

RC.DEL/42/10
4 October 2010

ENGLISH
Original: RUSSIAN

Delegation of the Russian Federation

**STATEMENT BY
THE DELEGATION OF THE RUSSIAN FEDERATION AT THE
2010 OSCE REVIEW CONFERENCE**

Warsaw, 4 October 2010

Working session 3: Fundamental freedoms II, including: freedom of assembly and association; national human rights institutions and the role of civil society in the protection of human rights; freedom of movement

Mr. Chairperson,

The Russian leadership is taking full account of the trend towards the growing role and influence of non-governmental organizations (NGOs). The logic behind the development of society in recent years shows that without the active support of NGOs it is impossible to bring about the systematic development of democracy in Russia, including freedom of speech and the media, the observance of human rights and the rule of law, and the implementation of many socially oriented programmes. It is precisely for that reason that the task of building a mature and strong civil society has been identified as a strategic undertaking if Russia is to become a modern democratic State.

Following the collapse of the USSR, Russia achieved within a historically short period of time a “dynamic leap”; around 670,000 non-commercial organizations appeared and are currently in operation. As of today, public and religious organizations account for nearly half of the total number of registered non-commercial organizations.

The Government of the Russian Federation ascribes great importance to the development of co-operation with civil society institutions.

Operating in the country at the present time are the President’s Council for the Development of Civil Society and Human Rights Institutions, the institution of the Commissioner for Human Rights in the Russian Federation and the President’s Commissioner for the Rights of the Child, along with regional ombudsmen and regional commissioners for the rights of the child.

In his annual address to the Federal Assembly on 12 November 2009, the President of the Russian Federation, Dmitry Medvedev, indicated that one of the priority tasks facing our country was to create proper conditions for the development of civil society, and specifically for ensuring that that society is given all that it requires in order to achieve the noble aspirations proclaimed by a whole host of Russian NGOs.

On 6 April 2010, there came into force the federal Law on the Introduction of Changes to Certain Legislative Acts of the Russian Federation regarding Support for Socially Oriented Non-Commercial Organizations. In accordance with that law, socially oriented non-commercial organizations are taken to include non-commercial organizations engaged in activities aimed at resolving social problems and developing civil society in Russia. At the legislative level, definitions have been provided of the ways in which these socially oriented non-commercial organizations are to operate and be supported.

One of the most effective means of improving the work of the State apparatus is through monitoring by public structures, obviously on the condition that this monitoring is carried out in a competent and responsible manner. This can be seen, first and foremost, in the work of the federal Public Chamber and the public chambers in the constituent entities of the Russian Federation.

At the federal level, the establishment of public councils within the executive branch of government is specifically designed to assist in this area. The setting up of negotiation platforms of this kind between government bodies and non-commercial organizations is specifically provided for under legislation, thus making it possible to put to effective use the potential for co-operation between the State, on the one hand, and civil society institutions, on the other. It is indicative that the first public councils were established not under the so-called humanitarian ministries (culture, education and social development) but under the ministry of defence and the ministry of environmental protection and natural resources.

Non-commercial organizations are being involved in the drafting of laws. The principal manner in which they participate in the law-making process is through their expert analysis of draft legislation. This analysis is provided by councils of experts working with ministries and departments and also with the committees of the State Duma and Federation Council through their participation in public hearings and, in particular, events organized by the Public Chamber of the Russian Federation.

The processes involved in the development of civil society at the local level are of particular significance. The relationship between public associations and local self-government bodies has a considerable impact on these processes. All the constituent entities of the Russian Federation have laws on the interaction between the authorities and non-commercial organizations, and there are more than 750 regulatory instruments in this sphere.

What this means is that Russian society is dominated by the building of closer and more active co-operation between civil society structures and the State. By combining the resources of the government with the capabilities afforded by non-governmental organizations and by creating a reserve capacity for voluntary socially useful work it is possible to improve the situation in many areas of public life.

We support the OSCE's policy of actively involving NGOs in its work on the understanding that the heightened role of these organizations must also result in their taking greater responsibility for the information they provide. We continue to believe that there is a need to regulate the participation of NGOs in OSCE events, taking into account the Organization's international character.

Mr. Chairperson,

Freedom of assembly and association has been and remains one of the cornerstones of Russian democracy. The right to freedom of assembly is guaranteed by the Constitution and federal laws in full accordance with Russia's international commitments as a party to the International Pact on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms. Specifically, pursuant to Article 31 of the Constitution of the Russian Federation, citizens of Russia have the right to gather peacefully, without weapons, and to hold meetings, rallies, demonstrations and marches and to picket.

We regard rallies, marches, picketing and other means of voicing demands regarding various foreign policy issues and questions of political, economic, social and cultural life in the country as an important condition for the free formation and expression of views, as a necessary factor for dialogue between the State and civil society, and as a key to its successful functioning.

As regards the legal restrictions on the right to freedom of assembly, the fact is that propaganda or agitation that stirs up social, racial, ethnic or religious hatred and enmity is not permitted in Russia. Further prohibited is propaganda promoting social, racial, ethnic, religious or linguistic superiority. Russian legislation also contains a list of places and territories where the holding of public events is prohibited for reasons having to do with citizens' safety or because these places are covered by special arrangements under the law. In any case, according to international experts, Russia's laws in this area are among the most liberal.

We do not deny the existence of certain problem areas as regards the practical application of the laws. These problems mainly involve violations of the notification procedure for the holding of public events or the failure to agree with the executive authorities of a constituent entity of the Russian Federation or with a local self-government body on changes to the venue and/or time for the holding of a public event, despite justified proposals by those authorities.

As events, especially in recent days, have shown, the use of law enforcement officials to disperse demonstrations has occurred and is still occurring in a number of European countries.

We urge against rushing to judgement when assessing the human rights situation in participating States. It is important to remember that problems that arise in developing a specific State and society can and will be resolved gradually, taking into account the realities of the situation. It is no less important not to confuse the existence of unavoidable problems with an unwillingness to overcome them.

We firmly believe that it is in our common interests and in the interests of the OSCE as a whole to shield our partnership from political speculation and to consider the problems that are common to the countries of the region in a spirit of constructive criticism and with recommendations on the basis of mutual respect for the positions of others.

Thank you for your attention.