are not entitled to free legal aid even in criminal cases. Victims are not entitled to free legal aid either (including cases of race hate crime), which makes it difficult for them to have access to justice that is already restricted as law enforcement authorities are reluctant to investigate cases with consideration of the motive of national hatred or hostility.</p> <p>In addition, one of the guarantees of the right to a fair trial is the right to participate in court hearings in criminal and administrative proceedings in an understandable language, which implies the right to an interpreter. Monitoring of court hearings has shown that this right is not always respected. In particular, in the case of Arakelyan and Tadevosyan No. 1-116/2016, which was heard by the Pushkin District Court of St. Petersburg, the motion of one of the defendants about an interpreter was denied despite clear signs that this defendant had poor command of Russian⁴. Further, at the appeal hearing of S.K. Satymbayev against the decision on imprisonment as a measure of restraint at the St. Petersburg City Court, there was an interpreter present but the judge made remarks that demonstrated a biased attitude to the suspect: “This is nonsense, why do you need an interpreter if you are a Russian citizen, didn’t you pass an exam so you know the language? Or did you get your citizenship somehow differently?.. We only need interpreters for the people of Dagestan”⁵.</p> |
| Impact of the Action of the State party (if any) | No information. |
| Other Comments | To recommend Russia to take action to promote the application of the Convention in law enforcement practice; e.g., the Plenum of the Supreme Court of Russia may issue a resolution explaining the procedure for the Convention application to the lower courts. In the Russian judicial system, such official guidance would be an effective tool for promoting the application of the Convention. |

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| NGO Grades for the Report of Russia, 2016 on paragraph 9 (d): | A: Action largely satisfactory; B1: Substantive action taken, but further action desirable; B2: Initial steps taken, but substantial action required C1: Some actions taken, but recommendations are not really implemented; C2: No action taken; E: measures taken are contrary to the recommendations | C2 |
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Concern: **Racially-motivated crimes**

⁴ Report of Citizens’ Watch. Court monitoring on race hate crime cases. P. 34-35 (in Russian) (hereinafter referred to as the Court Monitoring Report), 2016. URL.: <http://www.youblisher.com/p/1817641-Racial-crimes-trials-monitoring/>.

⁵ Report of CW volunteer observers on the monitoring of the trial of the case of S.K. Satymbayev (in Russian). URL.: <https://www.facebook.com/citizenswatchspb/posts/1455478804542070:0/> (last visited 30.05.2017).

Paragraph 11. While noting the efforts made by the State party to combat extremist organizations and the reported decline in manifestations of extremism in 2011, the Committee is nevertheless deeply concerned that:

(a) Instances of racially-motivated violence and murders have reportedly risen in 2012, particularly among young people, targeting persons originating from Central Asia, the Caucuses, Asia and Africa, as well as Roma and ethnic minorities of Muslim or Jewish faith;

(b) Racist and xenophobic acts, including instigation of street fights and beatings, by inter alia neo-Nazi groups and fans of football teams against members of ethnic minorities have become more frequent in 2011 and 2012, often leading to deaths or injuries of members of ethnic minorities;

(c) Such racist and xenophobic acts are not sufficiently condemned by the authorities;

(d) Courts often tend to give suspended sentences in cases of racially-motivated offences, despite the amendment of the Criminal Code in 2007 to ensure that the motive of ethnic, racial or religious hatred or enmity is considered as an aggravating circumstance;

(e) The federal list of banned extremist materials and of extremist organizations, despite recent updates, continues to contain inconsistent and outdated information (art. 4).

| NGO Assessment of the Report of Russia on the Recommendations made by the Committee | |
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| Recommendation by the Committee | The Committee recommends that the State party: (a) Systematically, firmly and unequivocally condemn all acts of intolerance, racism and xenophobia. |
| Actions taken by the State party | No information. |
| Current situation / Update of the Issue | The Russian authorities regard neither discrimination based on race, nationality, and ethnicity nor the xenophobia that is widespread in the society as problems, nor do they set targets for combating them; one can see it in the federal and regional strategies and programs affecting the area of interethnic relations ⁶ . Such strategies and programs can be divided into two types, namely, the ones aimed at harmonizing interethnic relations and the ones aimed at fighting extremism. The first type includes steps for popularizing national cultures as well as the Russian Orthodox Church and ‘traditional’ religions ⁷ . The implementation of the second type takes the form of criminal prosecution for |

⁶ Report on the activity of state authorities on the federal and regional level in the area of combating hate crime, Citizens’ Watch (Citizens’ Watch Report on the Activity of State Authorities). URL.: <http://www.youblisher.com/p/1773877-Government-agencies/> (last visited 19.05.2017).

⁷ Ibid.

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| | <p>hate speech on the Internet, which often takes place with numerous violations of the law⁸.</p> <p>Contrary to the official line⁹, the authorities seldom condemn manifestations of intolerance and xenophobia. E.g., on 11.04.2017, the head of the National Antiterrorist Committee Alexander Bortnikov said that labor migrants from the CIS countries are “the main backbone of terrorist groups”¹⁰. A statement made by such a high official who is authorized to fight terrorism can be regarded as the official attitude of the government, and it raises questions about the impartiality of law enforcement officers to Russian citizens, foreign nationals, and stateless persons.</p> <p>Furthermore, on 23.01.2017, the Deputy Chairman of the State Duma of Russia Peter Tolstoy, who heads the Russian delegation to the Parliamentary Assembly of the Organization for Security and Cooperation in Europe, made a public anti-Semitic remark (the one about people who “jumped out of the pale of settlement”) and none of the government representatives including law enforcement agencies reacted in any way to this statement¹¹.</p> <p>On 22.03.2015, an “International Russian Conservative Congress” was held in St. Petersburg and attended by about 400 representatives of nationalist movements and parties from Europe and America. The Congress schedule announced the participation of high Russian officials including the Deputy Prime Minister of Russia Dmitry Rogozin and State Duma Deputy from the United Russia party Yevgeny Zhuravlev, but they did not show up at the event¹². There was no condemning official reaction to this congress.</p> <p>In March 2014, a member of the Legislative Assembly of St. Petersburg (now a deputy of the State Duma of Russia) Vitaly Milonov made hate statements against the Crimean Tatars in an interview. CW sent a request to the Legislative Assembly of St. Petersburg and the Prosecutor's Office asking to pay attention to the situation and held the deputy responsible for inciting ethnic hatred¹³. The reply of the Legislative Assembly was written by Milonov himself who did not find any violation of Parliamentary ethics in his own speech; the office of the Prosecutor did not find any violation either¹⁴.</p> <p>Furthermore, the media often use improper words and phrases that show national prejudices and stereotypes¹⁵. In April 2016, CW appealed to the Public Board for Complaints Against the Press (the self-regulatory body of journalists) referring <i>inter alia</i> to Art. 4 of the International Convention on the Elimination of All Forms of Racial discrimination with a complaint about a film entitled “The</p> |
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⁸ Illegitimate use of anti-extremist law in 2016, Sova Information and Analytical Center, 23.03.2017, URL.: <http://www.sova-center.ru/misuse/publications/2017/03/d36651/> (last visited 19.05.2017).

⁹ See clause 19 of Russia's 2016 report.

¹⁰ The National Antiterrorist Committee has called labor migrants from the CIS the backbone of terrorist groups. Interfax news, 11.04.2017 (in Russian). URL.: <http://www.interfax.ru/russia/557889> (last visited 19.05.2017).

¹¹ The words of Peter Tolstoy about the ones who “jumped out of the pale of settlement” appalled the Federation of Jewish Communities of Russia. Interfax news, 24.01.2017 (in Russian). URL.: <http://www.interfax.ru/russia/546727> (last visited 19.05.2017).

¹² Who organized the Nationalists Congress in St. Petersburg. Novaya Gazeta. 26.03.2015. URL.: <https://www.novayagazeta.ru/articles/2015/03/26/63523-kto-organizoval-kongress-natsionalistov-v-peterburge> (last visited 25.05.2017).

¹³ Letter No. 60-04/14 dated 09.04.2014; Letter No. 56-04/14 dated 02.04.2014.

¹⁴ Letter No. 403227-2 dated 20.05.2014; Letter No. 27-155-2009 dated 18.04.2014.

¹⁵ The Court Monitoring Report for 2016, p. 36-38.

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| | <p>Burden of Gypsies”, which had been shown on the air of one of the main federal TV channels. On 23.06.2016, the Board made a decision on the complaint and found violations of journalism ethics, namely, propaganda of stereotypes about the Roma and their discrimination and exclusion from the Russian society¹⁶. On 22.03.2017, CW sent a complaint to the Prosecutor's Office with attachment of the Board's decision, demanding an investigation¹⁷. To the present moment, there has been no reply from the Prosecutor's Office on the merits of the complaint, which shows their unwillingness to investigate it.</p> <p>In addition, Russia's report 2016 lists activities that are “aimed at reducing interethnic barriers, overcoming xenophobia, and preventing racial discrimination” without analyzing their results and effectiveness. The absence of such data is obviously due to the fact that the effectiveness evaluation is based on numbers (the number of events, the number of persons who attended them, etc.). This situation appears typical for the Russian authorities¹⁸.</p> |
| Impact of the Action of the State party (if any) | No information. |
| Other Comments | <p>We recommend that Russia condemn any manifestations of intolerance, racism, and xenophobia; in particular, we recommend that ethics commissions at state bodies condemn xenophobic statements of their members, and law enforcement agencies thoroughly investigate any statements of public figures that incite national hatred or hostility.</p> <p>Due to the large share of the state's participation in the media, it has a real capacity to control journalists' compliance with ethical rules. We recommend that the state monitor the statements of journalists in media with high state share. Such control may be exercised in the form of encouraging the media to participate in the meetings and implement the decisions of the Public Board on Complaints Against the Press.</p> <p>We recommend inviting Russia to review the system for assessing the effectiveness of measures in government programs and to take into account not only the quantitative but also qualitative characteristics.</p> |
| Recommendation by the Committee | <p>The Committee recommends that the State party:</p> <p>(b) Increase its efforts to give primary consideration to combating extremist organizations and their members involved in acts of racial discrimination when applying the Law on Combating Extremist Activities and article 282 of the Criminal Code;</p> |
| Actions taken by the State party | No information. |

¹⁶ Resolution of the Public Board for Complaints Against the Press No. 141 dated 23.06.2016 (in Russian). URL.: <http://presscouncil.ru/index.php/praktika/rassmotrennye-zhaloby/5361-zhaloba-na-dokumentalnyj-film-bremya-tsygan-telekanala-rossiya-1?showall=&start=7> (last visited 30.05.2017).

¹⁷ Letter No. 18-03 / 2017 dated 22.03.2017

¹⁸ See Report on the activity of state authorities on the federal and regional level in the area of combating hate crime, Citizens' Watch (Citizens' Watch, 2016. P. 7). URL.: <http://www.youblisher.com/p/1773877-Government-agencies/> (last visited 19.05.2017).

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| Current situation / Update of the Issue | <p>Article 282 of the Criminal Code of the Russian Federation and the Law on Combating Extremist Activities have turned, at least in part, into a “cannon for firing on sparrows”; many cases where charges have been brought under this article pose little danger for the society. In addition, this article is used for fighting with political opponents; for e.g., most of the people that the Memorial Human Rights Center recognized as political prisoners were convicted under this article¹⁹.</p> <p>It appears that the police are diffusing their efforts to combat extremism in search of criminals who are not a real threat. In particular, judicial monitoring in 2016 showed that in two cases where charges were brought under article 282 of the Criminal Code, the acts that in the opinion of the police incited national hatred and hostility were publications in social media that could not be regarded as calling for violence against a certain nationality. Nevertheless, both defendants were found guilty and given suspended sentences²⁰.</p> <p>In another case, the police tried to charge the defendant for extremist statements against the police as a social group. The court returned the case to the Prosecutor's Office²¹.</p> |
| Impact of the Action of the State party (if any) | No information. |
| Other Comments | <p>To recommend to Russia to concentrate efforts in the field of fighting extremism on crimes that bear a real hazard for the public.</p> <p>In addition, taking into account the upcoming major football competitions, we recommend that Russia pay attention to preventing cases of racism and intolerance among football fans.</p> |
| Recommendation by the Committee | <p>The Committee recommends that the State party:</p> <p>(c) Ensure prompt action by the police, prosecutors and the judiciary in investigating and punishing racially-motivated crimes with appropriate penalties, and also develop further training and awareness-raising for these bodies.</p> |
| Actions taken by the State party | No information. |
| Current situation / Update of the Issue | In Russia, no training and educational programs are being developed for the police, prosecutors, and the judiciary in the field of investigating race hate crimes; no such training is provided to these groups ²² . |
| Impact of the Action of the State party (if any) | No information. |
| Other Comments | To recommend that Russia develop programs for training the police, prosecutors and the judiciary in the investigation of race hate crimes taking |

¹⁹ Alphabetical list of political prisoners. URL.: <http://old.memo.ru/s/121.html> (last visited 12.06.2017).

²⁰ Criminal case No. 1-234/2016 of the Kirovsky District Court of St. Petersburg and case No. 1-561/2016 of the Kalininsky District Court of St. Petersburg.

²¹ Criminal case No. 1-29/2017 of the Dzerzhinsky District Court of St. Petersburg.

²² CW Activity Report, 2016.

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| | into account the international experience and with participation of non-government organizations and other experts. |
| Recommendation by the Committee | The Committee recommends that the State party: (d) Collect and publish statistics concerning incidents of hate crimes in the State party, disaggregated by type, location and the number of victims. Such statistics should be based on court results, taking into account both acquittals and convictions. |
| Actions taken by the State party | On 18.04.2015, the Federal Agency for the Affairs of Nationalities (FADN) was founded for development and implementation of the state national policy including monitoring and analysis of interethnic and interfaith conflicts including race hate and hostility crimes. |
| Current situation / Update of the Issue | In Russia, no statistical data is gathered on complaints, criminal prosecution, and sentences on manifestations of racism and xenophobia. Statistical data is gathered for each article of the Criminal Code including crimes with the motive of national hatred or hostility as an aggravating circumstance. However, since this motive is listed along with other crime motives (e.g., religious hatred, hatred of a social group, etc.), the number of crimes and convictions for race hate crimes cannot be learned from official statistics. Unofficial statistics is gathered by the SOVA Information and Analytical Center. The police collect statistical data on crimes committed by foreign nationals (the statistics for citizens of the Commonwealth of Independent States (CIS) and the Baltic States are collected separately) and stateless persons and crimes where victims are foreign nationals and stateless persons ²³ . Such statistics do not reflect the state of race crimes. FADN does monitoring of interethnic and interfaith relations but information on its results is not published on their website ²⁴ . |
| Impact of the Action of the State party (if any) | No information. |
| Other Comments | To recommend Russia that FADN publish the results of race hate crime monitoring. Also recommend that the state party establish a public council under FADN to ensure the society's participation in the agency's activities. |

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| NGO Grades for the Report of Russia, 2016 paragraph 11 (a), (b), (c): | A: Action largely satisfactory; B1: Substantive action taken, but further action desirable; B2: Initial steps taken, but substantial action required C1: Some actions taken, but recommendations are not really implemented; C2: No action taken; E: measures taken are contrary to the recommendations | C2 |
| NGO Grades for the Report of Russia, 2016 paragraph 11 | A: Action largely satisfactory; B1: Substantive action taken, but further action desirable; B2: Initial steps taken, but substantial action required C1: Some actions taken, but recommendations are not really implemented; | C1 |

²³ Official Portal of Legal Statistics (in Russian). URL.: http://crimestat.ru/offenses_map (last visited 19.05.2017).

²⁴ FADN website (in Russian). URL.: http://fadn.gov.ru/press_centra/news-agency (last visited 25.05.2017)

(d):

C2: No action taken; E: measures taken are contrary to the recommendations

Concern

Laws on Combating Extremism and on “Foreign Agents”

Paragraph 13 “Notwithstanding the information provided by the State party that it is taking steps to introduce a more exact definition of extremism (CERD/C/RUS/20-22, paras. 107-113), the Committee reiterates its concern that the definition of “extremist activity” in the Federal Act No. 114 of July 2002 on Combating Extremism as well as in articles 280 and 282 of the Criminal Code remains overly broad and vague, allowing for arbitrariness in its application (CERD/C/RUS/CO/19, para. 17). Moreover, the Committee is concerned about the adoption of the Federal Law regarding the “Regulation of Activities of Non-Commercial Organizations Performing the Function of Foreign Agents”, which came into effect in November 2012, and the impact it may have on the ability of non-governmental organizations who work to promote and protect the rights of ethnic or religious minorities, indigenous peoples and other vulnerable groups to continue their legitimate activities (arts.2 and 4)”

| NGO Assessment of the Report of Russia on the Recommendations made by the Committee | |
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| Recommendation by the Committee | The Committee recommends that the State party amend the definition of extremism in the Law on Combating Extremism and in articles 280 and 282 of the Criminal Code to ensure that it is clearly and precisely worded, covering only acts of violence, incitement to such acts, and participation in organizations that promote and incite racial discrimination, in accordance with article 4 of the Convention. |
| Actions taken by the State party | No information. |
| Current situation / Update of the Issue | The definition of extremism has been and remains very broad. For this reason, prosecution on extremism charges can be initiated for any reason whether fair or not. E.g., Dina Garina was charged with extremism, in particular, inciting hatred against two social groups, namely, one of which were the police ²⁵ . Just recently, a similar case was brought to court ²⁶ . It appears that the police are not a vulnerable social group that needs to be protected by the extremism law. |
| Impact of the Action of the State party (if any) | No information. |
| Other Comments | To recommend changing the wording of article 282 of the Criminal Code of Russia, making it much more specific and removing the words “social group”, or abolishing the Article altogether. |
| Recommendation by the Committee | The Committee also recommends that the Federal Law on Non-commercial Organizations be reviewed to ensure that non-governmental organizations working with ethnic minorities, indigenous peoples, non-citizens and other vulnerable groups who are subjected to discrimination are able to carry out their work effectively to promote and protect the rights contained in the |

²⁵ Criminal case No. 1-29/2017 of the Dzerzhinsky District Court of St. Petersburg.

²⁶ A case of inciting hatred to employees of the law enforcement authorities has been brought to court in St. Petersburg. 09.06.2017. URL.: <http://www.sova-center.ru/racism-xenophobia/news/counteraction/2016/12/d36078/> (last visited 12.06.2017).

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| | Convention without any undue interference or onerous obligations”. |
| Actions taken by the State party | It is only in three years after the law has been adopted that the Ministry of Justice of Russia has adopted a procedure for removing NGOs from the list of organizations with functions of foreign agents (the so-called ‘foreign agents’) ²⁷ . As of 23.05.2017, there were 96 organizations on that list ²⁸ . However, most legislative measures in this area are discriminatory (see below); the most important one appears the removal of ‘foreign agents’ from the list of organizations entitled to apply for the status of a provider of services for the public benefit ²⁹ . |
| Current situation / Update of the Issue | <p>Contrary to of Russia’s statement³⁰, the Foreign Agent Law is against international law in many aspects. In 2013, the Commissioner of Human Rights of the Council of Europe confirmed it in his opinion³¹, as did the UN Committee Against Torture³² and the Venice Commission³³.</p> <p>After the adoption of this law, the situation for NGOs has become worse; in the opinion of the Council under the President of the Russian Federation for the Development of Civil Society and Human Rights, NGOs recognized as foreign agents are placed in a discriminatory position compared to NGOs that do not have this status³⁴. In particular, ‘foreign agents’ may not apply for the status of a provider of services for the public benefit (a status that prescribes certain benefits), make donations to political parties or participate in the elections of the President of the Russian Federation and the State Duma; there are restrictions for contacts of employees of the Federal Security Service of the Russian Federation and foreign intelligence with such organizations³⁵.</p> <p>At the moment, amendments to the law on foreign agents are being discussed, pursuant to which the list of sources of foreign financing will be supplemented by Russian citizens who receive income from abroad (if an NGO receives foreign financing, it will likely be listed as a foreign agent) , which will complicate the situation of non-commercial organizations even more including the ones that represent various ethnic groups and are supported by</p> |

²⁷ Order of the Ministry of Justice of Russia dated 21.05.2015 No. 116.

²⁸ Data of the list of NGOs with functions of a foreign agent (in Russian). URL.: <http://unro.minjust.ru/NKOForeignAgent.aspx> (last visited 23.05.2017).

²⁹ Federal Law dated 12.01.1996 No. 7-ФЗ “On Non-Commercial Organizations” as amended by Federal Law dated 3.07.2016 No. 287-ФЗ, clause 2.2 of article 2.

³⁰ Russia’s 2016 Report, paragraph 167.

³¹ Opinion of the Commissioner on Human Rights on the legislation of the Russian Federation on non-commercial organizations in light of Council of Europe standards. 15.07.2015. URL: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806da5b2> (last visited 23.05.2017).

³² CAT/C/RUS/CO/5, Concluding observations on the fifth periodic report of the Russian Federation, adopted by the Committee against torture at its forty-ninth session (29 October-23 November 2012), paragraph 12.

³³ Opinion on Federal Law N 121-FZ On non-commercial organisations (Law on foreign agents on Federal laws N 18-FZ and N 147-FZ and on Federal law N. 190-FZ on making amendments to the criminal code (Law on treason) of the Russian Federation, adopted by the Venice Commission at its 99th Plenary Session (Venice, 13-14 June 2014). URL: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2014\)025-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2014)025-e) (last visited 29.03.2017), paragraphs 53-55, 63, 70, 76-82, 93.

³⁴ Expert opinion on the law enforcement practice of the federal law on non-commercial organization with functions of a ‘foreign agent’ of the Standing Commission for NCO development of the Council under the President of the Russian Federation for the Development of Civil Society and Human Rights. May 15, 2017. URL.: <http://president-sovet.ru/presscenter/news/read/3916/> (last visited 23.05.2017).

³⁵ Ibid.

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| | compatriots in other countries. |
| Impact of the Action of the State party (if any) | <p>Among the organizations included on the list, there are a number of organizations providing assistance to foreign citizens and stateless persons who face discrimination. These include Civic Assistance, a regional non-government charity organization for assistance to refugees and internally displaced persons; the SOVA Information and Analytical Center in Moscow; in St. Petersburg, Citizens' Watch and the Memorial anti-discrimination center were put on the list; the latter, which worked on problems of discrimination and xenophobia, liquidated itself as a result.</p> <p>Although the government denies the negative impact of the foreign agent status, such impact is obvious; organizations labeled as 'foreign agents' are not entitled to state and local funding and are not allowed to Public Councils; in the recent elections to the Public Monitoring Commissions, the majority of candidates nominated by 'foreign agents' were not approved by the Civic Chamber of Russia.</p> |
| Other Comments | We recommend that Russia abolish all legal provisions on organizations recognized as foreign agents. |

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| NGO Grades for the Report of Russia, 2016 on paragraph 13: | A: Action largely satisfactory; B1: Substantive action taken, but further action desirable; B2: Initial steps taken, but substantial action required C1: Some actions taken, but recommendations are not really implemented; C2: No action taken; E: measures taken are contrary to the recommendations | E |
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Concern Discriminatory treatment of ethnic minorities by law enforcement officials and “Cossack patrols”

Paragraph 14 “The Committee reiterates its concern that ethnic minorities, on the basis of their appearance, such as Chechens and other persons originating from the Caucasus, Central Asia or Africa, as well as Roma continue to be subject to disproportionately frequent identity checks, arbitrary arrests and detention, and harassment by the police and other law enforcement officials (CERD/C/RUS/CO/19, para. 12). Additionally, it is concerned about reports of extortion of bribes, confiscation of identity documents, and the use of violence and racial insults during such checks, as well as by the lack of effective investigation, prosecution and sanctioning of law enforcement personnel for such misconduct, abuse of or discrimination against ethnic minorities. Furthermore, the Committee is concerned about the information that voluntary “Cossack patrols” began to appear in 2012 in various regions to carry out law enforcement functions alongside the police, and that there have been incidents of use of violence by them against ethnic or religious minorities (arts. 2 and 5)”.

| NGO Assessment of the Report of Russia on the Recommendations made by the Committee | |
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| Recommendation by the Committee | <p>The Committee calls upon the State party to:</p> <p>(b) Provide meaningful and mandatory human rights training to police and other law enforcement officials, including in initial training and throughout their careers to prevent racial profiling, and amend the performance targets for the police accordingly, in accordance with general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system;</p> |

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| Actions taken by the State party | No education and training programs for police officers and employees of other law enforcement agencies and prosecutors have been developed. No training in the field of human rights is provided ³⁶ . The police performance indicators have not been changed. |
| Current situation / Update of the Issue | The police are not being trained in the field of human rights. E.g., the police make no assessment of the need to publish information on the nationality of crime suspects and victims and always publish such information. The Chief Investigative Department of the Investigative Committee of Russia in St. Petersburg always states the nationality of crime suspects and victims on the official website. E.g., in a publication dated 16.05.2017, the foreign citizenship of both the defendant and the victim is named already in the title ³⁷ . In media reports of arrests of terrorism suspects, the nationality of the detainees is stated as well ³⁸ . The police do racial profiling, which has been proven by the 2012 Memorial ADC research ³⁹ . Our organization has helped protect the right of a Rwandan citizen Luciye Nshimiymana to stay in the Russian Federation; she was detained in St. Petersburg by officers of the duty unit of division 20 on 15 Smolyachkova St. even though she had documents certifying her lawful presence in Russia. |
| Impact of the Action of the State party (if any) | No information. |
| Other Comments | We recommend that Russia abandon the practice of racial profiling and train police and law enforcement officers on human rights and the concept of human dignity. We recommend asking if employees covering the police activity are guided by any ethical standards. Do these standards include the principle of publishing only the information about crimes to the extent needed to understand what have happened? Do the Russian authorities believe that information about the nationality or national origin is necessary for the reader to understand news on crimes? To ask the Russian Federation how the European Code of Police Ethics and OSCE Recommendations on Policing in Multi-Ethnic Societies are used in the training of police officers. To recommend Russia to change the police performance indicators. |

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| NGO Grades for the Report of Russia, 2016 on paragraph 14: | A: Action largely satisfactory; B1: Substantive action taken, but further action desirable; B2: Initial steps taken, but substantial action required C1: Some actions taken, but recommendations are not really implemented; C2: | C2 |
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³⁶ CW Report on the activity of state authorities, 2016, p. 6.

³⁷ In St. Petersburg, a citizen of Uzbekistan has been found guilty of preparations for a contract murder of his compatriot. A publication of the Investigative Committee in St. Petersburg dated 16.05.2017 URL: <http://spb.sledcom.ru/Novosti/item/1127440/> (last visited 16.05.2017).

³⁸ A terrorism accompliceship suspect has been arrested in St. Petersburg. A publication of the Investigative Committee in St. Petersburg dated 7.04.2017. URL.: <http://spb.sledcom.ru/Novosti/item/1114375/> (last visited 16.05.2017); Seven terrorism accompliceship suspects have been arrested in St. Petersburg. A publication of the Investigative Committee in St. Petersburg dated 06.04.2017. URL.: <http://spb.sledcom.ru/Novosti/item/1114193/> (last visited 16.05.2017).

³⁹ Report entitled "Victims of police abuse". P. 29. URL.: <https://adcmemorial.org/wp-content/uploads/catRUwww.pdf> (last visited 11.06.2017).

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| | No action taken; E: measures taken are contrary to the recommendations | |
| Overall NGO Grades for the Report of Russia, 2016: | A: Action largely satisfactory; B1: Substantive action taken, but further action desirable; B2: Initial steps taken, but substantial action required; C1: Some actions taken, but recommendations are not really implemented; C2: No action taken; E: measures taken are contrary to the recommendations | C1 |