

Russia - report

Before I'll start I would like to explain you the ideology ground of the Russian ethnic and religious policy. In each country the ideology determines the policy. Russia is no exception. The understanding of the idea of Nation in Russia is different than in the other European countries. There is the European Constitutional Tradition. This tradition say: No benefits for any social, including ethnic groups. What it's mean? The denial of ethnic minorities in the Country (for example in France and in Greece) and the Restriction of the number of the minorities by the short list of the "traditional" minorities. The State in western countries support the Studying of the titular nation Culture, but don't support the Studying of the ethnic Culture of the national minorities, because it is impossible to support something what doesn't exist.

In Russia the situation is completely difference. Russia partially preserved the international constitutional tradition of the USSR, where Soviet Nation was a result of the Union of the more than 100 *equal* ethnic groups on the base of the ideology. In 2012, Russia adopted a new Strategy of the state ethnic policy of the Russian Federation for the period up to 2025. The strategy defines the Russian nation as "a community of citizens of the Russian Federation of different ethnic, religious, social and other origin, having political and legal ties with the Russian state. " This is a significant difference from the understanding of the nation in many Western countries that refuse to recognize the existence of ethnic minorities or recognize only a small number of "traditional" minorities.

Russia did not make reservations when signing the Framework Convention for the Protection of National Minorities of the Council of Europe. In each national Republic inside of Russia, the language of the titular nation is the second state language, there exist schools state scools of national minorities, in Russia is acting the Law on National Cultural Autonomies, according to which ethnic minorities received autonomy in questions of one's own language and culture.

In fact, today in Russia a model of national policy for multi-ethnic countries with a powerful and prevalent title ethnos is being formed. To consolidate this

model in 2017, it was decided to prepare a law "On the Basics of State National Policy."

Let's go now to the presentation.

Russia for the second year demonstrates a positive dynamics of statistical indicators of public Xenophobia and Hate crime. We can see also a significant decrease in the activity of radical organizations and groups.

This is most clearly can be demonstrated by an anti-Roma sentiment.

Anti-Roma attitude is one of the most common forms of Xenophobia in the World. But Russia has always demonstrated one of the lowest indicators in this area. At the same time, the dynamics over three years shows that the level of anti-Roma phobias was systematically decreasing: in 2014 23% of Russians were hostile towards Roma, in 2015 - 22% and in 2016 - 21%.

All these years, Russia has also demonstrated the lowest rates of Anti-Roma phobia in Europe.

Another important component of xenophobic attitudes is **anti-Semitism**. Here is the same situation like the situation with the anti-Roma sentiments - the level is down by 1% per year.

2 violent crimes against Jews and 28 cases of Xenophobic vandalism (total - 70)

Russia also demonstrates one of the lowest level of anti-Semitism in Europe.

Compared with 2015, the level of **Islamophobia** in Russia fell by 10%. However, in 2015 it grew by 5% compared to 2014. Russia also demonstrated for the first time the one of the lowest level of Islamophobia from the 10 most important European countries.

The theme of Islamophobia in recent years, as a rule, goes alongside another "sick" topic - **Migrantophobia**. Migrantophobia remains a serious problem for Russian society, but its level has also been slightly reduced in the last three years. If in 2014 it was 76%, in 2015 - 68%, then in 2016 - 66%.

Nevertheless, migrant-phobia continues to be a serious Russian problem.

In particular, according to polls in 2016, 62% of Russians agreed that migrants stole their jobs, 64% were confident that they increase the level of crime. At the same time, according to VTsIOM, only 1% of the population of the Russian Federation considers migration policy to be the most urgent problem in their life. Anyway, on the level of migrantophobia in Europe, the situation in Russia is better just than in 3 countries - Hungary, Poland and Greece.

Russians traditionally demonstrate high levels of Homophobia. But it is true that in 2016 the level of hatred towards homosexuals decreased.

Russian homophobia is a reaction of traditional society to the imposition of new unacceptable standards, as well as the result of the work of Russian mass media raising a homophobic wave during the discussion in Parliament of an amendment to the Administrative Code against the propaganda of homosexuality among children.

In the situation with the hate crime we see 2 different tendencies: the growth of the common quantity of the hate crime during the last 3 years, and the drop of the quantity of the violent hate crime.

According to the Prosecutor General's Office of the Russian Federation, in 2016, 1'450 hate crimes were registered in the country. That is 121 more than in 2015 and 416 more than in 2014.

On the other hand, the number of registered violent crimes decreased from 115 in 2015 to 77 in 2016. And compared with 2014, when there were 134 crimes, the fall was more than 57%.

In addition, according to the data of the General Prosecutor's Office of the Russian Federation, in 2016 there was a significant reduction in such types of extremist crimes as murders - by 62.5% (in 2015 - by 33.3%) - 3 people were killed on this basis, which is the lowest indicator for the last 6 years, beatings - by 47.3% (in 2015 there was an increase of 18.8%), torture - by 100%, death threats - by 27.8%.

This dynamic suggests that Russia's law enforcement agencies began to initiate more actively cases of hate crimes on a non-violent stage, for example, when the offender tries to spread the hatred on the Internet. This allows to

stop the process of radicalization of offenders at a relatively safe stage and significantly reduce the number of violent crimes.

comrade-in-arms

The statistics of the Prosecutor General's Office of the Russian Federation, however, does not take into account the acts of xenophobic vandalism. The number of such manifestations, according to NGOs, also declined from 93 cases in 2015 to 70 in 2016.

In Russia in 2016, amendments were made to a number of anti-extremist and anti-terrorist laws. We are talking about changes in the Federal Law on Information, Information Technologies and Information Protection; on Countering Terrorism, in a number of other laws, as well as in the Code of Administrative Offenses and the Criminal Code of the Russian Federation. In total, 12 federal laws were amended.

These federal laws were aimed at improving legal regulation in the field of countering terrorism.

At the same time, we have to say that the tightening of legislation on the control over the Internet and the media was done in accordance with Art. 4 Convention on the Elimination of All Forms of Racial Discrimination. This article criminalizes "any dissemination of ideas based on racial superiority or hatred ..., declares illegal and prohibits organizations, as well as ... propaganda activities that encourage and incite racial discrimination and recognize participation in such organizations or in such activities as a crime".

It is characteristic that Russia is one of the few countries in Europe that have made a real restriction on freedom of speech and expression in those cases that relate to the spread of hatred. Most other countries either signed the Convention with reservations under Art. 4 (Italy, Great Britain, France), or, like many countries in Eastern Europe, do not fulfill its requirements, explaining this as an unconditional priority of the basic democratic values. Actually, this manifests itself with the annual vote in the UN on the resolution on the heroization of Nazism.

In addition, there have been changes in a number of articles of the Criminal Code, in particular in Art. 208, which criminalizes participation in illegal armed groups, incl. abroad.

The federal laws "On the Procedure for Departure from the Russian Federation and Entry into the Russian Federation", the Housing Code of the Russian Federation and "On Freedom of Conscience and Religious Associations", which provide for the legal regulation of missionary activities, have been amended.

These laws were directed against the use of religion for extremist purposes. Changes include a ban on the implementation of missionary activities, the purpose of which is "violation of public safety and public order; carrying out extremist activities; coercion to destroy the family; encroachment on the individual, rights and freedoms of citizens; the infliction of damage to morals established in accordance with the law, the health of citizens, including the use of narcotic and psychotropic drugs in connection with their religious activities, hypnosis ", etc.

However, many definitions were not disclosed in the law, for example, such as "violation of public security", "damage to morality", and it is not specified how it will be determined that the preacher is engaged in, for example, hypnosis, not ordinary sermon, etc . On this basis, individual Russian religious leaders, as well as human rights activists, concluded that this law can be interpreted arbitrarily and serve as the basis for abuse at the law enforcement level. In fact, inaccuracy and vagueness of formulations is one of the main problems in the anti-discrimination and anti-extremist legislation of the Russian Federation.

Law enforcement practices

Speaking about the new criminal cases and sentences of the courts of 2016, it should be noted the increase in the number of criminal cases for non-violent crimes; a significant increase in the number of criminal cases for calls for hate on the Internet; a decrease in the number of criminal cases initiated for violent crimes and a reduction in the total number of convicts for hate crimes (especially sentences of deprivation of liberty).

The main part of all non-violent crimes is calls for extremist activity (Article 280 of the Criminal Code) - 58%. Then follows the crimes provided for by Art. 282 of the Criminal Code - the incitement of hatred or enmity - 38%. All other crimes were committed in order of magnitude or two less. Their share is 0.01% -2%.

This falls to the share of art.

If we will analyze the structure of the criminal cases initiated under these two most popular articles, we will see that more than half of all criminal cases of this kind are instituted for crimes committed on the Internet.

At the same time, the number of cases instituted on the fact of crimes on the Internet is growing at a much faster rate than the total number of cases connected with the incitement to hatred. This is clearly seen in the example of criminal cases instituted under the well-known article 282 of the Criminal Code of the Russian Federation.

Given that at the same time we see a reduction in violent hate crimes, we can conclude that the law enforcement practice of the Russian authorities is effective. Due to the fact that the authorities manage to stop the criminals at the stage of propaganda of hatred and enmity, the number of crimes in the next stages is decreasing, which is indicated by the general reduction in the number of criminal cases brought for violent crimes of hatred. In general, the part of violent crimes in the total number of crimes of an extremist nature is 5.3%.

Regarding the sentences of the courts in this category, statistics show a systematic decrease in their number over the past three years.

Some cases don't reach a court by the Agreement of the parties. Or the criminals got the Administrative penalties. Most of the decisions of the courts are not related to imprisonment.

At the same time, we must admit that the other reason of such situation is the crisis that observed in the ranks of **domestic extremists**.

First of all, this is caused by the effective work of Russian special services. By 2016, almost all of the organizations of right-wing radicals, nationalists, that were notable, were banned, and their leaders were squeezed into emigration or arrested.

Many activists of radical organizations left Russia for participation in military operations in Syria and Iraq on the side of terrorists (almost 5,000 people), and also to participate in the civil war in Ukraine (and on both sides of the conflict).

Finally, we should also mention the split of Russian right-wing radical organizations after the conflict in Ukraine, when a certain part of the so-called "true nationalists" supported the Kiev authorities, and the other - the separatists. For the same reason, there was a split in the unnatural, but long-term alliance between Russian nationalists and liberals, which arose in 2011 on the wave of formation of the "anti-Putin opposition".

As a result of all these actions, the only serious legitimate players on the nationalist field are the Liberal Democratic Party of Russia (LDPR) and the Rodina Party.

As for radical Islamists, now they are split between adherents of Hizb ut-Tahrir, ISIS, Al-Qaeda and Caucasus Emirate (all banned in Russia). The cells of adherents of Al-Qaeda and Hizb-ut-Tahrir are not united in a single hierarchical network and are often coordinated only over the Internet from abroad.

In Russia, as well as in other countries, there are **objective risks** associated with creating conditions for the formation of xenophobic attitudes in society and, as a consequence, for the activity of radical parties and groups. However, they are significantly different from the western ones. These include:

1. The traditional way of life, not tolerant of interference in the socio-cultural environment. This factor is widely used by radicals to provoke xenophobia and interethnic conflicts.
2. The Vagueness of the national state model. Russia, unlike the former Soviet Union, is a country with a significant predominance of the title ethnos - ethnic Russians. 80% of the population of the Russian Federation is referred to it. However, 20% are national minorities, and

they belong to more than 100 nationalities and ethnic groups. There are also 4 traditional religions in the country - Orthodoxy, Islam, Judaism and Buddhism. The Russian Federation withdrew from the Soviet model of a nation-state, based on a certain ideology, and only forms its new model.

3. Migration. Russia ranks second in the world in terms of the number of migrants. However, this phenomenon has its own specifics: the overwhelming majority of migrants are citizens of the CIS countries who, they speak fluent Russian and have a common history with Russians for two or three centuries.
4. Historical confrontation with radical Islam, implying that Russia, partly Muslim country, is "the territory of jihad."

Problems

1. Flaws in anti-discrimination legislation. In Russia, the law is based on a sectoral basis, and there is no separate anti-discrimination law in the country. Antidiscrimination norms are included in the Constitution and in various legislative acts regulating the vital functions of the Russian society.

According to experts, this legislation today needs further development. First of all, it is necessary to clarify the concept of "discrimination". In the Russian legislation, it is disclosed not through specific forms of discrimination, but through identification with violation of the rights, freedoms, and legitimate interests of citizens, which can be interpreted arbitrarily. There are no definitions of forms of discrimination, in particular, there are no definitions of "direct" and "indirect" discrimination and "victimization". There is no prohibition of discrimination by private persons and on the basis of citizenship. When investigating cases of discrimination in Russia, the principle of the presumption of innocence towards the respondent is still applied, which creates difficulties in pre-trial practice and is contrary to world experience.

2. The vagueness and inconsistency of legal norms related to the fight against extremism.

3. Ethno-religious profiling. This phenomenon is widespread all over the world, in Russia it is expressed, basically, in prejudiced attitude towards Muslims and representatives of some non-traditional religions.

In 2016, religious profiling took place against Muslims.

It's about checking documents and photographing Muslims after praying in mosques that are considered like Wahhabi; on the cases of detainment of sellers in the store for the trade by hijabs in Moscow, etc.

A lot of criticism among religious people is caused by the practice of setting by police on the preventive registration of citizens in connection with their possible ties to radical Islam. It is especially widespread in the republics of the North Caucasus. In Dagestan, according to some sources, about 20,000 people were registered for such a record. Setting for preventive accounting involves calls to the police, interrogations, forced fingerprinting and collection of biological materials for processing genomic information. At the same time, being in this list is a big problem for the people in Russia. It make for them difficult to move around the country, to find employment, and leads to other restrictions on the rights of citizens.

Often, the reasons for registering them in this list are visiting mosques that are considered like "Wahhabi" for rituals, family relations, acquaintance or neighborhood with persons suspected of religious extremism, etc. Moreover, often anonymous messages or denunciations become the basis for recording on a preventive account neighbors.

As noted in the annual report of the Human Rights Ombudsman Tatyana Moskalkova, "such facts alone can not be grounds for setting for preventive registration. For this, more serious legal reasons are needed, in particular, the prohibition of a religious association, its inclusion in the list of extremist or terrorist organizations, etc. In practice, such requirements are not always respected."

In 2016 there were cases of pressure on other religions. First of all, it was about "Jehovah's Witnesses" (the organization "Management Center of Jehovah's Witnesses in Russia" banned as an extremist in 2017),

According to the Ministry of Justice, the Management Center practiced bans on members of its organization for civil and military service for the State, and certain medical procedures were banned, in particular for blood transfusions, including for young children. Sermons and literature allowed insulting remarks about other religions, especially with regard to the Catholic Church

and the Vatican. All this contradicts the anti-discrimination and anti-extremist legislation of the Russian Federation.

It should also be borne in mind that the authorities received complaints from other religious organizations, mainly Christian ones, that the " Management center "actively lured the parishioners from other churches, which caused conflicts with the leadership of other communities.

At the same time, human rights activists note that violations were noted by the regional offices of the Management Center and there was no need to prohibit the activities of the central organization. There is also the question of how justified are the blames of this organization in extremism and how justified its closure was. After all, several hundred thousand people, most of whom are fanatically believers, will be forced to go underground, where they are unlikely to develop tolerant views and where they will be beyond the control of the authorities.

According to the experts, the problem was a conflict between representatives of the Ministry of Justice of Russia and the leadership of the community, which for a long time refused to contact the authorities and take into account their remarks on the elimination of violations, as do all other religious organizations.

On the other hand, "Jehovah's Witnesses" as a religion was not banned in Russia. The prohibition touched upon a certain organization - the "Management Center of Jehovah's Witnesses from Russia." Consequently, followers of this cult can register a new one, taking into account the comments made, but not eliminated, and organize religious groups that do not require registration.

4. The fourth problem is confusion in the organization of expert work on cases of extremism. The problem consists of several parts.

Firstly, this is the absence of statutory requirements for experts. That leads to the fact that people who do not have the necessary education are involved in the expert work. For example, mathematicians, psychologists, etc. are involved in linguistic examinations.

Secondly, this is a low level of professional training of the experts involved, even if they have the necessary education. In this way, for example,

the holy texts of traditional religions fall into the lists of extremist literature, which necessitated the adoption in 2015 of an appropriate law prohibiting the recognition of texts from the Bible, the Koran, Tanakh and Ganjur as extremist.

Thirdly, the law does not prohibit the appointment of one expert for cases requiring expertise in several areas, for example, in the field of linguistics and visual arts, if the text contains an artistic series. At the same time, the prosecution and the court, if necessary, can easily reject the results of such an expert examination.

5. Deficiency of educational programs and standards of a wide spectrum.

What is the final conclusion?

Russia demonstrated the dropping of Xenophobia and number of the hate crimes. It is the result of the anti-extremist reform of the Legislation, effective law enforcement practice, first of all regarding the prevention the hate speech in Internet, and the weakness of the radical organizations. The base of it was the new emerging model of Russian ethnic policy.

Recommendations:

- Russia should refine anti-discrimination legislation in details
- Russia should prohibit the participation of activists of banned radical organizations and journalists of xenophobic mass media in political activities
- Anti-extremist legislation should not provide for a double interpretation.
- The creation of a licensing institute for forensic experts with stringent requirements for their educational level.
- The implementation of special programs for the education of tolerance, especially among young people, teachers, representatives of minorities.