

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF THE RUSSIAN FEDERATION
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Any developments which occurred after 18 November 2015, date on which the latest information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2007)986/4.1.

1. *In its report on the Russian Federation (fourth monitoring cycle) published on 15 October 2013, ECRI urged the 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.*

According to the website of the Federal Migration Service, there have been no changes to the registration regime for foreigners and stateless persons since 2007. A draft federal law “on amending legislation to simplify the residence permit reception for certain categories of foreign citizens” is currently under consideration in the State Duma, but ECRI has no further information about it. It appears also that a bill “on the simplification of registration” was introduced in the State Duma in May 2015. ECRI has no information on whether it concerns Russian citizens, non-nationals or stateless persons.

ECRI notes that the situation is particularly worrying as regards stateless persons, who are for the most part former citizens of the USSR. Civil society organisations state that they are not given any assistance in obtaining personal documents or accessing their rights. On the contrary, they face numerous obstacles on account of not having valid residence documents, including detention in Special Institutions for Temporary Detention of Foreign Nationals for up to two years, compulsory administrative removal under the Administrative Offences Code and prosecution under the Criminal Code if they try to leave the country without the necessary identity and travel documents. ECRI is concerned that under the current legal regime, it is almost impossible for stateless persons to avoid breaking the law.

However, ECRI notes some positive developments in the city of Saint Petersburg. Following the European Court of Human Rights’ judgment in the case of *Kim v. Russia*,¹ in which violations of Articles 3 and 5 of the European Convention on Human Rights were found, courts are refusing to order administrative removal of stateless persons since such proceedings are impossible to enforce. ECRI considers that the next step should be to provide the necessary documents for stateless persons to remain legally in the country.

In the absence of any information from the authorities on action taken to identify those Russian nationals, non-nationals and stateless persons who face obstacles in the residence registration procedure and facilitate their registration, ECRI considers that its recommendation has not been implemented.

2. *In its report on the Russian Federation (fourth monitoring cycle), ECRI strongly recommended that the 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 notes that the Federal Law on Combating Extremist Activity has been amended several times since the publication of its fourth report, mainly by adding new offences and increasing penalties. No changes have been made in respect of the issues raised by ECRI in its interim follow-up recommendation.

In November 2015, the State Duma enacted a law which prohibits the sacred texts of the four world religions, specifically the Bible, the Koran, the Tanakh and the Kangyur, from being classified and banned as extremist materials. However, the law will have no effect on the sacred texts of non-traditional religious groups which are prohibited on the

¹ Application no. 44260/13, 17 July 2014.

basis of extremism, such as those of Jehovah's Witnesses and certain Muslim groups. ECRI notes that the list of banned materials now exceeds 3 000 texts.

ECRI concludes that its recommendation has not been implemented.

3. *In its report on the Russian Federation (fourth monitoring cycle), ECRI strongly recommended 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.*

According to one report,² more than 50 projects focused on interethnic issues received government grants in 2015. Activities ranged from working with migrants and refugees to promoting tolerance, cultural festivals, youth camps and combatting extremism.

One of these programmes, entitled "Strengthening the unity of the Russian nation and ethno-cultural development of the peoples of Russia for the period 2014 to 2020", includes measures to promote tolerance. However, NGOs have indicated that the programme focuses on patriotic education, maintaining traditions, preventing extremism and protecting ethnic Russians.

The regional programme "Tolerance" in Saint Petersburg ran from 2011 to 2015. This has also been criticised; while some activities and events focused on diversity, dialogue, cultures of the world and prevention of xenophobia, others concentrated on patriotic and religious topics, such as "Holy Russia, save the Orthodox belief".

ECRI also notes some recent developments in the field of education indicating a return to the promotion of military ideology from the former Soviet times. For example, in October 2015, the President approved the "Russian Movement of Schoolchildren", aimed at reinforcing the distinctive Russian system of values, and reminiscent of the Young Pioneers Organisation. In addition, the state programme "Patriotic Education of Russian Citizens 2016 to 2020" was adopted in April 2015. This aims to establish more associations for children and youth and increase the number of pupils and students participating in activities of a patriotic nature.

Therefore, while some programmes have included elements of tolerance, the nation-wide programme on tolerance, as described by ECRI in its fourth report, has not been restored across the country. Moreover, many such programmes appear to place greater emphasis on patriotism than on promoting tolerance.

ECRI considers that its recommendation has not been implemented.

² European Center for Democracy Development and Institute for the Study of ethnic policies and interethnic relations (2015), Report on Xenophobia, Discrimination and Aggressive Nationalism in Russia.

