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**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 9 February 2021, the Date on which the response of the authorities of the Russian Federation to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, have not been taken into account in this analysis.

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FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012², 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 follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

² CM/Del/Dec(2012)1154/4.2.

1) *In its report on the Russian Federation (fifth monitoring cycle) published on 5 March 2019, ECRI strongly reiterated its recommendation that the authorities set up a body independent of the police and prosecution authorities competent to investigate all complaints against the police, as per § 10 of its General Policy Recommendation No. 11 on combating racism and racial discrimination in policing.*

The Russian authorities informed ECRI that they consider control of the police to be already sufficiently carried out by the relevant bodies, in particular the Prosecutor General and subordinate prosecutors, as well as by public associations and bodies, such as the “Public Chamber of the Russian Federation” and public monitoring commissions. The authorities therefore do not think it necessary to implement ECRI’s recommendation.

ECRI regrets this view and underlines the need for a fully independent, professional and trusted police complaints mechanism,³ which it has already repeatedly recommended.

ECRI concludes therefore that this recommendation has not been implemented.

2) *In its report on the Russian Federation (fifth monitoring cycle), ECRI recommended that the Russian authorities abolish the legal ban on the provision of information about homosexuality to minors (legislation on the so-called “promotion of non-traditional sexual relations among minors”), in line with the judgment of the European Court of Human Rights in the case Bayev and others v. Russia.*

ECRI appreciates the receipt of information from the Russian authorities regarding the implementation of this recommendation.

However, the authorities informed ECRI that they consider this recommendation to be “absolutely irrelevant to the legislative system of the Russian Federation”. They also refer to Article 114 of the Constitution of the Russian Federation,⁴ which states that the Government of the Russian Federation is tasked with the “support, strengthening and protection of the family, [and] preservation of traditional family values”. In the authorities’ view, “the notion of ‘traditional family values’ obviously does not include the promotion of homosexuality among minors”.

Although ECRI has been informed by civil society groups that the number of convictions (payment of fines) under Article 6.21 of the Code of Administrative Offences in relation to the number of cases opened has continued to decrease in recent years (according to data from the Supreme Court: one out of 15 cases during the first six months of 2020; four out of 20 in 2019), the problem described in ECRI’s last report on the Russian Federation, namely the ambiguity, potential broad reach and chilling effect of this legal provision, continues to be a problem.⁵

Moreover, ECRI is especially concerned about the Russian authorities’ view of this recommendation as “irrelevant”, given the fact that the recommendation is based on a judgment against Russia by the European Court of Human Rights.⁶

ECRI considers that the recommendation has not been implemented.

³ ECRI (2019), Report on the Russian Federation: §§ 92-96.

⁴ The Russian authorities emphasise that the amendments to the Constitution of the Russian Federation of 4 July 2020, which were approved in a national referendum, declare children to be the most important priority of State policy.

⁵ See also ECRI (2019), Report on the Russian Federation: § 114.

⁶ *Bayev and others v. Russia.*

