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مجلس حقوق الإنسان
الدورة الرابعة*
البند ٢ من جدول الأعمال

تنفيذ قرار الجمعية العامة ٢٥١/٦٠ المؤرخة ١٥ آذار/مارس ٢٠٠٦
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تقرير المقرر الخاص المعني بالأشكال المعاصرة للعنصرية والتمييز العنصري
وكره الأجانب وما يتصل بذلك من تعصب، السيد دودو دين

إضافة

البعثة التي قام بها إلى الاتحاد الروسي**

* هذه الوثيقة، التي تحمل رقم الدورة الرابعة لمجلس حقوق الإنسان، من المقرر النظر فيها أثناء الدورة الخامسة للمجلس.

** يُعمم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، الذي يرد في مرفق هذا الموجز، فيعمم باللغة الأصلية التي قدم بها وباللغة الروسية فقط. وتعمم الحواشي باللغة الأصلية التي قدمت بها فقط.

موجز

قام المقرر الخاص المعني بالأشكال المعاصرة للعنصرية والتمييز العنصري وكره الأجانب وما يتصل بذلك من تعصب، بدعوة من حكومة الاتحاد الروسي وعملاً بولايته، بزيارة إلى موسكو وسان بطرس بورغ في الفترة من ١٢ إلى ١٧ حزيران/يونيه ٢٠٠٦. وتمثل الغرض من الزيارة في جلب معلومات مباشرة عن حالة العنصرية والتمييز العنصري وكره الأجانب في هذا البلد، ولا سيما في ضوء ما ورد من معلومات من منظمات غير حكومية وطنية ودولية ومن وسائل الإعلام تشير إلى وجود اتجاه مفرع نحو العنصرية وكره الأجانب.

وقد استنتج المقرر الخاص أنه على الرغم من أن الدولة في الاتحاد الروسي لا تنتهج سياسة تتسم بالعنصرية، فإن المجتمع الروسي يواجه اتجاهًا مفرعًا نحو العنصرية وكره الأجانب تتمثل أبرز مظاهره في تزايد عدد الجرائم والاعتداءات المرتكبة بدوافع عنصرية، بما في ذلك من جانب المجموعات النازية الجديدة، ولا سيما ضد الأشخاص ذوي الملامح غير السلافية الذين يتحدرون من أصل قوقازي أو أفريقي أو آسيوي أو عربي؛ وارتفاع مستوى العنف الذي يمارس في بعض هذه الاعتداءات والذي يؤدي في بعض الحالات إلى وفاة الضحية؛ وتوسع نطاق هذا العنف ليشمل المدافعين عن حقوق الإنسان، والمفكرين، والطلاب المشاركين في مكافحة العنصرية؛ وجو الإفلات النسبي من العقاب الذي يتمتع به مرتكبو هذه الأفعال والذي يتيح لهم وكلاء إنفاذ القانون، على الرغم مما شهدته الأشهر الأخيرة من زيادة كبيرة في حالات المقاضاة والإداناة بشأن أفعال تنطوي على الكراهية أو العداوة العنصرية كعامل محفز؛ وتعاضم ظاهرة معاداة السامية وغيرها من أشكال التعصب الديني، ولا سيما المسلمين؛ ووجود أحزاب سياسية ذات برامج عنصرية تحرض على كره الأجانب، وتزايد أهمية هذه الأحزاب؛ والتزامن شبه الفعلي بين التهميش الاجتماعي والاقتصادي والسياسي مع استفراء الأقليات الإثنية وغيرها من المجموعات التي تعاني من التمييز في الاتحاد الروسي.

ويرتبط تزايد العنف المثير للجزع والقائم على العنصرية وكره الأجانب باتجاهين أساسيين في المجتمع الروسي. فمن جهة، تكمن جذور الأساس الإيديولوجي لتزايد هذا العنف في التفسير الإثني من جانب المجموعات النازية الجديدة والمجموعات المتطرفة وعلى الأحزاب السياسية للقومية السياسية التي تروجها السلطات الروسية لسد الفراغ الإيديولوجي الذي خلفته الاشتراكية والترعة الدولية بعد انهيار الاتحاد السوفياتي. ومن جهة أخرى، أدت الأزمة الاجتماعية والاقتصادية العميقة في المجتمع الروسي إلى تزايد الاستغلال السياسي لإيديولوجية القومية وشجعت ظهور ثقافة كره الأجانب والعنصرية في صفوف مجموعات المجتمع المهمشة والمتزايدة. وفي هذا السياق، فإن النهج الأمني السائد إزاء الهجرة وتزايد الربط بين الأقليات الإثنية والدينية والإجرام، الذي تبرره سياسات "مكافحة الإرهاب" يضيفان الشرعية على خطب العنصرية وكره الأجانب والعنف القائم على ذلك.

ويقدم المقرر الخاص عددًا من التوصيات التي تشمل ما يلي:

- الاعتراف الرسمي بوجود العنصرية والتمييز العنصري وكره الأجانب، والإعراب عن الإرادة السياسية لمكافحةه؛

• اعتماد خطة عمل اتحادية لمكافحة العنصرية والتمييز العنصري وكره الأجانب وما يتصل بذلك من تعصب تتم صياغتها بالتشاور مع جميع الجهات الفاعلة المعنية وبمشاركتها، بما فيها الأحزاب السياسية الديمقراطية، والمنظمات المستقلة المعنية بحقوق الإنسان، والمجتمعات المحلية المعنية؛

• إنشاء مؤسسة مستقلة تهدف إلى تعزيز وحماية حقوق الإنسان ومكافحة جميع أشكال التمييز، مع التركيز بصفة خاصة على التمييز العنصري وكره الأجانب وبما يشمل التمييز على أساس الدين والأصل الإثني والجنسية والمواطنة ومحل الإقامة ونوع الجنس والسن والإعاقة والميل الجنسي؛

• اعتماد استراتيجية ثقافية وأخلاقية، إلى جانب الاستراتيجية القانونية، تهدف إلى اقتلاع جذور ثقافة وعقلية العنصرية وكره الأجانب، وتعزيز بناء تعددية ثقافية تتميز بالديمقراطية والمساواة والتفاعلية.

Annex

**REPORT SUBMITTED BY THE SPECIAL RAPPORTEUR
ON CONTEMPORARY FORMS OF RACISM, RACIAL
DISCRIMINATION, XENOPHOBIA AND RELATED
INTOLERANCE, DOUDOU DIÈNE, ON HIS MISSION TO
THE RUSSIAN FEDERATION (12-17 JUNE 2006)**

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Introduction

1. At the invitation of the Government, the Special Rapporteur visited the Russian Federation (Moscow and St. Petersburg) from 12 to 17 June 2006. At governmental level, he held meetings with the Deputy Director of the Department of Humanitarian Cooperation and Human Rights of the Ministry of Foreign Affairs, the first Deputy of the Ministry of Justice, several directors of the Ministry of Interior, the Deputy Minister of the Ministry of Regional Development and the Deputy Minister of the Ministry of Health and Social Development. The Special Rapporteur also met with the President of the Supreme Court, the Deputy Prosecutor-General, the Chairperson of the Presidential Council on assistance to the development of civil society structures and human rights and the Federal Commissioner for Human Rights of the Russian Federation. In addition, he met, in Moscow, with the Governor of the city and other local personalities and, in St. Petersburg, with the Vice-Governor, the Prosecutor and other local officials.
2. Furthermore, the Special Rapporteur met with representatives of civil society organizations active in the combat against racism and xenophobia, communities and groups victims of racism and racial discrimination, a high-level representative of the Department of External Affairs of the Russian Orthodox Church, United Nations officials, members of the diplomatic community, intellectuals and the press. He also visited a Kelderary Roma community in the village of Peri, in the Leningrad region.
3. The Special Rapporteur wishes to thank the Russian Government for its cooperation throughout the visit. He also thanks the representatives of non-governmental organizations for their precious cooperation, and the United Nations Country Team in Moscow, in particular the staff of the Office of the High Commissioner for Human Rights (OHCHR), for its outstanding support.

I. GENERAL BACKGROUND

A. Demographic, ethnic and religious composition

4. The Russian Federation, one of the largest multi-ethnic and multiconfessional States in the world, comprises more than 170 different ethnic groups and nationalities. According to the 2002 census, its population is estimated at 145 million, the largest ethnic groups being Russians (79.83 per cent), Tatars (3.83 per cent), Ukrainians (2.03 per cent), Bashkirs (1.15 per cent), Chuvashes (1.13 per cent), Chechens (0.94 per cent) and Armenians (0.78 per cent).
5. Russia's demographic structure has over time experienced gradual emigration and immigration flows. With the dissolution of the Soviet Union, on the one hand, Russia has experienced the arrival of immigrants from former Soviet republics in search of work and better living conditions, notably from Kazakhstan, Tajikistan, Uzbekistan, Azerbaijan, Armenia, Ukraine and Georgia; on the other, an important number of people from former Soviet republics having long or permanently lived in Russia but only having old Soviet passports are being considered as illegal migrants. According to the Ministry of Interior, there are around 500,000 legal migrants and between 5 and 15 million undocumented migrants in Russia.
6. Seventy-five million Russians currently identify themselves as Orthodox, mainly for cultural reasons, though the Russian Orthodox Church was the target of persecution by the secular Communist government. The second most important religion is Islam - professed by about 20 million people - followed by Roman Catholicism - with approximately 1.3 million followers - Judaism - between 400,000 and 550,000 followers - and Jehovah's Witnesses - with about 131,000 members. To a smaller degree, Buddhism and Hinduism are also practised in the country.

B. Historical and social context

7. The former Soviet Union constituted a vast territory composed of a very wide range of ethnicities and cultures inherited from the former Tsarist Empire, including different nationalities of the Caucasus and Central Asia, which moved and intermingled throughout the Soviet territory. Despite this configuration, the Soviet policy on nationalities carried a mixed message that celebrated nationalities and cultures as part of the diverse heritage of the Soviet empire - well illustrated by the principles of “internationalism” and “friendship among peoples” - while at the same time discouraged ethnic nationalism and repressed minority nationalist impulses through deportation and displacement of ethnic and national minorities.¹

8. The dissolution of the Soviet Union in 1991 was accompanied by the collapse of the Communist ideology that had reigned for more than seven decades. This, together with the opening to globalization and a sharp increase in economic and social inequalities, led to the emergence of an ideological void, increasingly accompanied by a mounting nationalism, which has gained force in recent years.

C. The legal system

9. The Russian Federation is party to six of the seven major international human rights instruments, including the Covenant on Civil and Political Rights and its First Optional Protocol, the Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).² Russia has not signed or ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Second Optional Protocol to the Covenant on Civil and Political Rights on the abolition of the death penalty, the Optional Protocol to the Convention against Torture and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Russia is also signatory of the European Convention on Human Rights and Fundamental Freedoms and the Framework Convention on the Protection of National Minorities.

10. The 1993 Constitution of the Russian Federation establishes the principle of equality before the law, determines the State’s responsibility in guaranteeing the equality of rights and liberties regardless of sex, race, nationality, language, origin, property or employment status, residence, attitude to religion, convictions, membership of public associations or any other circumstance (art. 19) and recognizes the right to freedom of religious worship (art. 28). It also establishes that foreign citizens and stateless persons shall enjoy the rights of the citizens of the Russian Federation and bear their duties, with the exception of cases stipulated by the Federal law or international treaties (art. 62).

11. Issues of citizenship and legal status of foreigners in the Russian Federation are regulated by specific laws, in particular, the 2002 federal laws on Russian Citizenship - which replaced the Law on Citizenship of the Russian Federation of 1991 - and on the Legal Status of Foreign Citizens in the Russian Federation - which replaced the Law on the Legal Status of Foreign Citizens of the Soviet Union of 1981.

¹ Deportation on ethnic grounds took place from the mid-1930s until 1950. In 1943-1944, approximately 1 million people - Chechens, Ingush, Karachai, Balkars, Kalmyks, Meskhetian Turks and Crimean Tatars - were removed from the North Caucasus and Crimea and resettled in Kazakhstan and Central Asia, mostly charged with treason for collaborating with German occupiers. In 1941-1942, over 1 million ethnic Germans were also deported from the Volga region, Ukraine, North Caucasus and other regions to Siberia and Kazakhstan.

² The Russian Federation is also party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC). Moreover, the Russian Federation has ratified the Optional Protocol to CEDAW and signed the Optional Protocol to CRC on the involvement of children in armed conflict.

D. The political and administrative structure

12. The Russian Federation is a federal presidential republic. The Russian President is the head of State and of a pluriform multiparty system, with executive power exercised by the Government, headed by a Prime Minister appointed by the President with the Parliament's approval. Legislative power is vested in the two chambers of the Federal Assembly of the Russian Federation: the Federation Council, with the authority to review and force compromise on legislation, and the State Duma, with the role of primary consideration of all legislation. The judiciary branch is a three court level system, with a Supreme Court as the highest court of appeal, a Constitutional Court with the power to decide on the constitutionality of laws and the conflicts of competence among State bodies, and the Superior Court for Arbitration.

13. The Russian Federation is administratively divided into 88 federal subjects, 21 republics, 48 provinces (oblasts), 7 territories (krais), 9 autonomous districts (okrugs), 1 autonomous oblast, 2 federal cities (Moscow and St. Petersburg) and 7 large federal districts. All of those entities have a multi-ethnic composition.

E. Methodology

14. The Special Rapporteur addressed the three following main questions to all his interlocutors: (1) Is there racism, racial discrimination, xenophobia and related intolerance in the Russian Federation? (2) If this is the case, which are their manifestations and expressions? (3) What are the governmental policies and programmes to fight these phenomena at the political, legal and cultural levels? In the following sections, the Special Rapporteur exposes the main policies and programmes reported to him by the Federal and local authorities (section II) and the issues and concerns presented by the civil society and communities concerned (section III). Thereafter, the Special Rapporteur presents his assessment and analysis of the state of racism, racial discrimination, xenophobia and related intolerance in the Russian Federation (section IV) and concludes with his recommendations (section V).

II. POLITICAL AND LEGAL STRATEGY OF THE PUBLIC AUTHORITIES

A. The legal framework to combat racism and racial discrimination

15. In the view of most governmental officials, the Russian legal framework contains a wide range of instruments which provide a very solid and comprehensive basis to combat manifestations of racism, racial discrimination, xenophobia and related intolerance.

16. The 1993 Constitution of the Russian Federation, in addition to the above-mentioned provision outlawing discrimination on the grounds of social, racial, linguistic or religious grounds (art. 19), prohibits the establishment of associations and the use of propaganda or campaigns aiming at the incitement of social, racial, national and religious strife (arts. 13 (5) and 29 (2)).

17. The 1997 Criminal Code establishes the general principle that motives of national, racial or religious hatred or enmity constitute an aggravating circumstance leading to an increase in the severity of the penalty (art. 63 (1)). Specific provisions in this regard are found in the case of murder (art. 105), intentional infliction of bodily harm - whether grave (art. 111) or moderate (art. 112) - and infliction of physical or mental suffering (art. 117). Following an amendment made in 2003, the Code makes explicit reference to the prohibition of discrimination, defined as violations of rights, freedoms and lawful interests of individuals and citizens on the basis of gender, race, ethnicity, language, origin, residence or religion (art. 136). Particularly relevant is the prohibition of actions committed in public or through the use of mass media aiming at the incitement of national, racial or religious enmity, abasement of human dignity or propagating exclusion, superiority or inferiority of citizens on national, racial or religious

grounds (art. 282). This provision was amended by the Federal Act on Counteracting Extremist Activities by adding the offence of organizing or being member of an extremist organization. It is worth mentioning in this context a provision of the Criminal Code regarding acts of hooliganism defined as a “gross violation of the public order which expresses patent disrespect for society, accompanied by the use of violence against private persons or by the threat of its use, and likewise by the destruction or damage of other people’s property” (art. 213).

18. The Federal Act on Counteracting Extremist Activities provides a definition of extremism which encompasses the activities of public and religious associations, mass media or individuals consisting of organizing, carrying out or funding acts aimed at inciting national, racial, religious and social discord associated with violence or calls for violence; the humiliation of national dignity; bringing about large-scale disorder, hooligan acts and acts of vandalism for reasons of ideological, political, racial, national or religious hatred or enmity; and the advocacy of exclusivity, either superiority or inferiority of citizens, on the grounds of their social, racial, religious, national and linguistic origin. In addition, it prohibits the propaganda and public display of Nazi paraphernalia, public advocacy or encouragement to commit extremist activities, and financing or encouraging extremist activities. The Act foresees the adoption of precautionary measures, ranging from the issuance of warnings to the suspension and the closing down of extremist organizations. The Special Rapporteur was informed that the State Duma should shortly be considering a series of amendments to it regarding the classification as an offence of the distribution of extremist information over the Internet.

19. In the field of civil and administrative law, officials informed the Special Rapporteur about several provisions against discrimination in Russian legislation. Particularly relevant is the provision in the 2002 Labour Code entitled “Prohibition of discrimination in the sphere of work” which not only prohibits discrimination in the workplace on grounds of sex, race, colour or nationality, but also establishes that persons that consider themselves victims of discrimination shall be entitled to the restoration of their infringed rights, as well as financial or moral compensation by federal labour inspectors or courts (art. 3).

B. Perception and reactions of State officials and other organs

20. The Special Rapporteur’s attention was drawn to the significant number of statements recently made at the highest State level, including by President Vladimir Putin, acknowledging and condemning the existence of manifestations of racism, xenophobia and related intolerance³ in the country and expressing the necessity to combat them.

³ On 17 February 2006, President Putin stated: “At a recent meeting of the Prosecutor-General we drew attention to the increase in crimes due to xenophobia, ethnic, national or religious intolerance. Moreover the activity of extremist groups is becoming more aggressive and taking on harsher forms. We must recognize that law enforcement agencies have not yet managed to react in an appropriate way, or established a productive and systematic way to prevent conflicts that have ethnic or religious motives. I think that we do not need to be reminded of the great danger that all these phenomena represent for our multinational and multireligious country.” On 3 March 2006, he noted: “Russian statehood has its roots right from the beginning in the coexistence of different confessions. This harmony that we have between our ethnic groups and religions is more than just a long-standing tradition in Russia. It is more than just harmony - it is a symbiosis of the various nationalities, ethnic groups and religions that together make up what we call Russia, and that is our strength. That is why the authorities, the President and the Government will pay close and constant attention to the fight against anti-Semitism, against manifestation of any other extremist tendencies and any form of extremism and xenophobia, including chauvinism and anti-Russia sentiment” (statements provided by the Russian Ministry for Foreign Affairs).

21. In this line, a majority of Russian officials generally acknowledged, to a higher or lower degree, an increase in manifestations of different forms of extremism, including racial discrimination and xenophobia, and stressed that such manifestations received firm condemnation by the highest State authorities and an immediate, severe and unprejudiced response by law enforcement agencies.

22. In their view, however, this increase was not specific to the Russian Federation, but rather had to be viewed as a worldwide trend to the combat of which Russia was contributing. Several officials referred in this regard to the different resolutions sponsored by Russia on the issue of “Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance” adopted by the Commission on Human Rights and the General Assembly.⁴

23. Many high-level officials, including the President of the Supreme Court, the Vice-Prosecutor General and high State officials from the Ministry of Justice and the Ministry of Interior, expressed the conviction that a majority of such manifestations were acts of hooliganism and vandalism, committed mostly by teenagers who, affected by the deterioration of the socio-economic situation in the country, had lost all perspectives for their future and had integrated the ranks of extremist and neo-Nazi groups. They thus strongly rejected that racism, xenophobia and intolerance had deep roots within the Russian society.

24. In contrast, a few voices within the State institutions, in particular the Chairperson of the Presidential Council on assistance to the development of civil society structures and human rights⁵ and the Federal Commissioner for Human Rights,⁶ acknowledged that the roots of the expressions of racism, racial discrimination and xenophobia go beyond the socio-economic context and had to be tackled through the deployment of concerted efforts, particularly at the educational level, in order to foster a dynamic of change in the mentality of Russian society. While welcoming recent efforts by law enforcement authorities, they indicated that one of the main remaining challenges was to adequately implement existing legislation in an appropriate and systematic way - thus avoiding the classification of nationalist and religious extremism as acts of hooliganism - in order to send a clear message of unacceptability to the perpetrators of such acts. In their view, other factors contributing to the exacerbation of extremist manifestations were: the growing instrumentalization of racism and discrimination for political aims, often with the support of the media; the lack of an adequate immigration and inter-ethnic relations policy; the high level of corruption among State officials, including the police; and the mounting social inequalities affecting an important sector of the population.

C. Policies and measures to combat racism and racial discrimination

25. The combat against all manifestations of extremism was presented as a priority issue by State officials dealing with law enforcement, particularly the Office of the Prosecutor-General, the Ministry of Interior and the Ministry of Justice. Officials from those institutions contended that since the adoption of the Federal Act on Counteracting Extremist Activities, the work and effectiveness of law enforcement agencies had significantly increased.

⁴ Commission on Human Rights resolutions 2004/16 and 2005/5 and General Assembly resolution 60/143 express concern at the increase in the number of racist incidents in several countries, the practices of glorification of the Nazi movement and at the spread and multiplication of various extremist political parties, movements and groups, among them neo-Nazi and skinhead groups.

⁵ The Presidential Council is entrusted with the role of advising the President of the Russian Federation on the problems of the civil society, notably on human rights. Its membership includes representatives of civil society organizations, including most prominent human rights NGOs.

⁶ The Federal Commissioner for Human Rights is an independent institution whose main responsibilities in the field of human rights include monitoring of overall situation, promotion of international cooperation, consideration of individual complaints and elaboration of proposals for the improvement of Russian legislation.

26. The Special Rapporteur was informed that in 2005, in 17 trials that reached the verdict, 52 persons were convicted for attacks and murders on ethnic hatred grounds, with penalties ranging from one year of colony settlement to life imprisonment.⁷ Although global, official figures for 2006 were not yet available in the months that followed his visit,⁸ the Special Rapporteur was informed of several high profile convictions where the courts took into account the motives of national, racial or religious hatred.⁹ Officials also noted the preparation of files to support a court application aimed at banning several fascist groups, including “Mad Crowd” and “Schulz 88”.¹⁰

27. Particular emphasis was put by the President of the Supreme Court and officials of the Ministry of Justice on the measures recently implemented in order to ban or prohibit the registration of organizations with extremist platforms. Reference was made to the unprecedented ruling of the Moscow City Court in December 2005, later upheld by the Supreme Court, excluding Rodina - the country’s then fourth largest political party - from elections to the Moscow City Duma on the grounds of incitement to ethnic hatred.

28. Regarding the reinforcement of relations among nationalities and ethnic groups, State officials noted the work of the approximately 300 “cultural autonomous entities” - voluntary associations of citizens defined by their ethnic, national or religious affiliation - in preserving, developing and disseminating different languages, traditions and customs. Inter-ethnic associations and councils, known in some regions as “Houses of friendship between peoples” - such as those visited by the Special Rapporteur in Moscow and St. Petersburg - allow representatives of ethnic groups to share their views on the issue of inter-ethnic relations.

29. The Special Rapporteur was informed by the Ministry of Regional Development of the establishment in 2005 of an Interdepartmental Commission on the Amendment of the Outline of State nationalities policy - one of the main instruments governing relations between nationalities - which includes an expert body to identify cases of advocacy of xenophobia, national and religious intolerance and extremism. In addition, a Commission on Issues of Tolerance and Freedom of Conscience has been created, the tasks of which include monitoring inter-ethnic and inter-religious relations; devising ways to ensure inter-ethnic and inter-religious harmony; and drawing up recommendations on these issues for the attention of legislative bodies, law enforcement agencies, regional and local authorities, voluntary organizations, the mass media, business associations and educational organizations.

30. Concerning the promotion of tolerance and interfaith dialogue, State officials indicated that the Ministry of Education and Science is working with voluntary organizations and religious associations - including representatives of the scientific community, the Russian Orthodox Church, leaders of the

⁷ In comparison, in 2004, racial motivation was identified in seven sentences among finished trials on violent crimes, resulting in 32 convictions. In 2003, only three sentences were pronounced for racially motivated crimes.

⁸ Information by the Moscow Bureau for Human Rights, dated December 2006, indicates that in 2006, 109 persons were condemned for ethnic hate crimes. Article 282 of the Criminal Code was present in the verdict of 72 persons condemned.

⁹ Reference was made to the conviction in June 2006 of two skinheads who killed a Mauritanian national in St. Petersburg to 4 years in a strict-regime colony; the conviction in September 2006 to 16 years of prison of Alexander Koptsev, who on 11 January 2006 attacked a synagogue in Moscow; and the conviction in November 2006 of three men to sentences ranging from 12 to 18 months of internal exile for the racially motivated beating of Zaur Tutov, Minister of Culture of Karbardino-Balkaria, on 1 April 2006.

¹⁰ “Mad Crowd” members were allegedly involved in several homicides in St. Petersburg and Leningrad Province, including the murders of Professor Nicolai Guirenko on 19 June 2004 and of the Senegalese student Samba Lampsar on 7 April 2006.

Islamic clergy and other religions - to implement a series of measures advocating the prevention of xenophobia and intolerance based on nationality and religion. The Ministry is currently working on a joint project with the Council of Europe aimed at promoting intercultural and inter-confessional dialogue through education and teaching of history.

31. The Special Rapporteur was also informed of the 2001-2005 Federal Programme on Tolerance and Prevention of Extremism in Russian society, which includes the following measures: the promotion of activities through mass media and public life forging the principle of tolerance and countering social aggression and extremism; the integration of subprogrammes aimed at promoting tolerance and tackling extremism in the educational programmes for teachers, social and law enforcement personnel and mass media professionals; and the promotion of a new trend in publishing aimed at cultivating tolerance and countering extremism. Currently, a Federal programme on ethnocultural development of the Russian regions (2006-2008) is being developed with a view to creating conditions for the development of all Russian peoples in a climate of mutual understanding and the setting of a regular monitoring mechanism in the field of relations between nationalities.

32. At local level, the Moscow authorities referred to the main initiatives carried out to prevent all manifestations of discrimination, including the creation of a council to advise the Moscow City government on relations among nationalities, and the implementation of the programme "Moscow, city of many nationalities: building civic responsibility and a culture of peace and harmony (2005-2007)", as a follow-up to the programme "Moscow on the path to a culture of peace: building the values of tolerance, preventing extremism, developing a culture of peace (2002-2004)".

33. In St. Petersburg, the Vice-Governor and other local authorities informed the Special Rapporteur of the Programme on Tolerance (2006-2010), which features several measures aimed at educating for tolerance in schools, teaching public officials - including law enforcement officials - on appropriate communication strategies in their interaction with foreigners, and providing support to media coverage of successful results in the fight against xenophobia. Within this programme, meetings gathering local authorities, representatives of the police and the justice system and potential victims of racism and xenophobia - notably foreign students - are regularly organized in order to discuss appropriate protection strategies against racist violence.

34. In view of strengthening the collaboration with civil society, State officials noted that the recently established Public Chamber, a consultative body integrated by civil society representatives with the aim of channelling the civil society views to the Government and the Parliament, will have among its major tasks the elaboration of studies on manifestations of extremism, including racial discrimination and xenophobia, and issue non-binding recommendations thereon.

III. VIEWS OF CIVIL SOCIETY AND COMMUNITIES CONCERNED

A. Concerns in response to State policies and measures

35. Representatives of civil society organizations generally expressed utmost concern at the manifestations of racism, racial discrimination and xenophobia, in particular the most recent and violent ones, which are viewed to be increasingly permeating the Russian society. According to a majority of them, racism and discrimination in Russia have deep historical and cultural roots, which go beyond the deterioration of the socio-economic situation. The Orthodox Church, while strongly condemning racism and xenophobia and calling for mutual respect for and development of the traditional denominations in Russia through the promotion of inter-religious dialogue, noted that most violent manifestations of racism and xenophobia are committed by youth affected by socio-economic difficulties.

36. Despite recent statements at the highest State level acknowledging the existence of racism, racial discrimination and xenophobia, a considerable increase of prosecutions and convictions including racial hatred as a motivating factor, and a greater presence of police in certain areas, most human rights organizations share the conviction that authorities are not properly addressing the situation and that major pressing efforts need to be carried out, both in the political, legal and cultural fields, to develop an effective and comprehensive strategy at federal level to combat racism, racial discrimination and xenophobia.

37. While some voiced the need to improve the existing legal framework, civil society organizations unanimously called for the improvement of the implementation of the existing anti-discrimination legislation. The poor record of convictions on the grounds of national, racial or religious hatred is attributed to several reasons: the non-application, deliberately or by ignorance, by many judiciary and law enforcement officials of the relevant provisions of the Criminal Code; the refusal or reluctance of victims, particularly ethnic minorities, to file a complaint fearing retaliatory, unlawful or discriminatory reactions by the police; the understaffing faced by the police, sometimes resulting in the lack of appropriate action when racist cases are reported; and acts of intimidation of jury members or the victims themselves who, fearing reprisals, prefer to remain silent and not use the legal mechanisms at their disposal. The combination of these factors results in an atmosphere of impunity for the perpetrators of such acts and a sense of profound frustration, isolation and fear among the victims and the civil society organizations dealing with these phenomena.

38. Civil society raised concern about what is considered as a too broad and unclear definition of the term “extremist activities” in the Federal Act on Counteracting Extremist Activities, pointing out that the concept and formulations of the law allowed its arbitrary and selective implementation.

39. Most civil society organizations condemned the discriminatory practices linked to granting citizenship and the registration system, leading in many cases to the denial of the exercise of basic rights, such access to social insurance, medical aid, housing, education or employment. This situation, already declared unconstitutional by Russian courts, is dramatically affecting a large number of citizens of the former Soviet Union.

40. The NGO community noted an aggravation of this situation with the adoption of the 2002 federal laws on Russian Citizenship - requiring to prove the existence of a residence registration or residence permit - and on the Legal Status of Foreign Citizens in the Russian Federation - primarily designed to control immigration. This law actually contains no transitional provisions enforceable in practice, and makes no distinction between former citizens of the Soviet Union having permanently lived in Russia and foreigners coming to Russia at present. Thus, hundreds of thousands of residents of the Russian Federation, in particular large segments of such ethnic communities as Roma, Meskhetian Turks, Yezidi and other ethnic groups in Krasnodar Krai, are facing a situation of permanent irregularity and denial of basic rights.

B. Ultrnationalist racist attacks

41. Utmost concern was expressed at the number and degree of acts of physical violence committed by ultrnationalist, racist and fascist groups, including skinheads. Their number is estimated at several thousands, ranging from 10,000 to 20,000, according to figures provided by several State officials, to an estimated 50,000, in the view of some human rights organizations.¹¹ According to NGO figures, in 2004

¹¹ Moscow Bureau for Human Rights, “Racism, xenophobia, ethnic discrimination and anti-Semitism in Russia (January-June 2005)” at <http://antirasizm.ru>

there were 258 victims of racist and neo-Nazi attacks, including 46 deaths (14 in Moscow, 9 in St. Petersburg); in 2005, there were 437 victims of such attacks, including 36 deaths (10 in Moscow, 4 in St. Petersburg); from January to September 2006, the number of victims amounted to 322, including 36 deaths (26 in Moscow, 5 in St. Petersburg).¹² The victims of those attacks would mainly be dark-skinned people, people from Africa, the Caucasus and Central Asia, from the Middle East and North Africa, from the Asia and Pacific region, as well as other people of non-Slav appearance. Jews and members of other religious groups, human rights defenders and members of youth groups would also be victims of such violence. While most attacks took place in Moscow and St. Petersburg, incidents have been registered in several other cities and regions, including Voronezh, Nizhni Novgorod, Rostov-on-Don and Volgograd.

42. Several developments within the skinhead movement give rise to increasing concern among civil society organizations: first, their successful penetration into the youth groups of the main Russian cities; second, the fact that the average skinhead profile is no longer that of a socially disadvantaged and uneducated youth, but rather a teenager - increasingly often a minor - from a middle-class family and with secondary, higher or technical education; third, the increasing association between skinhead groups and ultranationalist parties, such as the People's National Party, the National Sovereign Party or the Freedom Party; and fourth, the increasing attacks committed against Russians, particularly human rights defenders.

C. Exploitation of the racist and xenophobic discourse in politics and the media

43. Civil society organizations expressed particular concern at the development of a culture of nationalism, intolerance and xenophobia within Russian society. Reference was made, as an illustration, to two recent opinion polls, which respectively indicated that 53 per cent of respondents supported the slogan "Russia for the Russians" and that 42 per cent would support a decision to "deport representatives of certain ethnic groups" from their region.¹³

44. While these feelings are considered to have deep roots, they also need to be analysed in a context where the fall of the political and economic system of the Soviet Union and the economic and social crisis that affects the country have been felt by an important sector of the Russian population as a national defeat, leading to enormous frustration and to a rise of nationalism. Two main factors contribute to their exacerbation: the use of racism and xenophobia as an electoral resource and the role of the media in the dissemination of racist and xenophobic materials.

45. The Special Rapporteur was informed about the growing influence of parties with racist or xenophobic platforms, which adopt an openly discriminatory discourse, founded upon a security approach towards immigration and asylum and upon negative stereotypes and prejudices against certain communities. Several political organizations, including parties with representation in Parliament, such as Rodina or the Liberal Democratic Party of Russia, use xenophobic slogans in their programmes in order to attract votes, without facing a systematic and consistent response from the authorities. In this context, the ruling of the Moscow City Court banning Rodina party from elections to the Moscow City Duma in December 2005 on the grounds of incitement to ethnic hatred was interpreted by most civil society organizations as a political move to avoid any potential competition with United Russia. In fact, Rodina, which was emerging as the major extremist party at the time of the visit of the Special Rapporteur, was

¹² Statistics from the SOVA center at <http://xeno.sova-center.ru>

¹³ Polls conducted in 2005 by Levada-Center polling organization (<http://www.levada.ru>) and in April 2006 by the Public Opinion Foundation (<http://english.fom.ru>).

attributed 15 per cent of the voting intentions in November 2005.¹⁴ Paradoxically, the suit against Rodina was filed by the Liberal Democratic Party of Russia, a party also resorting to xenophobic slogans against certain ethnic groups and foreigners. Both parties sued each other for virtually identical campaigns, demanding that the opponent be banned from the elections. The Moscow City Court took no action against the Liberal Democratic Party.

46. The dissemination of racist and xenophobic ideas and stereotypes by an increasing sector of the media is contributing to portraying a negative image of certain communities and fostering feelings of intolerance and xenophobia within the population. Racist and xenophobic messages are said to be openly disseminated both by mainstream and “specialized” media, despite the reinforcement of criminal law provisions in this field, and can particularly be found in the association of Roma and Tajiks with drug trafficking and organized crime, Caucasians - in particular Chechens - with extremism and terrorism, or immigrants in general with unemployment of Russians, criminality and social precarity. There would be more than 100 newspapers regularly using a highly virulent hate speech and instigating racial hatred against foreigners, at least seven publishing houses with links to extremist movements that would support the publication of revisionist literature, and over 800 websites of extremist orientation, which would give open space to leaders of neo-Nazi or extreme right organizations.¹⁵

D. The view of the main communities which are victims of racism and xenophobia

47. The Special Rapporteur received information from various sources on the situation of vulnerability faced by certain groups to manifestations of racism and xenophobia in the Russian Federation. The following paragraphs address the situation of some of these groups, on the basis of the meetings that the Special Rapporteur had with their members and representatives.

Discrimination against Caucasians and Central Asians

48. With the situation in Chechnya, the attribution of several attacks in the territory of the Russian Federation to Chechen groups, the generalization of the association between Caucasians and terrorism and extremism - particularly by extreme right political parties, the media and to a certain extent the Russian authorities - and a general trend of islamophobia, Caucasians and Central Asians have, according to civil society organizations, become major victims of manifestations of racism, discrimination and xenophobia.

49. In the view of civil society organizations, these manifestations are particularly acute in the fields of law enforcement and administration of justice. In this regard, Caucasians - in particular Chechens - and Central Asians - notably Tajiks, Uzbeks, Kazakhs and Kyrgyz - would particularly be subjected to various forms of racial profiling, in particular, racially selective inspections and abusive identity checks,¹⁶ forcible entrance into premises, searches of firms, fabrication of criminal accusations by law enforcement officials and arbitrary refusal of residence registration stamps. In a context of increasing intolerance and suspicion against Muslims, manifested in many cases by the profanation of Muslim graves and attacks on mosques,

¹⁴ In October 2006, Rodina merged with the Russian Party of Life and the Russian Pensioners' Party into a new party, Fair Russia.

¹⁵ Moscow Bureau for Human Rights, “Racism, xenophobia, ethnic discrimination and anti-Semitism in Russia (January-June 2005)” at <http://antirasizm.ru>

¹⁶ The study “Ethnic profiling in the Moscow metro”, conducted in 2006 by the NGO Open Society Justice Initiative and the Russian NGO Jurix, indicated that persons of non-Slav appearance are on average 21.8 times more likely to be stopped by police at the Moscow metro than those of Slavic appearance.

Caucasians and Central Asians would also be major targets of discrimination in the housing and employment sectors.

50. Members of the Caucasian and Central Asian communities, including children, are reported to be a major target of violence by extremist groups. Particularly disturbing is the assassination of Khursheda Sultonova, a 9-year-old Tajik girl murdered in St. Petersburg in February 2004 by a group of teenagers armed with baseball bats, chains and knives allegedly shouting the slogan "Russia for the Russians". The verdict by the St. Petersburg City Court of March 2004 convicting the teenagers on charges of hooliganism sparked outrage among human rights campaigners, who considered that the lenient sentence would encourage an increase of racist and xenophobic violence by neo-Nazi and extremist groups in the country.

51. In the months that followed the visit, the Special Rapporteur was informed by human rights organizations of manifestations of growing intolerance and hostility towards Caucasians, particularly Chechens, in the city of Kondopoga, in the Republic of Carelia, during the first days of September 2006, and towards the Georgian community, following the arrest in Georgia of four Russian military officers on 27 September 2006. The Special Rapporteur intends to follow up on the allegations received.

Discrimination against Roma

52. Despite the figures of the 2002 census estimating the Roma population at 182,766 persons, other sources estimate the actual size of the Roma population much higher, ranging from 600,000 to 1,000,000.¹⁷ Within the Roma population itself, there are a number of different ethnic groups: Russian Roma and groups related to them by language and culture (Polish, Latvian, Estonian, Lithuanian, Finnish, Siberian Roma), groups notably distinct from Russian Roma (such as Kelderash, Lovari, Krimi, Kishinevtsi, Plashuni, Servi and Vlach), and groups originating from other countries, such as Ukraine, Moldova and different countries from Central Asia. The majority of Roma speak one of many dialects of Romani, although almost all also speak Russian sufficiently well enough to interact socially with ethnic Russians. Contrary to the current prevailing perception on the nomadic nature of the Roma community, forced settlement was imposed by decree of the Presidium of the Supreme Soviet of the USSR in 1956.¹⁸

53. The NGO community referred to the situation of extreme vulnerability and discrimination faced by the Roma community in Russia, especially affecting women and children, and particularly visible in the housing, education, health and employment sectors - often linked to the difficulties in obtaining Russian citizenship and residence registration. In addition, Roma are increasingly suffering from racist violence, mostly by ultranationalist groups, from violence and abuse from law enforcement officials, and from persistent negative stereotypes associating them with criminality and drug dealing, often for electoral reasons.

54. NGOs working with Roma expressed concern at the lack of a comprehensive law, policy or institution addressing the specific issues and concerns of the Roma community in the Russian Federation. They unanimously referred to the need to create a federal plan for the Roma community and the establishment of a federal institution in charge of Roma issues, in particular, the issue of land, the

¹⁷ "The Roma of Russia: the subject of multiple forms of discrimination", joint report by the FIDH and the Centre for the Social and Legal Protection of Roma in Northwest Russia (Memorial Saint Petersburg), November 2004.

¹⁸ Decree 450 "On involving vagrant Roma in labour activities" instructed the Councils of Ministers of the Soviet Republics to take measures "for settling the vagrant Gypsies in permanent domicile" and established "those who would evade socially useful labour and live a vagrant lifestyle should be punished under a sentence passed by a People's Court to exile in conjunction with corrective labour for a period of time not exceeding five years".

promotion of education for the Roma community, and the sensitization of the Russian society about Roma history, culture and traditions in order to eliminate the negative stereotypes they are recurrently associated with.

55. During the mission, the Special Rapporteur visited the Kelderary Roma community in the village of Peri, located in the district of Vsevolozhsky (Leningrad oblast), inhabited by approximately 1,320 persons, including 500 to 600 children. Representatives of the community expressed frustration and discontent at their poor living conditions, the degree of violence affecting the community and the lack of assistance provided by the authorities. The Special Rapporteur noted the precarity of the majority of the 130 houses in the settlement, exposing the community to particularly severe living conditions in the winter; the lack of access to drinking water; and the high rate of infectious diseases, particularly among children, due to lack of appropriate sanitary conditions. Furthermore, the community denounced the discriminatory treatment faced in their access to health services, including medical emergency treatment. Concern was also expressed at the poor school attendance rate among children, as the cost of transportation to the closest school was unaffordable to the majority of families, greatly affected by unemployment. In addition, under the pretext of difficulties with the Russian language, it was reported that Roma children attending school were placed in a separate school building, in a worse condition than the regular building for Russian children, thus hampering their integration with other non-Roma children. The Special Rapporteur also collected testimonies of several victims of violence, including those of an elderly woman and a girl who had been beaten by skinheads in St. Petersburg. The majority of those cases remain unreported, given the general mistrust towards the police, rather associated with inadequate protection, arbitrary identity checks, harassment and corruption than with protection and law enforcement.

56. Human rights organizations expressed utmost concern at what they viewed as an increasing trend of forced housing evictions of Roma communities throughout the Federation, often accompanied by use of violence and racist language. The Special Rapporteur's attention was brought to the demolition campaigns carried out by Russian authorities in the region of Kaliningrad over the past two years, preceded by anti-Roma discourse by local politicians and the media. A particularly striking case was the demolition of 40 Roma homes in the village of Dorozhny from 29 May to 2 June 2006, resulting in the eviction of more than 200 Roma. These demolitions were reportedly preceded by highly criticized court procedures declaring Roma housing illegal and requesting Roma to leave their homes. On 3 November 2006, human rights organizations brought the case to the European Court of Human Rights, accusing authorities of demolishing the homes, separating families and forcing the victims to find makeshift shelter, thereby violating, inter alia, their right to life, non-discrimination, protection against inhuman treatment, and enjoyment of their home, private and family life, as well as freedom from interference with their possessions.¹⁹

Discrimination against foreigners: the case of the African community

57. During the times of the Soviet Union, thousands of African students received scholarships to study in higher education institutions throughout the country. Today, among the foreign student community, it is with no doubt African students who currently suffer most from racism, xenophobia and discrimination. Very serious cases affecting students from Asia, Latin America and the Middle East - sometimes including the death of the victim - have also been registered.

¹⁹ Application by the Open Society Justice Initiative at http://www.justiceinitiative.org/db/resource2?res_id=103464

58. During the mission, the Special Rapporteur held meetings with African students and their representatives, with Africans who have long lived in the country and have even acquired Russian nationality, and with representatives of the African diplomatic community. All testimonies had a recurrent and grave story of racism and discrimination to tell, as they all had, to a lesser or higher degree, been victims of manifestations, ranging from insults, intimidation, harassment, discrimination in the employment and housing sectors, and particularly in recent years, acts of physical aggression, including with the use of weapons, by neo-Nazi groups. In 2002, diplomats from 37 African States appealed to the Foreign Ministry for the provision of protection for their citizens. The Special Rapporteur was particularly alarmed by the feeling of permanent fear and profound isolation that characterized the majority of the testimonies he received.

59. Representatives of student associations reported that between 2004 and 2006 violent attacks against the African community had resulted in at least six deaths, and some 90 persons had been beaten up and seriously injured, mainly in St. Petersburg, Moscow, Voronezh and other big cities in Russia. Particularly disturbing was the assassination in April 2006 of Samba Lamptar, a Senegalese student and active member of the NGO African Unity, an organization working for the promotion of tolerance and the elimination of racism in St. Petersburg. A shotgun decorated with a swastika and the inscription “white power” written on it was found in the surroundings of the place where he was murdered.²⁰

60. Particular reference was also made to the fire which in November 2003 swept through a dormitory of the University of Friendship between Peoples in Moscow, causing the death of 44 persons and severe injuries to about 150 students, mostly from Africa and China, an incident viewed by many students as a racially motivated act, given the number of racist threats and aggressions that occurred in the weeks preceding the fire. In addition, students strongly condemned the way in which the rescue operation was conducted, suggesting that it was hampered by racial prejudice.²¹

61. In the view of the African community, the increasing intolerance among the general population and rising violence by extreme right groups is to be combated mainly through the recognition of the existence of the problem by the authorities and the expression of the determination to combat it; the provision of adequate protection to foreign nationals and ethnic minority groups at risk of racial attacks; the delivery of appropriate sanctions to the perpetrators of such acts, in line with relevant legal provisions; and the implementation of a federal-wide education campaign that takes into account the richness of cultures and traditions in Africa, thus contributing to the promotion of tolerance and the elimination of negative stereotypes.

Anti-Semitism

62. Anti-Semitism, like in most of Europe, has deep roots in Russia, where during both the times of the Russian Empire and the Soviet Union it was used as a tool for political aims. The adoption of repressive legislation and the practice of pogroms, particularly in the last years of the nineteenth century and the beginning of the twentieth century, propelled massive waves of Jewish emigration.

²⁰ In this case, the St. Petersburg Prosecutor’s Office opened a criminal case on the evidence of an offence contrary to article 105 par. 2 (k) of the Criminal Code (homicide motivated by ethnic or religious hatred or enmity or blood feud). Seven members of the extremist group “Mad Crowd” were arrested on suspicion of committing the offence. Up to today, however, no charges for the murder of Samba Lamptar have been brought up against those persons.

²¹ Following the fire, six officials, including the former acting university principal and the district fire inspector, were charged with negligence for lack of safety precautions and for violating fire safety regulations.

63. Anti-Semitism experts noted that, while few physical attacks driven by explicitly racist motives against the Jewish community are registered in Russia today,²² a more serious source of concern is the anti-Semitic hate speech used by a number of extremist movements and the fact that anti-Semitic rhetoric has gained ground in the media, including mainstream press and, most worryingly, in the political discourse.

64. One of the most disturbing of such cases was the “Letter of the 500”, an appeal sent to the Prosecutor-General on 23 January 2005, urging him to review the activity of all Jewish religious and cultural organizations on the grounds of “extremism”. Among the signatories, there were 19 members of the State Duma (14 from Rodina and 5 from the Communist Party). Despite immediate condemnation by President Putin and the Orthodox Church, later followed by condemnation by the State Duma, on 21 March 2005 the letter was resubmitted to the General Prosecutor with 5,000 signatures, including those of several well-known personalities. In spite of national and international condemnation, no charge was brought against any of the signatories of the letter under the criminal law provisions prohibiting racial hate speech. Failure to act in this case is viewed by the NGO community as a dangerous precedent conferring a certain “democratic” legitimation to anti-Semitic speech.

Attacks on human rights defenders

65. Organizations and individuals engaged in the combat against racism, discrimination and xenophobia have also become a target of racist violence, including threats, physical assaults or murder by ultranationalist groups. In such context, human rights defenders expressed their utmost concern at a general absence of official reaction, effective investigation and failure to provide protection.

66. The Special Rapporteur heard several testimonies of human rights defenders that had been directly targeted through physical assaults, death threats - also to family members - and vandalization of workplaces, including theft of computers containing staff contact details. Increasingly, ultranationalist groups would be disseminating threats through the Internet, a recent example being the call for elimination of a list of 89 persons, including very well-known human rights defenders and anti-racism activists, by an extremist group called “The Russian Will”. The people on the list were considered “Traitors to the Nation” or “Friends of Foreigners”.

67. The Special Rapporteur’s attention was in particular brought to the assassination in June 2004 of Nicolai Guirenko, professor of ethnology and prominent expert on ethnic and racial issues in the country. The NGO community expressed its conviction that Guirenko’s murder was linked to his work as a researcher and expert witness in high-profile investigations and court cases on racially motivated attacks. This murder thus raises the issue of the safety of experts, witnesses and other participants in criminal investigations and trials. Two years later, in May 2006, a special operation led to the arrest of several members of an extremist gang suspected of committing attacks and murders on nationalistic motives, including that of Mr. Guirenko.

68. Two young anti-fascist activists and students, Timur Kacharava and Alexander Ryukhin, were likewise assassinated on 13 November 2005 and 16 April 2006 respectively.

²² Over the first nine months of 2006, SOVA documented four cases of physical attacks against the Jewish community, the worst cases being the attack on a synagogue in Moscow by Alexander Kopsev. See: “Anti-Semitism in Russia: January-September 2006” by Galina Koyhevnikova and Alexander Verkhovsky at <http://xeno.sova-center.ru>

IV. ANALYSIS AND ASSESSMENT OF THE SPECIAL RAPPORTEUR

69. After having collected and analysed the views and information provided by all parties concerned, the Special Rapporteur reached the conclusion that, while there is no State policy of racism in the Russian Federation, the Russian society is facing a profound trend of racism and xenophobia.

70. In the view of the Special Rapporteur, the most striking manifestations of this trend are the following: the increasing number of racially motivated crimes and attacks, including by neo-Nazi groups, particularly against people of non-Slav appearance originating from the Caucasus, Africa, Asia or the Arab world; the growing level of violence with which some of these attacks are carried out, resulting in some cases in the death of the victim; the extension of this violence to human rights defenders, intellectuals and students engaged in the combat against racism; the climate of relative impunity that the perpetrators of such acts enjoy from law enforcement agents, despite a substantial increase, in recent months, of prosecutions and convictions for acts including racial hatred or enmity as a motivating factor; the rise of anti-Semitism as well as other forms of religious intolerance, in particular against Muslims; the existence and the increasing importance of political parties with racist and xenophobic platforms; and last but not least, the virtual correspondence of the social, economic and political marginalization with the mapping of ethnic minorities and other discriminated groups.

71. Racism, xenophobia and discrimination in the Russian society are of a profoundly historical and cultural nature, as illustrated by pogroms, deportation and displacement of entire communities, particularly against Jews and members of other ethnic minorities, which date back to the Russian Empire and the Soviet Union. Even if modern forms of islamophobia are related to post-Soviet political independence developments in the Caucasus, particularly in Chechnya, Islam, as other non-Orthodox religions and spiritual practices, were long persecuted and repressed in the Soviet Union.

72. Present manifestations of racism, discrimination and xenophobia being faced in violent forms by non-European minorities and foreigners from Africa, Asia and the Arab world, are revitalized by an ideological void resulting from the shift of ideology from the “friendship amongst peoples” of the Soviet Union, which officially repressed manifestations of racism, racial discrimination and xenophobia, to the nationalist ideology of the Russian Federation. In itself, however, the ideology of “friendship amongst peoples” was to a certain extent a “mask” under which authorities not only did not hamper the existence of inter-ethnic tensions throughout the Soviet Union, but also conducted deportations of entire communities and fostered anti-Semitic feelings.

73. This ideological void has been filled by a rise of nationalism which, in a context of deep social and economic crisis, has created a fertile ground for the emergence of both ultranationalist groups, including neo-Nazi groups, which increasingly use physical violence, and of political parties that use racist and xenophobic platforms to instrumentalize the fears of Russian society. The instrumentalization of racism and xenophobia for political aims through the expression of a political discourse structured around the “defence of the national security” and “the protection of the national identity”, translated in the growing association between foreigners in general and ethnic and religious minorities in particular with criminalization, often supported by the media through the perpetuation of negative stereotypes, constitutes one of the major threats to the democratic process in Russia today.

74. The racist and xenophobic trend equally reflects the profound identity crisis of the Russian society, resulting from the contradiction and the tension between the new ideology of nationalism and the new process of multiculturalism which is structuring it. The dominant ideology and discourse of political nationalism articulated by the authorities for the protection and the cohesion of the Russian society against inner and outer “threats” is given an ethnic, racial and religious content by nationalist political parties and extreme right groups. The identity tension generated by the process of multiculturalization is both the reflection of the deep historic and cultural roots of the Slavic nationalism and the result of the

instrumentalization of the “defence of the national identity” to mask the deep causes of the social and economic marginalization of a growing part of the society. This dominant ideology, amplified by the media, nourishes a culture and mentality of racism and xenophobia, articulated around the figure of the foreigner, the migrant worker and the ethnic, cultural or religious minority as being responsible for the crisis.

75. While efforts have been made to reinforce legislation, particularly the Criminal Code, the Special Rapporteur noted that such efforts have not sufficiently addressed non-violent forms of discrimination, in particular in the fields of housing, education, health care and access to justice, as reflected by the non-explicit prohibition of racial discrimination in most laws concerning economic, social and cultural rights.

76. Despite recent statements by State officials acknowledging the existence of certain forms of discrimination and the need to combat them, a number of legislative texts, State policies and administrative measures particularly affecting ethnic minorities, foreigners and related to immigration, reflect the existence of institutionalized discrimination. This is illustrated by the insurmountable obstacles faced in particular by a large number of citizens of the former Soviet Union who, despite having lived long or permanently in Russia, are considered as illegal migrants since the entry into force of the Federal Laws on Citizenship and on the Legal Status of Foreign Citizens and face denial of recognition of citizenship and residence registration. Despite having been declared unconstitutional by Russian courts, the absence of residence registration continues to be used as a discriminatory element against members of certain communities, including people from Caucasus and Central Asia, Roma, Meskhetians and other ethnic groups in Krasnodar Krai. Furthermore, these communities suffer from aggravated discrimination deriving from policies and measures mainly inspired by a security approach, which associate them with terrorism and criminality and result in practices of racial profiling, mainly racially targeted inspections and unlawful practices by law enforcement officials.

77. Moreover, the Special Rapporteur noted the profound social, economic and political marginalization faced by ethnic minorities and other discriminated groups, resulting in the violation of their most basic rights, including access to employment, education, housing or health services. The Special Rapporteur found particularly disturbing the poor living conditions of the Roma community and the prevailing culture of suspicion and segregation based on the traditional stigma, stereotypes and prejudices associated with the Roma people.

78. The Special Rapporteur is particularly alarmed at the failure of education and the teaching of history in confronting and eradicating deep root factors of racism and xenophobia. The strength of neo-Nazi groups and the impact of racist, anti-Semitic and xenophobic political platforms in Russia today give rise to the question of the way education and history have failed in the work of memory and value systems of the evils of Nazism and the enormous human price paid by the Russian people in decisively breaking the military strength of Nazi Germany. Education also seems to have deeply failed in translating the legacy of “friendship amongst peoples” into a more profound culture of solidarity and knowledge and appreciation of the history, culture and civilizations of Africa, Asia and the Arab and Muslim worlds. Those failures are fertile ingredients of ignorance and prejudice, and root causes of racism and xenophobia.

79. The Special Rapporteur notes, however, the premises of a positive trend to combat the dynamic of racism and discrimination, particularly reflected in the reinforcement of criminal law provisions aimed at combating racism and discrimination, the increasing number of arrests and prosecutions for racially motivated acts, the adoption and consideration of measures to promote tolerance and encourage inter-ethnic dialogue, the significant statements recently made by several high-level officials acknowledging the reality of an increase of manifestations of racism and xenophobia - although only few of such officials recognize the depth and the root causes of those manifestations - and the necessity and urgency to combat them.

V. RECOMMENDATIONS OF THE SPECIAL RAPPORTEUR

80. The Government needs to officially and publicly acknowledge the existence and the depth of the trend of racism, racial discrimination and xenophobia permeating the Russian society, and express, in the strongest and most determined terms, its political will to combat it. Particularly important is the condemnation of any racist or xenophobic action or discourse, including by political parties and the media.

81. The rich legacy and depth of human, cultural and religious multicultural interactions in the deepest layers of the Russian society has to be a strategic axis for the Government in linking the combat against racism and xenophobia with the promotion and reconstruction of multiculturalism of the Russian society, aiming at the strengthening of the democratic political process. To this effect, the Government should strongly promote by law, education and information, the multicultural identity of the Russian society.

82. As an immediate step, the Government should establish a commission of reflection composed of representatives of concerned State institutions (justice, police, education, culture), democratic political parties, civil society organizations, groups and communities concerned, as well as religious, intellectual and artistic personalities reflecting the diversity of the country, to collect data on manifestations and expressions of racism and xenophobia, analyse their deep root causes and formulate a national programme of action against racism and xenophobia.

83. The Government should also consider the establishment of an independent body at Federal level aiming at the promotion and protection of human rights and the combat against racism, xenophobia and discrimination in a holistic manner, including discrimination on grounds of race, religion, ethnicity, nationality, citizenship, residence, gender, age, disability, sexual orientation and any other status. The composition of this body, whose work would be supported by regional branches, should be representative of the diversity of Russian society, with its members being appointed by Parliament on the basis of proposals presented by the Government, civil society organizations and cultural, religious and linguistic communities. This body would work in close cooperation with relevant State and civil society actors, in particular the Office of the Ombudsman and regional ombudsmen, and should be given administrative, legal and normative powers to investigate acts of racism and discrimination and provided with adequate human, material and financial resources.

84. The Government should determinedly continue to reinforce legislation aimed at combating racism, racial discrimination and xenophobia, both at criminal and civil and administrative law levels. Particularly important is to explicitly prohibit racial discrimination, in line with article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, in constitutional, civil and administrative legislation, using a clear and comprehensive definition of discrimination. Issues related to immigration, asylum and the situation of foreigners should be treated on the basis of the pertinent international instruments and not only on the basis of the security dimension and the combat against terrorism. The Special Rapporteur also encourages the revision of the law of 2002 on “Counteracting Extremist Activities” with a view to more clearly defining its scope.

85. Strengthening of legislation should be accompanied by the continuation and reinforcement of current efforts in the implementation of adequate existing provisions in order to send a firm message of unacceptability to the perpetrators of racist and discriminatory practices, xenophobic violence and hate speech. These efforts should include the strengthening of the capacity of the judiciary and law enforcement agencies, particularly the Office of the General Prosecutor, to effectively implement the Criminal Code provisions against perpetrators or racist attacks,

especially through adequate training on the content of international human rights law instruments - in particular the International Convention on the Elimination of All Forms of Racial Discrimination - and existing national laws.

86. Acts of racism and intolerance against foreigners, and in particular students, human rights defenders, witnesses in criminal investigations, intellectuals and activists engaged in the combat against racism should be firmly condemned and given utmost priority by law enforcement officials, amongst others, by offering effective protective measures from racially motivated attacks, especially by ultranationalist groups.

87. The Government should also take measures to stop practices of racial profiling, particularly racially targeted passport and registration checks conducted against specific communities by law enforcement agents in the public place. These measures should include education and sensitization of law enforcement officials to ensure that their duties are carried out with no distinction as to race, colour, national or ethnic origin. The Government should ensure that this principle applies as well within the framework of the fight against terrorism. Misbehaviours by law enforcement agents towards victims of racially motivated acts should be exemplarily sanctioned.

88. The Government should take firm measures to prevent that discriminatory practices linked to granting citizenship and residence registration continue to be used against certain groups, and thus ensure that decisions of the Constitutional and Supreme Courts on the unconstitutionality of such practices are strictly implemented and respected. The situation of a large number of former Soviet citizens who, despite having lived long or permanently in Russia, are considered as illegal migrants since the entry into force of the Federal Laws on Citizenship and on the Legal Status of Foreign Citizens, should be addressed as a matter of urgency.

89. The Government should ratify the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and harmonize its national legislation accordingly.

90. The Government should firmly condemn any manifestation of racism and intolerance against the Caucasian and Central Asian population, ensure that they are investigated in a prompt, thorough and impartial manner and that those guilty of ethnically motivated agitation and violence are adequately prosecuted and punished.

91. The Government should adopt a comprehensive federal plan for the Roma community, aiming at both promoting and respecting their cultural identity and at eradicating their social and economic marginalization, in particular, poor housing conditions, lack of documents, the high level of dropouts of Roma children at school and the difficulties of the Roma to access employment. The plan should also aim at sensitizing the Russian society to Roma history and traditions, in order to eliminate the negative stigma and stereotypes Roma are recurrently associated with. The problem of housing evictions should be treated as a matter of priority.

92. In parallel with a political and legal strategy, the Government should adopt an ethical and cultural strategy that tackles the deepest roots of racism and xenophobia and is built around the promotion of reciprocal knowledge of cultures and values, the interaction among the different communities and the link between the fight against racism, xenophobia and discrimination and the long-term construction of a democratic, equalitarian and interactive multicultural society.

93. The Government is encouraged to revise school curricula and school textbooks, including history books, to ensure that issues related to human, cultural and social advantages of multiculturalism are reflected. Issues of mutual respect, promotion of tolerance and also of racism, racial discrimination and xenophobia need to be properly covered in school curricula and teacher-training courses.

94. The Government should consider launching a process, with the participation of the media, to reflect on the role and responsibility of the media in the fight against racism and xenophobia and the promotion of tolerance, with the aim of adopting a deontological code of conduct.

95. Finally, the Special Rapporteur looks forward to the establishment of an OHCHR human rights presence within the United Nations Country Team in Moscow and recommends that the fight against racism, racial discrimination, xenophobia and related intolerance constitute an important part of its work.
