



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION**

Nineteenth periodic reports of States parties due in 2006

Addendum

RUSSIAN FEDERATION* ** ***

[13 October 2006]

* This document contains the eighteenth and nineteenth periodic reports of the Russian Federation, due on 6 March 2006, submitted in one document. For the fifteenth to seventeenth periodic reports and the summary records of the meetings at which the Committee considered the report, see document CERD/C/431/Add.2 and CERD/C/SR.1565.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

*** Annexes to the report may be consulted in the secretariat's files.

**EIGHTEENTH AND NINETEENTH PERIODIC REPORTS OF THE
RUSSIAN FEDERATION ON THE IMPLEMENTATION OF THE
INTERNATIONAL CONVENTION ON THE ELIMINATION OF
ALL FORMS OF RACIAL DISCRIMINATION**

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Introduction

1. These reports are submitted in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, and have been compiled in conformity with the general guidelines regarding the form and content of reports to be submitted by States parties to the Committee on the Elimination of Racial Discrimination under article 9, paragraph 1, of the Convention.
2. The reports cover the period from February 2002 to July 2006 and include a description of events that have taken place since the submission of the fifteenth, sixteenth and seventeenth periodic reports of the Russian Federation (CERD/C/431/Add.2).
3. The reports also take account of the concluding observations made by the Committee on the Elimination of Racial Discrimination after its consideration of the fifteenth, sixteenth and seventeenth periodic reports (CERD/C/62/CO/7).
4. Annex I contains the text of the special medium-term municipal programme entitled “Multi-ethnic Moscow: Shaping civic solidarity and a culture of peace and harmony (2005-2007)”, approved by Moscow Government Decision No. 3-PP of 11 January 2005. Annex II contains a list of State-subsidized works in ethnic minority languages.

Article 2

5. The 1993 Constitution of the Russian Federation bans all forms of discrimination. This constitutional provision is fully consistent with Russia’s international obligations.
6. Article 19 of the Constitution states:
 - “1. All persons are equal before the law and the courts.
 2. The State guarantees the equality of human and civil rights and freedoms regardless of sex, race, ethnic background, language, origin, wealth, official status, place of residence, attitude to religion, beliefs, membership of voluntary associations or other circumstances. Any restraint upon human rights on social, racial, ethnic, linguistic or religious grounds is prohibited.”
7. It should be noted that the list of types of discrimination cited in article 19, paragraph 2, of the Constitution is not exhaustive.
8. Article 13, paragraph 5, of the Constitution provides that the establishment and the activities of voluntary associations whose aims or actions are calculated to foment social, racial, ethnic or religious strife shall be prohibited.
9. Another important constitutional provision designed to prohibit discrimination of any kind is article 29, paragraph 2, which states:
 - “Propaganda or campaigns fomenting social, racial, ethnic or religious hatred or enmity are prohibited. The advocacy of social, racial, ethnic, religious or linguistic superiority is likewise forbidden.”

10. Article 28 of the Constitution stipulates that everyone is guaranteed freedom of conscience and confession, including the right to adhere, either individually or in community with others, to any religion, or to none at all, and freely to choose, hold and disseminate religious and other beliefs and to act in conformity with them.

11. It should also be noted that article 26 of the Constitution establishes the right of every individual to determine and indicate his ethnic affiliation. Paragraph 2 of the same article affords everyone without exception the right to use his or her native language and the freedom to choose his or her language of communication, upbringing, education and creative expression.

12. These articles in the Constitution are elaborated upon and amplified by other laws and regulations of the Russian Federation.

13. Russian legislation seeks, as comprehensively as possible, to address issues having to do with the equality of Russian citizens, aliens and stateless persons and to prohibit discrimination within the multi-ethnic population of the Russian Federation.

14. A characteristic feature of Russian social legislation is the enshrinement in specific statutory provisions of the prohibition of all forms of discrimination, on whatever grounds, and the existence of rules establishing equal rights to receive entitlements conferred by the State.

15. Pursuant to article 5 of the Education Act (No. 3266-1 of 10 July 1992), Russian citizens are guaranteed the opportunity to receive an education irrespective of sex, race, ethnic background, language, origin, place of residence, attitude to religion, beliefs, social status, wealth or official position.

16. In accordance with article 17 of the Principles of Public Health Legislation, the State guarantees health care for all irrespective of race, ethnic or other background. The State guarantees the protection of citizens against all forms of discrimination in connection with any illness. Aliens in the territory of the Russian Federation are guaranteed the right to health care under international treaties signed by the Russian Federation. Stateless persons permanently residing in the Russian Federation and refugees have the same right to health care as Russian citizens (art. 18).

17. The Labour Code of 30 December 2001 contains a number of articles designed to eradicate all forms of discrimination in the workplace. Thus, articles 2 and 3 of the Code prohibit discrimination at work and guarantee equal opportunities for the exercise of labour rights. No restraint may be placed upon a person's labour rights or freedoms. Article 4 bans forced labour.

18. The State guarantees the provision of social services to senior citizens and disabled persons according to the principle of social justice, irrespective of their race or ethnic background.

19. The Family Code of 29 December 1995 states that "restraints of any kind upon the rights of citizens entering into matrimony or in family relations on grounds of social factors, race, ethnic background, language or religion are prohibited" (art. 1, para. 4).

20. The Principles of Cultural Legislation impose upon the State the duty of safeguarding the freedoms and independence of all participants in cultural life. National and local authorities do not interfere in the creative endeavours of citizens and civic associations or public and private cultural organizations, except where their activities amount to propaganda for war, cruelty or racial, ethnic, religious or other exclusiveness or intolerance.

21. The Criminal Code of the Russian Federation, which became law on 1 January 1997, devotes considerable space to the prohibition of all forms of discrimination.

22. In its concluding observations on the fifteenth, sixteenth and seventeenth reports of the Russian Federation, the Committee on the Elimination of All Forms of Racial Discrimination notes that the concept “racial discrimination” is not defined in Russian domestic law. In this connection, it should be noted that a Federal Act amending and supplementing the Criminal Code was adopted on 8 December 2003. This Act inserted a definition of the concept of discrimination into article 136 of the Criminal Code. Discrimination is taken to mean the violation of the rights, freedoms and legitimate interests of persons and citizens on the basis of sex, race, ethnicity, language, origin, wealth or official status, place of residence, attitude towards religion, beliefs or membership of a voluntary association or social group.

23. Chapter I, article 4, of the Criminal Code, which outlines the purposes and principles of the Code, states that “offenders are equal before the law and shall be criminally liable irrespective of their sex, race, ethnicity, language, origin, wealth or official status, place of residence, attitude towards religion, beliefs, membership of voluntary associations or other factors”.

24. The Code lays down the general rule that the commission of a crime motivated by ethnic, racial or religious hatred or enmity is an aggravating circumstance. Accordingly, severer penalties are prescribed for persons whose crimes are motivated in this manner. Thus, an offence contrary to article 117, paragraph 2 (h), of the Criminal Code (Causing physical or mental suffering by systematic battery or other acts of violence - Cruelty motivated by ethnic, racial or religious hatred or enmity) is punishable by 3 to 7 years’ deprivation of liberty; an offence contrary to article 111, paragraph 2 (f) (Causing serious injury to the victim’s health from like motives) is punishable by 3 to 10 years’ deprivation of liberty; and an offence contrary to article 105, paragraph 2 (k) (Murder motivated by ethnic, racial or religious hatred or enmity) is punishable by 8 to 20 years’ deprivation of liberty or life imprisonment.

25. The crime of incitement to ethnic, racial or religious hatred has been assigned to a separate article of the Code (article 282 on hatemongering and disparagement) in the chapter on offences against the constitutional basis and security of the State. The article reads:

“Acts calculated to incite hatred or enmity or disparage an individual or a group, on the basis of sex, race, ethnicity, language, origin, attitude to religion, or membership of a social group, if committed in public or through the mass media, shall be punishable by a fine of between 100,000 and 300,000 roubles or an amount deductible from the offender’s salary or some other source of income over a period of one to two years, deprivation of the right to hold a specified position or engage in a specified activity for up to three years, 180 hours’ community service, punitive deduction of earnings for up to one year, or deprivation of liberty for up to two years.

2. The same offence, when committed:

- (a) With violence or the threat thereof;
- (b) By an individual taking advantage of his official position;
- (c) By an organized group

shall be punishable by a fine of between 100,000 and 500,000 roubles or an amount deductible from the offender's salary or some other source of income over a period of one to three years, deprivation of the right to hold a specified position or engage in a specified activity for up to five years, between 120 and 240 hours' community service, punitive deduction of earnings for between one and two years, or deprivation of liberty for up to five years."

26. Under article 357 of the Code (Genocide), it is a criminal offence to commit acts "intended to destroy, in whole or in part, a national, ethnic, racial or religious group by killing members of the group, seriously injuring their health, forcibly preventing births or transferring children, organizing forced resettlement or inflicting other living conditions calculated to bring about the group's physical destruction". This crime is categorized by statute as a particularly serious offence (Criminal Code, art. 15, para. 5).

27. As a matter of national policy, the Russian Federation attaches particular importance to developing and updating legislation to afford legal protection to each ethnic cultural community. In order to guarantee the meaningful ethnic and cultural development of the peoples of the Russian Federation and resolve issues affecting inter-ethnic cooperation and partnership with religious organizations, the Ministry of Regional Development of the Russian Federation was created by Presidential Decree in September 2004 and given jurisdictional authority over nationalities policy. The Ministry is empowered to devise national policy and to draft laws and regulations affecting the social and economic development of the states of the Russian Federation, federal-ethnic relations, and protection of the rights of ethnic minorities and the native habitats and traditional lifestyles of small indigenous peoples and ethnic communities.

28. The Russian Federation is constantly refining its nationalities policy. In particular, the Ministry of Regional Development is investing considerable effort in harmonizing inter-ethnic relations, preserving cultural diversity, and combating racial discrimination, xenophobia and intolerance.

29. The Social Forum of the Russian Federation, created in 2006, proactively combats all forms of nationalism and intolerance, to which end it has a Commission for Tolerance and Freedom of Conscience. Federal Act No. 32-FZ of 4 April 2004 on the Social Forum of the Russian Federation sets out the Forum's goals and objectives, namely to encourage interaction between citizens and the federal authorities, state governments and local authorities so that citizens' needs and interests and the protection of their rights and freedoms and those of voluntary associations are taken into consideration when drawing up and implementing State policy (Concluding observations, para. 28).

30. Pursuant to Presidential Decree No. 1417 of 6 November 2004, the Presidential Commission on Human Rights has become the Presidential Council for Promoting the Development of Civil Society Institutions and Human Rights, chaired by Ms. E.A. Pamfilova. This body's powers have increased in line with the enhancement of its status. It comprises 33 experts with the technical competence to draft coherent policy in any given area, drawing on a wide network of voluntary organizations. During the reporting period, the highlights of the Council's work have been:

- Drafting a federal bill on the right of citizens to file individual and collective communications;
- Preparing an expert assessment of a bill amending and supplementing the Freedom of Movement, Choice of Address and Place of Residence Act;
- Preparing a bill amending and supplementing article 251 of the Tax Code, specifying that grant funding for human rights activities should be included in the list of activities exempt from income tax. Bill FZ No. 58666-4 amending part II, chapters 23 and 25, of the Tax Code and certain other fiscal legislation was adopted at first reading on 5 August 2004. The bill broadens the scope of grant funding to encompass the health sector, human rights and freedoms and social services for marginalized sections of the population. The Commission on Human Rights has debated this matter on a number of occasions, including at a meeting with the President. The bill contains a number of new elements that, if they were put into practice, could place the entire system for allocating and obtaining grants under unwarranted bureaucratic control. Accordingly, the Commission on Human Rights submitted an amendment to the bill at its second reading, and the Commission's initiative was endorsed by the President's Chief of Staff M.A. Medvedev;
- Pursuant to Presidential Decree No. 1237 of 20 September 2004 on additional State support for the human rights movement in the Russian Federation, an International Human Rights Centre has been set up to support the work of the Council, coordinate cooperation between Russian and international non-governmental organizations, support the human rights movement in the Russian Federation and abroad, carry out expert assessments of socially significant laws and regulations, prepare proposals for the attention of the President and the Government on action to eliminate shortcomings in the national system for upholding human rights that hold back the development of civil society, and ensure that the rights and legitimate interests of Russian citizens abroad are effectively protected;
- Framing an appeal to the Chairman of the Russian Government questioning the wisdom of suspending funding in 2005 for the special federal programme entitled "Shaping an attitude of tolerance and preventing extremism in Russian society, 2001-2005". As a result, the Russian Government decided that, in 2005, the most important parts of this programme should be funded under the Federal Programme for the Development of Education;

- In partnership with the Moscow Helsinki Group, organization of a forum entitled “Children against fascism, war and terrorism” from 26 to 27 March 2003, which dealt with topics such as manifestations of inter-ethnic tension and the growth of nationalist and xenophobic attitudes in the country;
- Organization of a national conference of chairpersons of human rights commissions reporting to the chief executive officers of states of the Russian Federation (Moscow, 15-16 July 2003). The conference was attended by representatives of human rights commissions from 60 states of the Russian Federation, regional commissioners for human rights and children’s rights, deputy plenipotentiary representatives of the President in the federal areas, senior officials from the Office of the Procurator-General, the Supreme Court, the Ministry of Justice and the President’s staff, experts and representatives of voluntary organizations active in the field of human rights;
- Facilitation of measures to normalize the social and political situation in the Chechen Republic. Pursuant to the President’s instructions issued at his meeting with the Commission for Human Rights on 10 December 2002, a working group drawn from members of the Commission (L.M. Alekseeva, S.A. Gannushkina and E.A. Pamfilova) and representatives of the President (S.V. Ilyasov and I.B. Yunash) twice visited the Chechen Republic and the Republic of Ingushetia from 26 to 29 December 2002 and from 7 to 8 February 2003 to familiarize themselves with the situation in temporary residence centres for internally displaced persons from the Chechen Republic. In line with their findings, the working group drafted a joint coordinated report for the President containing specific proposals to tackle problems they identified. A 10-member delegation from the Commission visited the Chechen Republic from 4 to 6 September 2003 during the Chechen presidential election. They visited more than 50 polling places throughout Chechnya, including Grozny. Members of the Commission, including the chairperson, paid a working visit to the Chechen Republic from 29 to 30 January 2004 to organize and attend a meeting between representatives of local human rights organizations and senior administrators with a view to proposing joint action to prevent the disappearance of Chechen citizens. Over the period in question, delegations from the Commission, headed by its chairperson, have paid more than 20 working visits to the Chechen Republic and the Republic of Ingushetia;
- On 15 April 2004, the executive secretary of the Commission attended a round-table conference at the State Duma on updating legislation pertaining to ethnic Russians abroad and forcibly displaced persons. The round table focused on refining approaches to the enforcement of the Russian Citizenship Act, the Ethnic Russians Abroad (State Policy) Act and the Foreign Citizens in the Russian Federation (Legal Status) Act;
- Members of the Commission/Council have made a number of statements deprecating the dissemination of neo-fascist ideology, racism and xenophobia;
- Participation in the European Expert Meeting on Combating Racism, Xenophobia, Discrimination and Related Intolerance in Europe (20-21 March 2003), organized by

the Moscow Bureau of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Division of Human Rights and Fight against Discrimination based at UNESCO Headquarters in Paris;

- Attendance at the Conference on Anti-Semitism (Berlin, 28-29 April 2004);
- Inauguration and launch of community advice bureaux and a legal advisory service for the general public;
- Consideration of more than 18,000 communications from members of the public and assistance with problem-resolution;
- Development of a range of tools on the theory and practice of human rights. Input in the draft federal policy framework for upholding and protecting human rights and freedoms.

31. The federal authorities hold ongoing consultations and support other working contacts with the Social Forum and domestic and international human rights organizations. To enhance these efforts, the Ministry of Regional Development is setting up an Advisory Council on the affairs of autonomous ethnic cultural organizations and an Interdepartmental Commission for cooperation with ethnic voluntary associations. In addition, the Ministry is currently drawing up agreements with the Assembly of Peoples of Russia and the Association of Small Indigenous Peoples of the North, Siberia and the Russian Far East in order to improve cooperation when implementing joint ethnic cultural projects.

32. At its meeting on 2 August 2001, the Government approved the draft special federal programme entitled “Shaping an attitude of tolerance and preventing extremism in Russian society, 2001-2005”. Success has been achieved in identifying tolerant values and injecting them into social discourse, thereby ensuring that individuals and social groups react in a balanced way to situations of social tension and promoting a basis for harmonious coexistence in a democratic State.

33. To create a framework for the ongoing development of every nation in the Russian Federation in a spirit of mutual understanding and partnership, and to inaugurate a system of regular monitoring of inter-ethnic relations, a special federal programme entitled “Ethnic and cultural development of the Russian regions, 2006-2008” is currently being developed.

34. The updating of legislation and law enforcement practice in this area is a work in progress. Some of the projects in the pipeline include a federal bill on the principles of State nationalities policy, a draft Government decision on an authorized representative of the small indigenous peoples of the North, and a draft policy framework on fostering a culture of inter-ethnic dialogue and a mechanism for promoting such a dialogue.

35. The important role of civil society in preventing racial discrimination and intolerance must be emphasized. In the Russian Federation a large number of voluntary human rights organizations operate within the framework of existing laws and regulations. The international network Youth Human Rights Movement, the Free University and the Youth Human Rights Group have launched a two-year information campaign on the theme of “Anti-fascism and tolerance”. “Nashi”, an interregional voluntary organization set up to foster the development of

sovereign democracy, regularly organizes mass youth events in various regions of Russia to combat intolerance and fascism among young people. Representatives of civil society have organized a number of important events in the last few months alone. For example, an event was held near St. Basil's Cathedral in Moscow on 3 June 2006 in memory of people killed by skinheads in incidents characterized by ethnic hatred and intolerance. The event was organized by an Armenian youth group and was attended by young Armenians from Moscow and Moscow province. In May 2006 a ceremony was held in the Hall of Glory of the Poklonnaya Gora memorial complex in Moscow to mark the signing of an agreement to combat nationalism, xenophobia and religious strife (the Anti-fascist Pact). The leaders of 12 Russian political parties gathered at Poklonnaya Gora to sign this document (United Russia, the Liberal Democratic Party of Russia, the Agrarian Party of Russia, the Union of Right-wing Forces, the United Socialist Party of Russia, the Pensioners' Party, the Patriots of Russia Party, the Social Justice Party, the United Russian Industrial Party, the Russian Peace Party, the Free Russia Party and the Democratic Party of Russia).

36. In June 2006 an international conference was organized on the theme "A multi-ethnic Russia in the twenty-first century: dialogue between cultures and religions, human rights", attended by representatives of voluntary associations, religious organizations, federal and regional authorities, academics and cultural personalities. At the close of the conference, the Chairman of the State Duma's Committee for International Affairs, Mr. K.I. Kosachev, proposed that the Ministry of Regional Development should be mandated to carry out a comparative analysis of Russian and overseas legislation on the rights and status of ethnic cultural minorities. The Chairman of the State Duma's Committee for Nationalities Affairs, Mr. E.N. Trofimov, drew special attention to the problems of administering inter-ethnic relations and combating racial, ethnic and religious intolerance. The Committee is currently considering whether to amend the legislative and regulatory framework in order to create a separate category of racially motivated crimes. The Dean of the Department for Extradioecesan Ecclesiastical Relations of the Moscow Patriarchate, Metropolitan Kirill of Smolensk and Kaliningrad, devoted his statement to issues of moral responsibility and spiritual education, calling for greater emphasis on moral strength in the context of the multi-faith nature of Russian society.

37. Federal action in the area of inter-ethnic relations is being complemented by the activities of the states of the Russian Federation. The Moscow Government monitors cooperation between voluntary organizations and the authorities on issues relating to the prevention of all forms of discrimination. The lead organization in this area is the Moscow city Committee on Interregional Relations and Nationalities Policy. A Council has been set up to advise the Moscow city Government on inter-ethnic relations.

38. The special medium-term city programme entitled "Multi-ethnic Moscow: Building civic responsibility and a culture of peace and harmony (2005-2007)", which is based on the principles finalized in 2004 in the special medium-term city programme entitled "Moscow on the path to a culture of peace: Building the values of tolerance, preventing extremism, developing a culture of peace (2002-2004)", is currently being implemented. The programme draws on the positive experiences, techniques and expertise tried and tested in other states of the Russian Federation during implementation of the Strategic Plan on State Nationalities Policy. The programme focuses on the inhabitants of Moscow, i.e. Russian citizens residing in the capital, irrespective of length of residency in Moscow, place of birth or ethnic background, and also on permanently or

temporarily resident foreign citizens. The programme is intended to promote the development of civil society, strengthen Russian statehood, forge a Muscovite identity, blend national interests and the right of citizens to preserve their ethnic, cultural, linguistic and religious affiliation, and consolidate an atmosphere of inter-ethnic harmony.

39. Regional community associations in Moscow play an important part in this endeavour. Over 40 of these associations cooperate closely with the Moscow city Government, and a Coordinating Council of Regional Community Associations has been set up. In October and November 2004 a symposium and training session was organized on the theme “The tolerant individual as the ideal of civil society and an active agent in eliminating extremism: From words to action”, as well as a conference focusing on “Ethnic stereotypes and xenophobia in the mass media”. Cultural events are held every year to raise the profile of the culture and traditions of the peoples of Russia and the world, for example the Slavic Texts Festival, the “Sabantui” Tatar-Bashkir festival, the “Sagaaigan” Buryat festival, the “Akatui” Chuvash festival, the “Tsyganskoe Podvorye” festival of gypsy art, the “Constellation of Friendship” and “Beauty Saves the World” ethnic arts festivals, the Unity Forum and many others. The Moscow House of Nationalities serves the ethnic cultural needs of residents and visitors to Moscow alike. In 2004 and 2005 it hosted 372 events in which nearly 20,000 people participated.

40. The administration and government of St. Petersburg are taking great pains to foster the multi-ethnic character of the city. Such matters are handled by the St. Petersburg Committee on Foreign Relations, which contains a special department for relations with the city’s ethnic associations and ethnic communities living abroad. A by-law on inter-ethnic relations in St. Petersburg has been adopted and is being implemented. A draft medium-term city programme entitled “Tolerance” has been drawn up for the period 2006-2010 aimed at harmonizing inter-ethnic and intercultural relations, preventing xenophobia and strengthening tolerance in the St. Petersburg metropolitan area.

41. By order of the city administration’s Committee for Legality, Law Enforcement and Security, a working group has been set up to guarantee the safety of foreign citizens staying in the city. The safety of foreigners studying at St. Petersburg’s higher education institutions is regularly on the agenda of coordination meetings chaired by the chief officer of the Ministry of Internal Affairs Central Department for the North-west Federal Area and working meetings between senior officials of the Central Internal Affairs Department and vice-principals of St. Petersburg’s institutes of higher education responsible for international relations. For example, on 9 April 2004 the Central Internal Affairs Department ordered additional measures to guarantee the safety of foreign citizens studying at St. Petersburg’s institutes of higher education, and specified a mechanism for cooperation with the association of vice-principals responsible for international relations. In 2005 the St. Petersburg Procurator’s Office issued an instruction booklet entitled “Protect yourself” for foreign students and distributed it around a number of student hostels. The booklet aims to help students avoid attacks and contains the essential contact numbers of relevant law enforcement units.

42. St. Petersburg has a distinctive culture that blends the best elements of various ethnic traditions. It is traditionally home to civilized forms of social and cultural intercourse between large and small ethnic groups, the Russian majority and ethnic minorities. A number of ethnic societies, clubs and schools are well established, and newspapers and magazines are published

in the native languages of the non-Russian population. Over 150 different ethnic and inter-ethnic societies, associations, regional community groups, centres and associations are currently registered in the city, as well as ethnic cultural autonomous organizations. The activities of these organizations are coordinated by the St. Petersburg Centre for Ethnic Cultures and the “League of Nations” association. There is also a unique arts association - the Multi-ethnic St. Petersburg Writers’ Union - and the Petropol scientific centre.

43. The administration of Vladimir province has begun monitoring the political views of young people and the informal youth groups that style themselves “skinheads”.

44. In Voronezh and Yaroslavl provinces, representatives of ethnic diasporas have taken part in coordination meetings with law enforcement agencies on the subject of combating extremism. These meetings have outlined a series of measures to intensify the efforts of the provincial security apparatus. They have also attended a youth forum on the theme “Tolerance in inter-ethnic relations - the path to peace”.

45. Perm province has adopted a programme to develop harmonious relations between the peoples living in the province over the period 2004-2008. The programme aims to promote cooperation among the peoples living in the province, strengthen the legal framework for State nationalities policy, and prevent ethnic extremism.

46. The Russian Federation advocates respect for and protection of human rights irrespective of race, skin colour, nationality or ethnic origin. At the same time, in view of the constant threat of international terrorism, the Russian Government, like others, has been forced to take action that could involve temporary restrictions on civil rights and freedoms. The tightening up of identity checks by the law enforcement authorities is connected with the need to ensure security and public order in the context of antiterrorist measures.

47. To some extent, occasional shortcomings in the work of the law enforcement agencies can be explained by the fact that law enforcement officers are drawn from society and their behaviour may reflect undesirable characteristics in society at large. The Ministry of Internal Affairs and other law enforcement agencies are currently taking pains to select and train staff who speak foreign languages; they offer further vocational training to officers in the intricacies of the legal status of aliens in Russian territory, the need to take into account national and religious customs, traditions and special characteristics when dealing with reports of crimes, and the speedy investigation and solving of such crimes. A special manual entitled “The Samara militia officer’s handbook”, which describes the religious and national traditions of 130 ethnic groups living in Samara region (paragraph 13 of the Committee’s concluding observations on the fifteenth, sixteenth and seventeenth periodic reports), was rolled out in Samara on 14 July 2006.

48. Paragraph 20 of the Committee’s concluding observations expresses concern about the difficult situation facing indigenous peoples in the Russian Federation. The following points should be noted. Small indigenous peoples occupy a special place in the ethnic composition of the Russian population. Their status is defined by the Russian Constitution, Federal Act No. 82-FZ dated 30 April 1999 on safeguarding the rights of small indigenous peoples, and other federal legislation. The Ministry of Regional Development monitors the implementation of federal statutes on the rights of small indigenous peoples and the programme for the economic

and social development of small indigenous peoples of the North in the period to 2011. A number of key issues affecting small indigenous peoples have been included in the plan of action for the socio-economic development of northern regions, as approved by Government Order No. 185-r of 21 February 2005.

49. The Ministry of Regional Development is collaborating with the State Duma's Committee for Nationalities Affairs on a bill to protect the native habitats of the small indigenous peoples of the North, Siberia and the Russian Far East. With input from the Ministry, the Government organized and held the Fifth Congress of Small Indigenous Peoples of the North, Siberia and the Far East from 12 to 14 April 2005, which was instrumental in renewing partnership between the federal authorities and associations of small indigenous peoples.

50. Establishing areas of traditional resource use is vitally important for the development of small indigenous peoples in a modern context and the preservation of their traditional culture and way of life, given that their culture, way of life and traditional economy is intimately linked to their natural environment. Mindful of the special vulnerability of small indigenous peoples, the Government should commit itself to defending their right to traditional resource use and their traditional lifestyle, including through the designation of areas of traditional resource use.

51. Federal Act No. 49-FZ on areas of traditional resource use of the small indigenous peoples of the North, Siberia and the Russian Far East was enacted on 7 May 2001. The Act is intended to protect the native habitat and traditional lifestyle of small indigenous peoples; to preserve and develop their distinctive culture; and to conserve biological diversity in areas of traditional resource use. Efforts are currently being made to ensure that this Act is properly implemented. Pursuant to Government Order No. 185-r of 21 February 2005, the Ministry of Regional Development is engaged in drafting laws and regulations to establish areas of traditional resource use for the small indigenous peoples of the North.

52. In partnership with the Association of Small Indigenous Peoples of the North, Siberia and the Russian Far East, the Russian Academy of Natural Sciences has prepared draft regulations on the "Bikin" model federal area of traditional resource use for small indigenous peoples in Primorsky Territory, which will be submitted to the Government for approval.

53. Pursuant to Government Order No. 758-r of 27 May 2006, a national steering committee has been set up to prepare and implement the Second International Decade of the World's Indigenous People in the Russian Federation. A cross-sectoral comprehensive plan of action on this topic is being drawn up.

54. The Russian Federation is doing its utmost to strengthen international cooperation in order to address problems affecting indigenous peoples in areas such as culture, education, the environment and socio-economic development. The Government is working with all mechanisms and structures in the United Nations system to protect the rights of indigenous peoples, including the Permanent Forum on Indigenous Issues, the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights, and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.

55. The legal status of indigenous peoples is dealt with by a number of statutes in addition to the laws and regulations listed above. Federal Act No. 189-FZ of 26 December 2005 on the federal budget for 2006 stipulates that federal funds will be allocated to the special federal programme for the economic and social development of small indigenous peoples of the North in the period to 2011. Pursuant to Federal Act No. 199-FZ of 31 December 2005 on amending certain legislative acts of the Russian Federation in connection with further delineation of jurisdiction, a new subparagraph (subparagraph 54) was inserted into article 26.3, paragraph 2, of Federal Act No. 184-FZ of 6 October 1999 on the basic organizational principles of the legislative (representative) and executive branches of the state governments of the Russian Federation. This provision makes state governments responsible for arrangements to protect the native habitat and traditional way of life of small indigenous peoples in the Russian Federation.

56. Federal Act No. 102-FZ of 4 July 2003 amending and supplementing article 18 of the Federal Act on basic safeguards of Russian citizens' electoral rights and right to take part in referendums provides that, when forming electoral districts, the degree of deviation from the average norm of voter representation in areas with large indigenous populations may be increased.

57. Many of the above-mentioned laws were adopted on the initiative of the State Duma's Committee for Nationalities Affairs. Furthermore, in 2003 the Committee adopted laws to amend and supplement the Federal Act on autonomous ethnic cultural organizations, the Federal Act on rehabilitating victims of political repression (specifically, the rehabilitation of Russian citizens repressed in former union republics and children whose parents were subject to repression and are therefore classed as victims of political repression), and the Federal Act on the official language of the Russian Federation. The Committee's programme of work features many bills on nationalities issues, such as one to supplement the Federal Act on non-profit organizations (designating small indigenous peoples' communities a form of non-profit organization); a bill on the basic principles of State nationalities policy; a bill on the Russian nation; a bill on the procedure for preventing and resolving inter-ethnic conflicts in the Russian Federation; a bill to amend and supplement the Federal Act on education (specifically, ethnic cultural education); a bill to combat ethnic extremism; a bill to amend and supplement the Federal Act on common organizational principles of local government in the Russian Federation (specifically, the rights of small indigenous peoples and ethnic minorities to take part in the conduct of local government in areas where their communities are concentrated and the status of ethnic administrative territorial units); a bill guaranteeing the representation of small indigenous peoples and ethnic minorities in the State authorities of the Russian Federation; and a bill on a migration register for aliens and stateless persons in the Russian Federation.

58. The State Duma's Committee for Nationalities Affairs has drafted a bill on a commissioner reporting to the Federal Assembly on the rights of peoples living in the Russian Federation. The bill was debated at a special seminar held in situ in Krasnodar Territory with representatives of state legislatures and won endorsement from more than 40 regional representatives. It is intended that the commissioner will be an independent, public-law institution tasked with parliamentary oversight of State protection of the rights of the diverse peoples of the Russian Federation and

promoting their socio-economic, ethnic and cultural development regardless of numbers and whether or not they live in an ethnic state or ethnic territorial unit. The commissioner's primary task will be to consider "ethnically related" complaints against State agencies, voluntary organizations and officials that violate the rights of the peoples living in the Russian Federation, and also the collective or individual rights of citizens connected with their ethnicity. The commissioner will be able to resolve conflicts through persuasion, public exposure or recommendations to prosecute. The commissioner has been assigned a special role in resolving conflicts that involve clashes between the interests of the State and those of ethnic individuals or groups. The commissioner will complement the system of government bodies that regulate and protect the rights of Russia's peoples to unimpeded ethnic development and promote the formulation of required national policy on inter-ethnic relations.

59. The Committee has set up a subcommittee on the ethnic cultural development of the Russian nation and other peoples of the Russian Federation, a subcommittee on small peoples, ethnic minorities and language policy, and a subcommittee on the problems of the northern Caucasus, repressed peoples, refugees and forcibly displaced persons.

60. The Committee's remit includes the preliminary consideration and preparation for examination by the State Duma of draft legislation and/or decisions on the following topics:

Implementation of the Russian Federation's State nationalities policy;

The ethnic cultural development of the Russian nation and other peoples of the Russian Federation;

Guaranteeing the rights of small indigenous peoples and protecting the rights of ethnic minorities;

Protection of the native habitats and traditional lifestyles of small indigenous peoples of the North, Siberia and the Russian Far East (jointly with the State Duma's Committee on Northern and Far Eastern Affairs);

The socio-economic and ethnic-political situation in the northern Caucasus;

Facilitation of a political settlement, and respect for human rights, in the Chechen Republic (in partnership with the State Duma's Commission for the Promotion of a Political Settlement and Respect for Human Rights in the Chechen Republic);

Repressed peoples, refugees, forcibly displaced persons and Russian communities abroad;

Relations with autonomous ethnic cultural organizations and other ethnic voluntary associations (the Assembly of Peoples of Russia, regional assemblies, associations of small peoples, etc.);

Establishment and operation of local government bodies in areas inhabited by ethnic groups;

Funding State nationalities policy and federal and regional programmes adopted under this policy (in partnership with the State Duma's Budget and Taxes Committee);

Funding ethnic cultural voluntary associations (in partnership with the State Duma's Budget and Taxes Committee);

Federative relations in the Russian Federation (in partnership with the State Duma's Committee for Federation Affairs and Regional Policy);

Language policy (in partnership with the State Duma's Committee for Education and Science and the Committee for Culture and Tourism);

Implementation of generally accepted principles and norms of international law relating to ethnic matters (in partnership with the State Duma's Committee for International Affairs).

Participation in official events on ethnic issues organized by other federal government bodies, state governments and international organizations;

Cooperation with the committees and commissions on nationalities affairs of the legislatures (representative bodies) of the states of the Russian Federation, and the holding of joint meetings, seminars, conferences and individual consultations;

Cooperation with ethnic cultural autonomous organizations and other ethnic voluntary associations and movements throughout the country, and the holding of joint events on ethnic issues;

Providing the State Duma's Commission for the Promotion of a Political Settlement and Respect for Human Rights in the Chechen Republic with organizational, documentary, information and logistical support.

61. The Strategic Plan on State Nationalities Policy, approved by the President in 1996, is a key document regulating ethnic relations in Russia. Under the Plan, State policy in this area is based on the principles of equal human and civil rights and freedoms irrespective of a person's race, language or religion; preservation of the historically established integrity of the State; preservation and development of the languages and cultures of Russia's peoples; timely and peaceful settlement of disputes and conflicts; and the proscription of activities calculated to incite social, racial, ethnic or religious discord, hatred or enmity. In 2005 the Ministry for Regional Development established an Interdepartmental Commission to make adjustments to the Strategic Plan on State Nationalities Policy. The Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Culture and Mass Communication, the Ministry of Education and Science, the Ministry of Economic Development and Trade, the Ministry of Justice, the Federal Migration Service, the Federal Security Service and the states of the Russian Federation were all involved in making adjustments to the Strategic Plan. Adjustments were discussed, various approaches mulled over, and amendments and clarifications adopted in the course of more than 20 discussion groups, round-table seminars and working meetings with ethnic and human rights voluntary associations and academics. One development in this area was the

creation of a single panel of experts tasked with researching and pinpointing cases of xenophobia, ethnic and religious intolerance and extremism. The revised version of the Strategic Plan was debated at the Social Forum Commission on Tolerance and Freedom of Conscience on 7 March 2006. The prepared corrigenda have been submitted to the states of the Russian Federation for coordination.

62. The following remarks refer to paragraph 15 of the Committee's concluding observations. Inter-ethnic relations in the Southern Federal Area are complicated by the still unresolved problem of the Meskhetian Turks in the Russian Federation. This problem was addressed in 2005 through the following action:

- Implementation of a programme enabling Meskhetian Turks in Krasnodar Territory to emigrate to the United States of America;
- Naturalization of Meskhetian Turks with appropriate entitlement;
- Ascertaining the wishes of Meskhetian Turk communities who do not qualify for the emigration programme or for naturalization.

63. The process of determining the legal status of the Meskhetian Turks has become bogged down because some members of this ethnic community see the Russian Federation as merely a staging post on the way back to Georgia. For several years now, the process has been put on hold by Georgia's failure to comply with its commitment, entered into in 1999 when it joined the Council of Europe, to adopt a law on the repatriation of the Meskhetian Turks within two years (stipulating that they should be granted Georgian citizenship) and to repatriate them over the next 10 years. Pursuant to a decree promulgated by the Georgian President, Georgia was supposed to accept 5,000 repatriates prior to 2000. In fact nothing was done.

64. The Russian Ministry of Foreign Affairs is currently working within the framework of the Council of Europe and other international organizations to ensure that Georgia fulfils its commitments to the Council of Europe on schedule. Given that the Meskhetian Turks are unlikely to be repatriated to their historical homeland in Georgia in the foreseeable future, the Russian authorities are considering the alternative possibility of their voluntary resettlement to third countries. Since February 2004, the Government of the United States of America, with support from the International Organization for Migration (IOM), has run a programme for the voluntary resettlement of the Meskhetian Turks to the United States.

65. In its concluding observations on the previous reports of the Russian Federation, the Committee expressed its concerns about the involvement of certain Cossack organizations in acts of intimidation and violence (para. 16). The following points should be noted. As a rule, Russia's Cossacks are organized into Cossack communities and voluntary associations. All Russia's Cossack organizations are formed in strict accordance with the Constitution. The principal legislative acts regulating the activities of Cossack organizations are Federal Act No. 154-FZ of 5 December 2005 on public service by the Cossack community and Federal Act No. 82-FZ of 19 May 1995 on voluntary associations.

66. The vast majority of Cossacks belong to Cossack communities. A Cossack community is a voluntary association of Russian citizens in a non-profit organization formed in accordance with federal law, recorded in the national register of Cossack communities, whose members have duly undertaken an obligation to perform public or other service. In the Russian Federation, any citizen irrespective of his or her ethnic background or religion may become a member of a Cossack community. The Tver military Cossack community has predominantly Ossete and Ingush chapters. The “Almighty Cossack Army of the Don” has a Kalmyk district. There is a regional Cossack community called the “Yakut registered Cossack regiment”. And the active Cossack communities in the Republic of Buryatia and Tuva draw their membership from among local people. Cossack communities oppose manifestations of chauvinism and xenophobia. They hold friendship festivals and joint activities with representatives of various diasporas. In January 2006 Cossack communities in Volgograd province got involved in protecting the local synagogue against possible acts of vandalism. A quiz contest on the theme “Martial valour of the Kuban Cossacks and mountain peoples in the First World War” reached its climax in Krasnodar Territory in May 2006, and a reunion of all descendants of cavalymen from the “Wild Division” and the Cossack Knights of St. George who fought in the First World War is planned for autumn 2006.

67. The second largest category of Cossacks (9 per cent of the total) is made up of Cossack voluntary associations such as voluntary organizations and advocacy groups, public foundations and community action groups. Nor are Cossack voluntary associations mono-ethnic, although there currently exists an International Armenian Cossack Association whose members are predominantly drawn from the Armenian diaspora. The majority of Cossack voluntary associations sponsor initiatives to foster tolerance and intercultural dialogue. Some Cossack voluntary associations are the driving force behind national academic conferences, festivals, competitions and other events intended to strengthen good-neighbourly relations between the peoples of Russia.

68. Under Russian law, no Cossack organization in the Russian Federation, even those that have duly undertaken to perform public or other service, has the right to carry out military or police functions.

69. No federal programmes to support Cossack organizations have existed since 2001. In 2006 there were just three regional programmes for Cossack communities, namely in Rostov province and Krasnodar and Stavropol Territories. There have been no recorded incidents of incitement to inter-ethnic strife or acts of intimidation and violence against specific ethnic groups committed by Cossack communities that receive public funds from states of the Russian Federation. Reports originating in the Western media or from certain Russian human rights watchdogs to the effect that Cossacks have been involved in acts of intimidation and violence against ethnic groups have no basis in fact. The Russian Government shares the Committee’s concern, noting that the majority of cases of extremism and xenophobia occur in unofficial organizations that have not registered themselves or whose registered status has been officially withdrawn. These organizations are not publicly funded, nor are they authorized to perform law enforcement functions.

70. The following points should be noted with regard to paragraphs 17 and 18 of the Committee’s concluding observations on the previous reports of the Russian Federation. All

Russian citizens enjoy equal rights regardless of ethnicity or race. Russia's law enforcement agencies defend civil peace and order, acting solely on the basis of laws and regulations currently in force and without distinguishing between lawbreakers on ethnic grounds. The social status of ethnic Chechens is no different from that of other ethnic groups, as indicated by the socio-economic status of Chechens, the extent of their involvement in the political and business elite and their extensive network of ethnic cultural organizations in various states of the Russian Federation. For example, Chechen businessmen in Moscow (of whom there are 200,000 according to some estimates) are fully integrated into the Russian business community and Russian society.

71. As of 8 February 2006, there were 62,500 forcibly displaced persons (including 8,327 people displaced by the Ossete/Ingush conflict) and more than 82,200 internally displaced persons registered at local agencies of the Federal Migration Service in states of the Russian Federation belonging to the Southern Federal Area. The term "internally displaced persons" means people displaced within the Russian Federation. It has come into use in recent years and is applied to Russian citizens who temporarily left their homes in the Chechen Republic (mainly during the resolution of the crisis) and now live in temporary accommodation in the Russian Federation (including in the territory of the Chechen Republic itself), yet who plan to return to their homes.

72. Considerable efforts were made in 2005 to compile legal documentation on forcibly displaced persons. Pursuant to an initiative by the Federal Migration Service, forcibly displaced persons have been surveyed for the first time during the post-conflict adjustment phase with a view to finding out where they intend to settle. There are 62,200 internally displaced persons living in temporary housing in the North Caucasus region, including 2,100 in the Republic of Ingushetia and 60,100 in the Chechen Republic. They are all Russian citizens protected by the Constitution and the laws of the Russian Federation. As part of its efforts to enforce Presidential Instruction No. Pr-1277 of 11 July 2001 and paragraph 3.6 of the record of proceedings (No. 1) of the Security Council of the Russian Federation dated 27 February 2002, the Federal Security Service, in partnership with the relevant federal executive agencies and the Government of the Chechen Republic, is laying the groundwork for the return of internally displaced persons to the Chechen Republic.

73. The Government's approach to dealing with the return of internally displaced persons in the North Caucasus is based solely on the principles of voluntariness and protection of human rights. Policy in this area aims to encourage people to return to their homes through socio-economic incentives. All measures to encourage the resettlement of internally displaced persons are supervised by the Office of the United Nations High Commissioner for Refugees, the Council of Europe, various non-governmental organizations and international and Russian humanitarian organizations.

74. The Special Federal Programme to Revive the Economic and Social Spheres in the Chechen Republic (from 2002) is being vigorously implemented at federal and regional level. The process of returning internally displaced persons as the situation in the Chechen Republic stabilizes is gathering pace. This affects not just inhabitants of the Chechen Republic living in states of the Russian Federation, but abroad as well. Thanks to joint efforts in this sphere, it has

been possible to clear away all the tent cities in the Republic of Ingushetia and provide better housing for more than 60,100 people who have returned to the Chechen Republic. People in this category are continuing to return to the Chechen Republic.

75. In the last three years a system of State support for internally displaced persons has been put in place and is now working smoothly. Returnees are allocated transport and receive assistance with their fares and removal costs. To help them settle back into the Chechen Republic, 32 publicly funded temporary accommodation centres (including 22 in Grozny) have been re-established and are now in operation. In addition, 14 concentration points have been established in Shelkovsky and Sundzha districts and in Grozny. A total of 46 fully-equipped hostels have been built in the Chechen Republic, which are now occupied by more than 48,000 people including approximately 22,000 children. All the hostels are designed for winter use. The buildings have an electricity and gas supply, drinking water is delivered, and there is a heating system.

76. Temporary accommodation centres in the Chechen Republic have medical consulting facilities. To make additional provision for the educational and cultural development of the children of internally displaced persons and lay on constructive leisure activities for them, the Federal Migration Service and the Government of the Chechen Republic have joined forces with certain non-governmental organizations such as the National Sports Society and Library Fund and the Russian Orthodox Church (through its programme “Churches Joint Action - North Caucasus”) in organizing computer classes, mini gymnasiums, reading rooms and psychological rehabilitation centres for children in various temporary accommodation centres.

77. The children of internally displaced persons attend general-education schools. According to the Ministry of Education, the Chechen school population numbers roughly 240,000 children and young people. In addition to schools, preschool facilities and secondary specialized institutions, there are three institutes of higher learning in the Chechen Republic. Steps are being taken to train specialist personnel in higher, postgraduate and secondary vocational education at secondary and tertiary specialized institutions. To this end, the practice of allocating full-time study places for Chechen school leavers has been introduced at 86 institutions of higher learning nationwide (Concluding observations, para. 19).

78. Mindful of representations from Russian citizens who were forced to leave their homes in the Chechen Republic and are now in Georgia, and pursuant to Presidential instruction No. pr-810 of 17 May 2004, the Federal Migration Service has joined forces with the relevant federal executive bodies and the Government of the Chechen Republic to put in place measures to encourage them to return. More than 180 people have been helped to return to the Chechen Republic from Georgia. These efforts are continuing.

79. Pursuant to Presidential Decree No. 1285 of 6 October 2004 on facilitating official efforts to develop relations between the Republic of North Ossetia-Alania and the Republic of Ingushetia, the Federal Migration Service has been given the extra task of managing the aftermath of the Ossete-Ingush conflict. To carry out this mandate, which includes organizing installation support for forcibly displaced persons who lost their homes in the Ossete-Ingush conflict in October and November 1992, an Interregional Authority of the Federal Migration Service has been set up, based in Vladikavkaz. More than 40,000 people fled

North Ossetia-Alania during the Ossete-Ingush conflict. Today, 8,327 people are registered with the Interregional Authority as being in need of housing and installation support. The Federal Migration Service prepared and on 30 December 2005 the Russian Government adopted Decision No. 846 amending and supplementing Government Decision No. 274 of 6 March 1998 on State assistance to Russian citizens who lost their homes in the Ossete-Ingush conflict of October-November 1992.

Article 3

80. In accordance with article 3, paragraph 2, of the Convention, representatives of small peoples are afforded special opportunities to preserve and develop their traditional culture. For example, pursuant to Government Order No. 185-r of 21 February 2005, action is being taken to upgrade the legislative and regulatory framework pertaining to small indigenous peoples, develop the infrastructure of their homelands and expand international cooperation with a view to preserving their cultures.

Article 4

81. The Russian Constitution forbids the establishment or activity of voluntary associations whose purposes or actions are calculated to incite social, racial, ethnic or religious strife (art. 13, para. 5).

82. Further to this constitutional norm, Federal Act No. 114-FZ on measures to counter extremism was adopted on 25 July 2002. This Act lays down the legal and organizational basis for fighting extremism, defined as a criminal offence, with a view to protecting human and civil rights and freedoms and the foundations of constitutional order and ensuring the integrity and security of the Russian Federation. Specifically, article 1 of the Act defines extremist activity in the following manner:

- The activity of voluntary and religious associations or other organizations, mass media or individuals in planning, organizing, preparing and carrying out actions aimed inter alia at inciting racial, ethnic or religious strife, and also social discord, attended by violence or appeals to violence; and the disparagement of an ethnic group;
- Bringing about large-scale disorder, hooliganism and acts of vandalism motivated by ideological, political, racial, ethnic or religious hatred or enmity, or by hatred or enmity towards a particular social group;
- Advocating exclusiveness or the superiority or inferiority of citizens on the grounds of their attitude to religion or on social, racial, ethnic, religious or linguistic grounds;
- Publicizing and publicly displaying Nazi paraphernalia or symbols, or paraphernalia or symbols that bear a confusing resemblance thereto;
- Publicly calling for the pursuit of such activities or the commission of such acts;

- Funding such activities or otherwise facilitating their execution or commission, including the provision, for the purpose of carrying out such activities, of financial resources, immovable property, teaching, printing or other technical facilities, telephone, fax or other means of communication, information services or other logistical facilities.

The Act defines extremist organizations as a voluntary or religious association or similar organization whose dissolution, or the proscription of whose activities, has been ordered by a court, in a ruling that has become enforceable, on the grounds that it is carrying on extremist activity as defined under the Act.

83. The fight against extremism is based on the principles of recognition, observance and protection of human and civil rights and freedoms and the legitimate rights of organizations, the rule of law, transparency, and the priority accorded to national security (Federal Act No. 114-FZ, art. 2). Among measures for combating the extremist activities of organizations, the Act cites cautions and warnings (including warnings against the unlawful distribution of extremist materials) and suspension of their activities. In all cases, provision is made for the possibility of challenging the actions of State agencies through the courts (arts. 6-8 and 10). Only a court can set in motion the procedure for dissolving an association or organization, or proscribing the activities of associations that are not corporate bodies (art. 9).

84. The State Duma's Committee on Civil, Criminal, Commercial and Procedural Legislation has prepared a set of amendments to current legislation, including the Federal Act on countering extremism, whereby it is proposed to criminalize the dissemination of extremist information via the Internet and computer applications. The amendments will shortly be placed before the Council of the State Duma for consideration.

85. Article 282.1 of the Criminal Code has been supplemented by a Federal Act of 25 July 2002, as a result of which the organization of an extremist association, i.e. an organized group of persons formed for the planning or commission of offences motivated by ideological, political, racial, ethnic or religious hatred or enmity, or by hatred or enmity towards a particular social group; or for the direction of such an extremist association or any part or component thereof. In addition, this article of the Code criminalizes participation in an extremist association. A note appended to article 282.1 of the Code specifies that persons who voluntarily discontinue their membership of an extremist association shall not incur criminal liability, provided they have committed no other crime. In addition, the legislator has singled out and specified a harsher penalty for any person who uses his or her official position to commit this criminal offence.

86. The same Federal Act supplemented the Criminal Code with article 282.2, under which it is an offence to organize or join a voluntary or religious association or other organization whose dissolution, or the proscription of whose activities, has been ordered by a court, in a ruling that has become enforceable, on the grounds of carrying on extremist activity.

87. Federal Act No. 153-FZ of 27 July 2006 has supplemented article 104-1 of the Criminal Code by providing for the confiscation of money, assets and other property deriving from the crimes under the articles listed in article 104-1, including crimes motivated by ethnic, racial and

religious hatred and enmity (Criminal Code, art. 105, para. 2 and art. 111, para. 2), and also for offences connected with the organization of an extremist association or the activities of an extremist organization (arts. 282-1 and 282-2). Money, assets and property used or intended to finance terrorism, extremism, nationalism or criminal activity are also liable to confiscation.

88. Efforts to counter manifestations of extremism, xenophobia, racial intolerance and related breaches of the law are a key area of procuratorial monitoring activity.

89. On 17 May 2004 the Procurator-General of the Russian Federation issued order No. 13 on enhancing procuratorial monitoring of compliance with the law on countering extremism, pursuant to which procuratorial bodies are charged with preventing, detecting, averting and suppressing extremism on the part of voluntary and religious associations, the media and individuals. These guidelines are amended and updated whenever appropriate, for example adjustments are currently being made to incorporate the modifications to articles 1 and 15 of the Federal Act on measures to counter extremism contained in Federal Act No. 148-FZ of 27 July 2006.

90. The Office of the Procurator-General of the Russian Federation and state procurator's offices are carefully examining the legal position in this area. In practice, since the adoption of the Federal Act on measures to counter extremism, law enforcement and other agencies have been increasingly active in countering extremist activity by voluntary and religious associations and individuals and ensuring that all citizens enjoy equal ethnic, racial and religious rights.

91. In order to investigate the crime situation more thoroughly, a form of State statistical reporting has been developed that takes special account of extremist crimes, and a technique has been approved for defining the constituent elements of such crimes. The monitoring function of procuratorial bodies investigating crimes motivated by ethnic, racial and religious enmity has been upgraded.

92. In view of the topicality of this issue, the President of the Russian Federation has been briefed on the outcome of procuratorial bodies' efforts to monitor compliance with legislation on combating extremism in the first six months of 2005.

93. In the course of the reporting period state procurators have verified compliance with the law on combating extremism. Information from around the country indicates that efforts in this area have been stepped up, and that these efforts are targeted and systematic.

94. Inter-ethnic and interfaith relations remain a priority for Russia's procuratorial bodies. Across-the-board, proactive cooperation has been established with the authorities in the areas of justice, the media and local government, and with other State structures involved in combating all forms of extremism. The principal techniques used to stamp out extremism are precautionary measures, detection, prevention and suppression of extremist activity by voluntary and religious associations, other organizations and individuals.

95. In partnership with other law enforcement agencies, procuratorial bodies are taking steps to curtail and forestall the alarming increase in manifestations of extremism among young people and teenagers.

96. Procuratorial investigations have revealed the existence of outlawed informal youth groups and organizations of an extremist nature operating illegally in a number of states of the Russian Federation. These include skinheads, the Russian National Unity movement, the Party of National Sovereignty and the National Bolshevik Party, which all basically advocate racial and ethnic exclusiveness. Within the limits of their jurisdiction, law enforcement bodies are taking operational steps to curb the activities of these organizations.

97. In the Siberian Federal Area there are still a number of groups affiliated to various informal youth trends such as skinheads, punks, headbangers, rappers, and freaks that advocate nationalism and intolerance towards other races. In Tomsk province attempts have been made to set up a regional chapter of the "Defence" youth movement. It aims, among other things, to recruit young people into organizing mass protest action with a view to putting pressure on the authorities. The local law enforcement agencies are taking a proactive approach to dealing with these youth groups and with certain individuals.

98. Procuratorial bodies in the Republic of Bashkortostan are working with local internal affairs agencies to investigate a group affiliated to the skinhead movement. It is made up of young people aged between 17 and 25 who advocate the cause of white supremacy. Members of the group have distributed leaflets and literature advocating active harassment of persons from the Caucasus, Asia and Africa; some foreigners have actually been assaulted.

99. Various penalties form part of the legal machinery for guaranteeing equal human and civil rights and freedoms. Specifically, these include the banning, suspension or termination of the activities of a religious or voluntary association, other organization or media outlet, or closing it down completely, if it engages in extremist activity (Federal Act on measures to combat extremism, arts. 9-11).

100. The Ministry of Justice ensures that the by-laws and activities of voluntary associations conform to the Constitution of the Russian Federation and to current legislation. Accordingly, a number of organizations have been denied official registration following legal appraisal of their constituent documents. The increase in the number of religious organizations denied official registration can be attributed to the more stringent requirements imposed by the justice agencies when legally appraising documents submitted for registration.

101. If a voluntary association is found to be in breach of current legislation, or is engaging in activities inconsistent with the objectives set out in its by-laws, the registering agency may issue a caution to the association's directors. Its activities may also be suspended or banned by a court in the event of a violation of the federal Constitution, the constitution of any state of the Russian Federation, or federal law.

102. Thus, in order to monitor compliance with the objectives and operating procedures specified in associations' by-laws, the Central Office of the Federal Registration Service in the Republic of Bashkortostan investigated 217 voluntary associations and 86 religious organizations in 2005. On the basis of the statutory violations it discovered, the Central Office issued 93 cautions for failure to submit a yearly report on the association's ongoing activities and use of an improper official seal. Administrative proceedings were taken against the directors of 52 voluntary associations and religious organizations under article 19.7 of the Code of Administrative Offences of the Russian Federation.

103. The following points should be noted in connection with paragraph 25 of the Committee's concluding observations. Procuratorial bodies are now responding more proactively to the publication of religious or inter-ethnic hate material in the media. Articles containing elements of extremism have been published in the media in Pskov province and the Republic of Komi. Thus, in the course of an investigation by the Pskov province procurator's office, it was established that on 29 April and 5 May 2005 the Rome news agency based in Pskov had posted on the Internet two articles of an extremist nature that contained arguments for violating the territorial integrity of the Russian Federation. Accordingly, on the basis of article 8 of Federal Act No. 114-FZ of 25 July 2002 on measures to combat extremism, the acting procurator of Pskov province issued written warnings on 14 June 2005 to the chief editor of the Rome news agency and the chairman of a local voluntary organization, the agency's proprietor. Following examination of a complaint regarding a strident article entitled "Chauvinism or Orthodox theocracy" in the newspaper *Eparhialnye vedomosti* (Diocesan gazette) (Republic of Komi, May 2005), which dwelt on the theme of confrontation between nations, on 8 June 2005 Syktyvkar procurator's office instructed the bishop of Syktyvkar and Vorkuta to desist from breaching the law on extremist activity. This instruction was complied with. In several cases, similar measures have been insufficient and criminal proceedings have been brought under article 282 of the Criminal Code with respect to press items that incite religious or inter-ethnic hatred. On 25 April 2005, Chertanovo interdistrict procurator's office in Moscow brought criminal proceedings against Mr. A.M. Aratov, chief editor of the newspaper *Russkaya pravda*, under article 282, paragraph 1, of the Criminal Code. In issue No. 35 of the newspaper Mr. Aratov had published an article entitled "The fundamental commandments of Jesus Christ", in which he made numerous statements calculated to stir up ethnic and religious hatred in society. On 25 April 2006 the criminal case against Mr. Aratov was referred to Chertanovo interdistrict court in Moscow. On 26 January 2005, Nalchik city court in the Kabardino-Balkar Republic sentenced Mr. Z.A. Pshigotyzhev to one year's punitive deduction of earnings under article 282, paragraph 1, of the Criminal Code. Intending to sow religious hatred and spread propaganda about the exclusiveness and superiority of Islam, he had distributed over 200 copies of a book entitled *Skvoz prizmu islama* (Through the Prism of Islam), which incited hard-line religious intolerance, categorically rejected the idea of compromise with other faiths and advocated a war of extermination against all non-Muslims.

104. Manifestations of extremism and xenophobia that encroach on freedom of conscience and religion, including the right to profess any religion or none at all, as guaranteed by article 28 of the Russian Constitution, are particularly dangerous. Similar safeguards are provided for in article 3 of the Federal Act on freedom of conscience and religious associations of 26 September 1997, which states that the human and civil right to freedom of conscience and religious freedom may be restricted by federal law alone. It follows from these legal norms that the Russian Federation, as a secular State, guarantees to everyone the right to act in accordance with their religious beliefs within the limits allowed by federal law.

105. Religious freedom as guaranteed by the Constitution is protected by the criminal law. For example, two people were convicted in 2002 for unlawfully obstructing the activities of religious organizations contrary to article 148 of the Criminal Code. No further convictions have since been recorded.

106. At the same time, when citizens exercise their constitutional rights, and specifically their right to religious freedom, they should do so in a way that does not violate other statutorily protected rights and freedoms of individuals, society or the State. It is therefore prohibited, on pain of the sanction prescribed in article 239 of the Criminal Code, to form a religious association whose activities involve violence to the person or encroachments on civil rights, or to be a member of such an association. According to official court statistics, three people were convicted in 2002-2003 for forming a religious association engaged in violent activities, or for controlling such an association. In 2004 seven people were convicted of organizing an association committed to violence and encroachment upon civil rights, and one person was convicted of membership of such an association.

107. Religious hate crimes pose a considerable social danger. A court in the Republic of Dagestan has heard a criminal case against Mr. A.O. Magomedov under article 282, paragraph 1, of the Criminal Code (incitement to ethnic, racial or religious hatred). Mr. Magomedov is the chairman of the Shura alimov (Board of Muslim theologians), which has called for the restoration of an independent Islamic Republic of Dagestan and appealed to Chechen separatists for assistance. Two of the Shura's public appeals contain expressions such as "Zionism - the enemy of Muslims", "the kafir (infidel) world", "the Jewish mafia" and asserted the superiority of Islam over other religions. The court interpreted these appeals, which were signed by Mr. Magomedov, as actions intended to incite ethnic and religious hatred, to disparage an ethnic group, and to propagate the exclusivity, superiority or inferiority of citizens on the basis of their attitude to religion and ethnic affiliation. Mr. Magomedov was fined 600 times the minimum wage.

108. The criminal case against Mr. M.O. Akaev provides an example of the suppression of an extremist religious organization operating unlawfully in Dagestan. Pursuant to the judgement of Dagestan's Buinak district court, Mr. Akaev was convicted under article 282, paragraph 2, of the offence of incitement to religious hatred, with violence, and also under article 208, paragraph 2, for membership of an armed formation not provided for by federal law.

Article 5

109. Article 32 of the Russian Constitution gives Russian citizens the right to take part in the conduct of public affairs both directly and through their representatives; to vote and to stand for election and to take part in referendums; and to take part in the administration of justice. The same article specifies that Russian citizens have equal access to public service.

110. Electoral rights law contains the following provisions that prohibit agitation calculated to incite social, racial, ethnic or religious hatred and enmity, and also propaganda for social, racial, ethnic, religious or linguistic superiority (Federal Act No. 67-FZ on basic guarantees of Russian citizens' electoral rights and right to take part in referendums dated 12 June 2002, Federal Act No. 19-FZ on Presidential elections dated 10 January 2003, and the Federal Constitutional Act on referendums dated 28 June 2004).

111. Article 3 of the Russian Constitution states: "... the sole repository of power in the Russian Federation is its multi-ethnic people". In accordance with this and other norms enshrined in the Constitution, representatives of all the nationalities in the Russian Federation are equally entitled to participate in all levels of government, without prejudice or favour on ethnic

grounds, in keeping with article 5 of the Convention. The fact that representatives of all the nationalities of the Russian Federation are equally entitled to take part in government bodies precludes the possibility of a statistical breakdown of these bodies on ethnic grounds. Nevertheless, according to available information, the following ethnic groups are represented among deputies of the State Duma of the Federal Assembly: 306 Russians, more than 40 Ukrainians, more than 30 Jews, 14 Tatars, 11 Belarusians, 5 Bashkirs, 4 Ingush, 4 Avars, 3 Kabardin, 3 Armenians, 2 Chechens, 2 Lezgins and, respectively, 1 Lak, Yakut, Kalmyk, German, Komi-Permyak, Korean, Tuvan, Buryat, Abkhaz, Kazakh, Greek, Latvian, Ossete, Chuvash, Altai, Kumyk, Dargin and Udmurt. Thus, representatives of nearly all Russia's principal ethnic minorities have been elected to the supreme legislative body. The same is true of the state legislatures. As a matter of policy, in order to avoid the possibility of discrimination on ethnic grounds, statistics of this nature are not kept on all levels of the executive branch. It can only be assumed that the picture is much the same as for legislative bodies.

112. Article 71 of the Russian Constitution assigns the regulation and protection of human and civil rights and freedoms, matters of citizenship and the rights of ethnic minorities to federal jurisdiction. Pursuant to article 55, paragraph 3, of the Constitution, these rights may be limited by federal law only when it is necessary to protect the basic principles of constitutional order, morality, health, the rights and legitimate interests of other persons, or national defence and security. These constitutional provisions and the stipulations of the Universal Declaration of Human Rights (art. 13), the Convention relating to the Status of Refugees (art. 2) and its 1967 Protocol, and the International Covenant on Civil and Political Rights (art. 12) are reflected in Federal Act No. 62-FZ of 31 May 2002 on Russian citizenship, No. 115-FZ of 25 July 2002 on the legal status of aliens, No. 4528-1 of 19 February 1993 on refugees, No. 114-FZ of 15 August 1996 on the procedure for travel into and out of the Russian Federation, No. 4530-1 of 19 February 1993 on forcibly displaced persons, No. 5242-1 of 25 June 1993 on Russian citizens' right to freedom of movement and choice of address or place of residence in the Russian Federation, and other laws and regulations promulgated by the President and the Government of the Russian Federation.

113. To ensure compliance with the basic principles of Russian citizenship and to ensure that Russian citizens, aliens and stateless persons are able to exercise their rights and freedoms, the Russian Citizenship Act prescribes general and simplified procedures for acquiring or terminating Russian citizenship, in addition to procedures for changing one's citizenship and obtaining a residence permit.

114. The Russian Citizenship Act enables Russian citizens, aliens and stateless persons to protect their rights by mounting legal challenges to the decisions of duly authorized bodies dealing with questions of Russian citizenship, lodging appeals against rejected applications for Russian citizenship, and appealing against the actions or omissions of officials dealing with citizenship issues.

115. In paragraph 12 of its concluding observations on the fifteenth, sixteenth and seventeenth periodic reports, the Committee's contention that the majority of former Soviet citizens who previously resided legally in the Russian Federation have been treated as illegal migrants since the entry into force in 2002 of federal laws on Russian citizenship and the legal status of

aliens in the Russian Federation is not in fact true. Former Soviet citizens who arrived in the Russian Federation to take up permanent residence were registered at their place of residence and enjoy the full range of social rights. Article 14 of the Russian Citizenship Act lays down a simplified procedure for the naturalization of former Soviet citizens living in the territory of the Russian Federation.

116. Freedom of movement and freedom to choose one's place of residence are guaranteed under article 27, paragraph 1, of the Russian Constitution. Article 3 of Federal Act No. 5242-1 of 25 June 1993 on Russian citizens' right to freedom of movement, choice of address and place of residence in the Russian Federation introduces registration by current address and place of residence so as to enable Russian citizens to exercise their rights and freedoms and fulfil their obligations towards other citizens, the State and society. This statute further specifies that registration or lack thereof shall not constitute a precondition for the exercise of citizens' rights or freedoms or the restriction thereof.

117. The State's position on registration is expressed in Constitutional Court Decision No. 9-P of 4 April 1996 concerning the constitutionality of certain regulatory instruments of the city of Moscow and Moscow province, Stavropol Territory, Voronezh province and the city of Voronezh as regards the procedure for registering persons who arrive with the intention of taking up permanent residence in these regions. This Decision states that the right freely to choose a place of residence is integral to the individual's freedom to shape his or her personal identity. The authorities are empowered solely to record the result of a citizen's freely expressed choice of place of residence. Registration therefore has notifiatory force.

118. It should also be pointed out that a federal bill on Russian citizens' right to freedom of movement, choice of address and place of residence in the Russian Federation, and on residential registration, is in the process of being drafted. The bill specifies a simplified notifiatory procedure for the placement on and removal of Russian citizens from the residential register, sets out the purpose, guiding principles and content of the residential register, lists the various registering bodies and organizations having specific powers in this area, outlines their terms of reference, and specifies how they are to be funded. To ensure that Russian citizens, aliens and stateless persons enjoy equal rights, the bill incorporates some of the provisions of the federal bill on the migration register for aliens and stateless persons in the Russian Federation, which has passed its first reading in the State Duma of the Federal Assembly.

119. Recourse to the courts is an effective method of protecting the citizen's right to freedom of movement and freedom to choose his or her place of residence. This right is enforced by petitioning the courts to curtail abuses in this area by considering complaints about the official actions of registering bodies as regards enforcement of legislation on the procedure for registration by current address and place of residence, and the lodging of applications to nullify laws and regulations of the states of the Russian Federation and rule them inapplicable.

120. It should be noted that decisions of the Constitutional Court of the Russian Federation on matters concerning citizens' constitutional right to freedom of movement and freedom to choose their place of residence have significantly influenced law enforcement practice in the courts of general jurisdiction. The reasoning in these decisions is taken into account by the ordinary courts

when hearing specific cases. Thus, in its Decision No. 4-P of 2 February 1998, the Constitutional Court indicated that it is unlawful for the authorities to impose a time limit on registration to a particular address, because the imposition of such a time limit at the discretion of the registering body, after which the citizen must leave the address indicated, constitutes interference by the authorities and other registering bodies in the civil, housing and other legal relations formed on the basis of agreement between the parties, and restricts the constitutional right of citizens freely to choose their address and place of residence. It is for the individual citizen to decide how long he or she wishes to remain at a given temporary address.

121. It should also be noted that this is not an absolute right; it is subject to legal regulation insofar as the exercise of this right may infringe the rights and freedoms of other persons, which is contrary to article 17, paragraph 3, of the Russian Constitution. In keeping with the norms cited above, legal arrangements restricting the right freely to choose one's place of residence may be introduced by federal law only as far as is necessary for the protection of the basic principles of constitutional order, morality, health, and the rights and legitimate interests of other persons.

122. The following remarks refer to paragraph 19 of the Committee's concluding observations. Under article 63, paragraph 1, of the Russian Constitution, political asylum is granted to aliens and stateless persons in accordance with the generally accepted norms of international law. In addition, the Russian Federation does not permit the extradition to other States of persons prosecuted for their political views or for actions or omissions that are not recognized as offences in the Russian Federation (art. 63, para. 2). These constitutional provisions, in addition to the Universal Declaration of Human Rights, the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol, the recommendations of the Executive Committee of the Office of the United Nations High Commissioner for Refugees in its conclusions on the status of refugees, and other international treaties signed by the Russian Federation, are developed in the following federal statutes: The Refugees Act, the Entry and Exit Formalities Act, the Aliens in the Russian Federation (Legal Status) Act, the Russian Citizenship Act, Government decisions granting temporary asylum in the territory of the Russian Federation and other Russian laws and regulations relating to this category of legal relations. The Federal Act on refugees grants petitioners for refugee status in the Russian Federation the right to appeal, through the courts, against the actions or omissions of the migration services. In the Russian Federation there exists a body of jurisprudence on various issues arising in connection with the enforcement of legislation on refugees. The jurisprudence in this area is important, firstly because it affords protection of refugees' rights, and secondly because it helps the Russian Federation to avoid violating its international refugee protection commitments. When considering applications from asylum-seekers and complaints against the decisions, actions or omissions of local migration services, the courts have made use of concepts such as the safe third country rule, refugee "sur place", war refugee, family reunification and other principles and international standards.

123. On paragraph 12 of the Committee's concluding observations, it should be noted that the State Duma has now adopted at first reading federal bills amending the Federal Act on the legal status of aliens in the Russian Federation, on terminating the validity of certain provisions of the Federal Act amending and supplementing certain statutes of the Russian Federation, and on the migration register of foreign citizens and stateless persons in the Russian Federation.

124. The bill amending the Federal Act on the legal status of foreign citizens in the Russian Federation and the bill terminating the validity of certain provisions of the Federal Act amending and supplementing certain statutes of the Russian Federation is intended to simplify migration procedures in respect of granting temporary residence status in the Russian Federation, employment arrangements for aliens and stateless persons in the territory of the Russian Federation, and tighter official control of the foreign workforce.

125. The bill on the migration register of aliens and stateless persons in the Russian Federation is intended to introduce new administrative and legal arrangements for their registration. The introduction of these arrangements will make it easier to manage migratory flows, stem illegal immigration and at the same time significantly boost constitutional safeguards of the rights of persons of Russian descent and other categories of aliens wishing to live and work in the Russian Federation.

126. Regarding paragraph 14 of the Committee's concluding observations, it should be noted that the registration of Russian citizens by current address and place of residence in the Russian Federation is provided for by article 3 of the Freedom of Movement, Choice of Address and Place of Residence Act, which aims to create a framework within which Russian citizens may exercise their rights and freedoms and also fulfil their obligations towards other citizens, the State and society.

127. The most effective legal response to violations of citizens' racial, ethnic or religious equality is criminal prosecution of the perpetrators. The Criminal Code of the Russian Federation contains a number of legal norms intended to forestall and curtail forms of racial, ethnic and religious discrimination and to protect the rights and freedoms of all citizens against criminal encroachments.

128. Under the Criminal Code it is an offence to knowingly commit socially dangerous acts such as violating citizens' equality (Criminal Code, art. 136) and inciting ethnic, racial or religious hatred (ibid., art. 282). Criminal liability is incurred under these legal definitions for acts of discrimination, i.e. violation of the rights, freedoms and legitimate interests of individuals and citizens in connection with their sex, race, ethnic background, language, origin, wealth, official status, place of residence, attitude to religion, beliefs or membership of voluntary associations or social groups.

129. The following information is relevant to paragraph 23 of the Committee's concluding observations on the fifteenth, sixteenth and seventeenth periodic reports.

In 2005, various investigative agencies in the Russian Federation initiated criminal proceedings in connection with 152 extremist crimes, including:

- Eleven offences under article 105, paragraph 2 (k), of the Criminal Code (Homicide motivated by ethnic, racial or religious hatred or enmity);
- Ten offences under article 111, paragraph 2 (f) (Intentionally causing serious injury to health motivated by ethnic, racial or religious hatred or enmity);

- Five offences under article 112, paragraph 2 (f) (Intentionally causing moderate injury to health motivated by ethnic, racial or religious hatred or enmity);
- Two offences under article 116 (Battery);
- Three offences under article 117, paragraph 2 (h) (Cruel treatment motivated by ethnic, racial or religious hatred or enmity);
- One offence under article 212 (Mass disturbances);
- Sixteen offences under article 213 (Ethnically motivated criminal mischief);
- Three offences under article 214 (Ethnically motivated vandalism);
- One offence under article 239 (Organizing an association that trespasses upon the person or encroaches upon civil rights);
- Six offences under article 244, paragraph (b) (Desecration of burial places motivated by ethnic, racial or religious hatred or enmity);
- Nine offences under article 280 (Publicly broadcast appeals for extremist action);
- Sixty-six offences under article 282 (Hatemongering and disparagement);
- Two offences under article 282.1 (Organization of an extremist association);
- Seventeen offences under article 282.2 (Directing the activities of an extremist organization).

The Office of the Procurator-General of the Russian Federation is monitoring 258 cases and case files in this category, including past offences. In all, 1,318 communications and reports of violations of citizens' rights motivated by ethnic, racial or religious hatred have been looked into. Fifty-nine case files in which no further action was taken have been checked, and 71 conclusions have been prepared regarding the lawfulness of and justification for various procedural measures.

In 2005 as a whole, a total of 199 criminal cases involving extremism were investigated (compared to 133 in 2004). A total of 122 cases were referred to the courts. The highest number of extremist crimes was recorded in St. Petersburg (19), Moscow (13), Sverdlovsk province (13) and the Republic of Tatarstan (12).

130. Violent crime against foreigners (including people from the Commonwealth of Independent States) motivated by ethnic, racial and religious hatred is a particular concern. During the reporting period the total number of such crimes was 13, of which 4 were offences contrary to article 105, paragraph 2 (k), of the Criminal Code (Homicide motivated by ethnic, racial or religious hatred or enmity), 2 were offences contrary to article 111, paragraph 2 (f) of

the Criminal Code (Intentionally causing serious injury to health motivated by ethnic, racial or religious hatred or enmity), 1 was an offence contrary to article 112, paragraph 2 (f), of the Criminal Code (Intentionally causing moderate injury to health motivated by ethnic, racial or religious hatred or enmity), and 6 were offences contrary to article 213 of the Criminal Code (Ethnically motivated criminal mischief). The situation is the most alarming in the cities of St. Petersburg and Voronezh, where the murder of foreign students in 2005 had a major public impact and led to mass demonstrations by young people in these cities protesting against violence motivated by ethnic and racial hatred and enmity. Of the total number of extremist crimes in St. Petersburg (19), the perpetrators were identified in just 7 cases (36.8 per cent). Prosecutions were brought against 35 individuals.

131. Crimes of an anti-Semitic nature still occur. These are offences involving media broadcasts and the publication and dissemination of anti-Semitic literature and leaflets, and crimes involving the proclamation in public and other places of anti-Semitic slogans and the desecration of Jewish cemeteries and various acts of violence against Jews. Last year there was an increase in the number of complaints by Jewish voluntary organizations, for example the Moscow Bureau for Human Rights, in connection with items in the media and public statements by specific individuals that shape a negative perception of Jews in Russian society. Following an investigation by the St. Petersburg procurator's office into one of these complaints, criminal proceedings were instituted on 14 January 2005 against V.I. Proskurin under article 282, paragraph 1, of the Criminal Code (Hatemongering and disparagement) in connection with the publication of an anti-Semitic article entitled "War with the Wind" in the newspaper *Nashe otechestvo* (Our homeland). Following the discovery of offensive and obscene graffiti on the fence around the premises of the Jewish social and charitable centre (Khesed-Ozer), a voluntary organization based in Vladimir province, the Vladimir provincial procurator's office opened a criminal case on the basis of evidence of an offence contrary to article 214 and article 282, paragraph 2 (a), of the Criminal Code. The investigative department of the provincial procurator's office has taken up this criminal case.

132. Courts in the Kabardino-Balkar Republic, the Udmurt Republic, the Komi Republic, Tatarstan, Bashkortostan, Perm and Krasnyarsk territories, Kaluga, Kemerovo, Novgorod, Omsk, Orel, Samara and Tambov provinces, the cities of Moscow and St. Petersburg and other regions have handed down judgements in cases involving extremist offences.

133. A total of 135 people have been convicted, including 33 under article 282 of the Criminal Code (in 3 cases, the offence was compounded with article 282.1); 12 under article 105, paragraph 2 (k); 6 under article 280 (in 3 cases compounded with article 282); 1 under article 282.1; 36 under article 282.2; 5 under article 111, paragraph 4; 39 under article 212, paragraph 2; 1 under article 112, paragraph 2 (f); and 2 under article 244, paragraph 2 (b).

Article 6

134. Pursuant to article 4 of the Criminal Code, the constitutional principle that all citizens are equal before the law applies to persons who have committed crimes. The measures undertaken by the State in criminal proceedings to ensure that each individual within its jurisdiction is afforded effective protection against all forms of racial discrimination that violate rights and

fundamental freedoms are enforced through the provisions of the Code of Criminal Procedure that entered into force on 1 July 2002. The Code stipulates that criminal justice shall be administered on the basis of the adversarial principle and the equality of the parties to proceedings, and that the personal safety of each party shall be guaranteed.

135. Article 1 of the Code of Criminal Procedure stipulates that the generally recognized principles and norms of international law and the international treaties of the Russian Federation form part of Russian legislation regulating criminal court proceedings. If an international treaty of the Russian Federation contains rules that differ from those provided for in the Code, the rules in the international treaty shall apply.

136. Respect for due process of law in criminal proceedings is one of the principles of criminal law enshrined in article 7 of the Code of Criminal Procedure. This article states that a court, procurator, investigator, or agency or individual conducting an initial inquiry shall not be entitled to apply a federal law inconsistent with the Code of Criminal Procedure of the Russian Federation. When in the course of criminal proceedings a court establishes that a federal law or other regulation is inconsistent with the Code of Criminal Procedure, it shall decide according to the Code. Any violation of the norms of the Code of Criminal Procedure by a court, procurator, investigator, or agency or individual conducting an initial inquiry in the course of criminal proceedings shall entail the nullification of any evidence obtained by such means. The judgement of a court or the decision of a judge, procurator, investigator or individual conducting an initial inquiry must be lawful, justified and motivated.

137. The Code of Criminal Procedure of 2002 significantly extends the competence of the courts to supervise the work of bodies that carry out preliminary inquiries and investigations. Article 29 of the new Code specifies that only a court has the authority to decide on the following procedures, including at the pretrial phase:

- To impose preventive measures such as remand in custody or house arrest;
- To extend remand in custody;
- To refer a suspect or accused person not in custody to a medical or psychiatric hospital for forensic medical or forensic psychological evaluation, respectively;
- To seize and confiscate correspondence at post offices;
- To seize property, including money, belonging to individuals or corporations and held in accounts, on deposit or in the custody of banks or other credit organizations;
- To temporarily remove accused persons from their employment in accordance with article 114 of the Code of Criminal Procedure;
- To monitor and record telephone and other conversations;
- To carry out searches and seizures in the home.

138. The 2002 Code of Criminal Procedure also extends the competence of the courts to ensure respect for citizens' right to freedom and personal inviolability during the pretrial investigation. Article 125 of the Code stipulates that a decision by a person conducting an initial inquiry, an investigator or a procurator to refrain from prosecution or to discontinue proceedings, or a decision, action or omission that might prejudice the constitutional rights and freedoms of the parties to criminal proceedings, or might impede citizens' access to justice, can be appealed to a court in the same location as the pretrial investigation. The complaint may be referred to the court directly by the complainant, counsel for the complainant, the complainant's lawful representative or his representative, or through the person conducting the initial inquiry, the investigator or the procurator. The judge must verify the lawfulness and rationale for the actions, omissions or decisions of the person conducting the initial inquiry, the investigator or the procurator within five days of receiving the complaint at a court hearing attended by the complainant and his counsel, lawful representative or representative, if they are party to proceedings, and other persons whose interests are directly affected by the disputed action, omission or decision, in addition to the procurator. The filing of a complaint shall not stay the execution of the disputed action or decision, unless this is judged necessary by the agency or person conducting the initial inquiry, the investigator, the procurator or the judge. Judicial decisions regarding these complaints may be appealed by way of cassation, and under the supervisory procedure once they have entered into force. According to official judicial statistics, in 2005 the courts of general jurisdiction took up 52,659 complaints regarding decisions by persons conducting initial inquiries, investigators and procurators to refrain from prosecution or to discontinue proceedings, or other decisions and actions during the pretrial investigation. The courts upheld 14,687 or 28 per cent of these complaints; the rights and interests of minors came into play in 79 cases.

Article 7

139. Every year, seeking to engage electronic and print media and publishing houses in shaping a tolerant outlook, preventing extremism and xenophobia in Russian society, and developing inter-ethnic relations and respect for persons of different faiths and cultures, the Federal Press and Mass Communications Agency awards public subsidies, on a tender basis, for the production and dissemination of television and radio programmes and Internet resources on this topic.

140. According to the Federal Service for Legal Compliance by the Mass Media and the Protection of Cultural Heritage, there are 1,355 registered periodical publications and 9,301 electronic media outlets in the Russian Federation that devote coverage to ethnic and ethnic-denominational issues, including in the minority languages of the Russian Federation.

141. On 4 May 2006, a message to journalists on inter-ethnic harmony and tolerance, signed by the leading figures in the media industry, was published on the website of the Federal Press and Mass Communications Agency. Among other things, the message draws attention to the fact that partisan selection of material with an inter-ethnic slant is not permitted.

142. Projects funded by the agency include the television project "Face of Russia", the film "Altai, pearl of Russia", the television programme "Choy-Choy", the documentary "Millennial neighbours: Talking about the Tatars", the television programmes "Amazing Dagestan" and

“Ulgur”, and the series “Open islands”. Funding is made available for the radio programme “Peoples of Russia” which has run on the national station “Radio Russia” since 2001. This broadcast acquaints listeners with the history, culture and contemporary life of small ethnic minorities and Russia’s ethnic diversity.

143. For many years assistance has been made available for programmes on the radio station “Free Chechnya” including, in addition to news bulletins, radio series in Russian and Chechen. National and many television and radio companies at the provincial level broadcast in ethnic languages besides Russian. For example, the State television and radio company “Karelia” broadcasts in Karelian and Vep; the Evenki State television and radio company “Kheglen” broadcasts in Evenki, Yakut and Ket; and the State television and radio company “Yamal” broadcasts in Nenets, Komi and Khanty. The State television and radio company “Chukotka” airs television programmes in Russian and Chukchi and radio programmes in Russian, Chukchi and Eskimo.

144. The Ministry of Culture and Mass Communications and the Federal Culture and Cinematography Agency (Roskultura), in partnership with federal autonomous ethnic cultural organizations and ethnic communities, are heavily involved in the activities of ethnic cultural centres established in national cultural institutions of the states of the Russian Federation and municipal institutions, and in the work of voluntary organizations and ethnic cultural associations. Nationwide, there are currently 315 registered grass-roots ethnic cultural associations, 173 associations at the regional level and 15 federal autonomous ethnic cultural organizations. Ethnic cultural centres, arts schools, creative arts groups and Russian-language and folk culture clubs and schools are being established with support from cultural bodies. Throughout Russia, depending on local demographics and the ethnic composition of the population, festivals are held to celebrate ethnic cultures and folk traditions and there are exhibitions of folk arts and crafts. National and international festivals of the Finno-Ugric and Turkic peoples and national ethnic cultural festivals such as “Wellsprings of the Volga region”, “Pearl of the North”, and “Traditions” have become regular fixtures and are very popular with the public. In 2005, with input from Roskultura, an international voluntary group providing assistance to migrants and migrant associations - Migrant Organizations Forum - organized the Second National Arts Festival for Gifted Migrant Children “Through Adversity to the Stars” in eight regions of the Russian Federation. Festivals such as these provide a framework for organizing creative laboratories, master classes, and round-table seminars on protecting and developing traditional folk culture. Libraries and museums across the country are playing a proactive role in shaping an attitude of public tolerance towards migrants and immigrants, harmonizing inter-ethnic relations and creating a culture of inter-ethnic dialogue.

145. The Federal Culture and Cinematography Agency (Roskultura) is working hard to ensure that Russia’s indigenous peoples can exercise their right to equal participation in cultural life. The following events took place in 2005 with financial support from Roskultura: film festivals commemorating the sixtieth anniversary of victory in the Second World War (Adygei Republic, Republic of Altai, Republic of Bashkortostan, Kabardino-Balkar Republic, Republic of Kalmykia, Republic of Karelia, Republic of Komi, Krasnodar Territory, Republic of Mordova, Yamal-Nenets Autonomous Area, Republic of North Ossetia-Alania, Republic of Tuva, Udmurt Republic, Khanty-Mansi Autonomous Area); festivals on the theme “Cinema against drugs”

(Jewish Autonomous Area, Yamal-Nenets Autonomous Area); a children's film festival in the Chukotka Autonomous Area, and measures to restore the film archives of the Chechen Republic. The following international film festivals have taken place: "Two Fires", a festival of films by new directors (Khanty-Mansiisk); the "Golden minbar" Turkic-language film festival (Kazan); and "Kinoshok", and a festival featuring films from the Commonwealth of Independent States and the Baltic countries (Anapa, Krasnodar Territory).

146. Educational establishments administered by Roskultura consistently try to combat manifestations of racial discrimination. In addition, higher educational establishments have in place arrangements for admitting students from socially disadvantaged regions. For example, a group of students from the Chechen Republic (the "Nakhim" studio) have been studying at the Moscow State University for Culture and the Arts since 2000. Members of this group are currently on pre-diploma internship placements at the Grozny Drama Theatre; following graduation they will be absorbed into this theatre company.

147. Students from the socially disadvantaged republics of the North Caucasus are following courses at the Krasnodar State University for Culture and the Arts. This institution has a proactive targeted selection policy in close partnership with cultural bodies in the North Caucasus. The administration of the institution actively seeks to thwart any attempts to provoke inter-ethnic discord or racial discrimination on campus.

148. The Policy Framework for the Modernization of Russian Education in the period to 2010 states that the full potential of education should be mobilized to strengthen the social fabric, preserve the common sociocultural environment of the Russian Federation, and overcome ethnic tensions and social conflicts by according priority to individual rights and the equal rights of ethnic cultures and different religions, and by limiting social inequality.

149. To strengthen religious tolerance and social harmony and encourage interfaith dialogue, the Ministry of Education and Science, in cooperation with voluntary organizations and religious associations, is undertaking a range of measures to advocate peaceableness and to combat manifestations of xenophobia and ethnic and religious intolerance in society. These issues feature constantly on the agenda of conferences, meetings and round-table seminars and are debated at such forums. The Ministry of Education and Science organizes regular meetings, briefings and conferences between academics and ecclesiastics of the Russian Orthodox Church, Muslim clerics and representatives of other faiths.

150. Against the backdrop of the threat from international terrorism and religious extremism, there is an increasing need in the Russian Federation for a cross-disciplinary approach to developing religious education, primarily Muslim education. The central component of such a strategy would be the establishment of an ongoing, bottom-up process for training skilled professionals and experts in Islamic history and culture with a view to their employment in professional religious schools and private educational institutions. Such persons would be trained to instil values of tolerance in their students and to prevent discrimination and xenophobia on the basis of the equality of ethnic cultures and religions.

151. The study of the history and culture of religion in educational establishments also promotes the strengthening of religious tolerance and social harmony and the enhancement of interfaith dialogue. Special modules and course options have been devised in ethic and other areas and in

individual schools in various regions of the Russian Federation. Moreover, the new generation of history, literature and social science textbooks contains a wealth of material on the spiritual culture, way of life and traditions of the peoples of Russia and the world.

152. In a number of states of the Russian Federation there exist agreements between the regional and ecclesiastical authorities, and agreements on joint academic, teaching and cultural activities have been signed and are being implemented.

153. Discussions are currently ongoing with the Ministry for the Regions on a set of measures to promote tolerant public attitudes towards migrants, and the outcome will be incorporated into the Outline of National Migration Policy.

154. As regards international cooperation, the Ministry of Education and Science has in recent years pursued a number of initiatives in this area. For example, in partnership with the Council of Europe, work has been proceeding on two fronts: “Intercultural and interfaith dialogue through education” and “Teaching history in a multicultural society”. A programme to promote the restoration of the education system in the Chechen Republic is being pursued in collaboration with UNESCO, in addition to a programme to promote tolerance, world culture and measures to prevent extremism, racism and xenophobia.
