

CIVIL AND POLITICAL RIGHTS

MATERIALS OF RUSSIAN NGOs FOR THE UNIVERSAL PERIODIC REVIEW OF THE RUSSIAN FEDERATION IN THE UNITED NATIONS HUMAN RIGHTS COUNCIL IN 2013

These materials have been produced in October 2012 by a coalition of Russian NGOs for submission to the United Nations Office of the High Commissioner for Human Rights in the course of preparation of Universal Periodic Review of implementation of international obligations by the Russian Federation in the UN Human Rights Council in 2013. The coalition includes the following Russian NGOs: Center for the Development of Democracy and Human Rights, “Golos” Association for Protection of Voters’ Rights, Interregional Human Rights Group, International Youth Human Rights Movement, Foundation for Environmental and Social Justice, Center for the Protection of Media Rights, SOVA Center for Information and Analysis, and “Memorial” Anti-Discrimination Center.

CONTENTS

Electoral Rights	1
Freedom of Association. Relationship between the State and Human Rights NGOs	3
Situation of Human Rights Defenders.....	4
Freedom of Assembly.....	5
Freedom of Expression.....	6
Hate crime. Illegitimate Use of Anti-Extremism Legislation.....	8
Protection against Discrimination	9

Electoral Rights

It should be noted that while considering Russia’s 2009 Universal Periodic Report, the state parties of the UN Human Rights Council made no recommendations regarding electoral rights. Today, after three and a half years, this appears to be surprising.

The period between 2009 and 2012 in Russian politics is divided into two parts. This division has to do with an outbreak of protests in December 2011 after the elections of deputies to the State Duma of the Federal Assembly of the Russian Federation. The protests forced the authorities to make radical steps toward changing the political party law and, in part, the electoral legislation. Extensive modifications have been made to the requirements for starting new political parties (the required membership has gone down 80 times). The requirement to collect signatures in support of party candidates running for election at all levels has been eliminated. Apart from that, the heads of regional governments will again be elected by the population of these regions as opposed to be appointed by the President, even though the scope of this measure does not bring back the regional electoral system existing prior to the abolition of such elections.

Arguably, out of the three recommendations submitted to the Universal Periodic Report for Russia to the UN Human Rights Council by Russian NGOs in 2008 (to liberalize the legislation on political parties and the system of their registration and the registration of their candidates running for election; to alter the procedure for organizing electoral committees at all levels with an aim of ensuring their independence from the executive branch of government; to restore legal guarantees for domestic and international oversight of the electoral process), only the first recommendation can be considered implemented, albeit with some qualifications. The other two demands (concerning the electoral commissions and guarantees of oversight during elections) have not been met.

Aside from that, since mid-2012 we have seen a new trend toward toughening up the legislation related to non-governmental organizations, freedom of expression, and oversight during elections.

Approximately 40,000 electoral campaigns took place in Russia at various levels between early 2009 and September 2012, including 65 elections of representatives to the legislative branches in the federal entities.

Overall, the electoral process in this period can hardly be characterized as competitive. It was plagued by considerable violations of Russian laws and international electoral standards.

Between early 2009 and late 2011 the number of registered parties went down from fifteen to seven, which can be attributed primarily to the stringent requirements for party registration. The four parties represented in the State Duma enjoyed a significant electoral advantage because they were not required to collect signatures in support of their candidates. These parties also had preferences during the formation of electoral commissions. Because of this they got a head start compared to the other three parties and, especially, independent candidates. This had a major effect on the municipal elections.

During campaigning the media space was dominated by candidates supported by the authorities and the United Russia Party. The main causes of this are a lack of political diversity in the sources of financing of media outlets and opportunities for using administrative pressure on the mass media along with the political bias of courts. Other means of administrative influence on voting have also been in widespread use.

The above mentioned period was also marked by a high level of vote rigging. Countrywide, this level went down only during the presidential election on March 4, 2012, which had to do with the administrative measures taken in response to the protests in December 2011. A considerable amount of falsifications had been noted at the elections to Moscow City Duma on October 11, 2009 and the State Duma December 4, 2011.

Russia's electoral legislation underwent radical and extensive change in the period between 2009 and 2012. Alongside the progressive innovations of 2012, such as simplifying the party registration procedure and the formation of party electoral lists, a reduction in the electoral threshold and the number of signatures required for electoral registration, the legislative process took a few steps back, eliminating the electoral pledge, narrowing down the opportunities for public organizations and independent candidates to run for election, etc. The legislative activity was not aimed at a substantive revision of the election laws that have run out of alignment with the international election standards after the negative reforms of 2005-2007.

At present the recommendations formulated by NGOs in 2008 with regard to the changes in the formation procedure for electoral commissions and public oversight remain valid. It is important to keep in mind the fact that Russia's electoral problems have more to do with the independence of the judicial and legislative branches, mass media diversification, as well as disparities between the legal practice and the word of law, than with the electoral legislation proper.

The following measures ought to be taken, with full attention both to the legislative reform and the regulatory and legal compliance practices, to ensure that the constitutionally established electoral rights remain inviolate:

- a significant reduction in the influence that the executive power exerts on the electoral process by removing it from participation in the formation of electoral commissions, excluding administrative leverage in favor of certain candidates, and barring law-enforcement agencies from attempts to infringe upon the rights of election participants;
- diversification of funding sources for the mass media, especially television, and a reduction in administrative pressures on their work;
- provision of wider opportunities for citizens to participate in the electoral process, as candidates, organizers, and observers;
- impartial examination, with full access for the complainants, of allegations of electoral misconduct during candidate registration, campaigning, vote counting by the law-enforcement bodies, courts, and electoral commissions, and observation of the principle of the inevitability of punishment for such violations.

Freedom of Association. Relations between Human Rights NGOs and the State.¹

The situation with the freedom of association and the relations between human rights NGOs and the state after the first cycle of review of the Universal Periodic Report by the Russian Federation in 2009 can be examined within two periods. Immediately after Russia accepted the majority of the recommendations regarding the freedom of association formulated in the UPR review, it made positive steps toward changing its NGO legislation that had previously caused serious criticism and concern on the part of various UN bodies and the international community. In summer 2009 former president Dmitry Medvedev initiated a review of the legislation on NGOs that somewhat improved their position: among these measures were a reduction in the number of audits, a simplified reporting scheme, and more transparency in their reporting. The list of grounds on which an NGO could have been refused registration or banned was also shortened. However, not all changes proposed by NGOs and independent experts were implemented because of opposition from various governmental agencies. Instead of the proposed self-regulation, NGOs are subjected to strict state control. The legislation on NGOs remains contradictory and is often applied in different ways in different regions of the country. There are still multiple grounds for arbitrary and discriminatory application of relevant laws at all of the stages of NGO creation and functioning, including registration, audits, reporting, suspension, and liquidation. During audits the authorities can demand an unlimited number of documents, which is not governed by any laws. NGO registration is much more complicated and expensive than registering a business, and there are still many rejections on this account.

The Russian authorities have limited themselves to strengthening state human rights protections, namely the office of ombudsman and law-enforcement agencies. At the same time independent human rights NGOs are constantly accused of interfering with government business and “unacceptable political activities,” while the scope of opportunities for expert cooperation between independent NGOs and government authorities is diminishing. Government agencies are not required to cooperate with specialized NGOs on legislation and legislative practices. The rights of human rights activists are now under threat after libel has been criminalized. The notorious law “On counteracting extremist activities” has not been amended according to the recommendations in the UPR review even though Russia has accepted these recommendations. These changes are really pressing since civic activists are being harassed for their criticism of public officials that the courts interpret as “incitement to social hatred.”

After the limited “thaw” of 2009-2011, the summer of 2012 saw adoption of repressive amendments to the legislation on NGOs that bear a serious threat for the freedom of association. These amendments impose stringent restrictions on the activities of NGOs that are independent from public officials and receive funding from foreign and international donors. These changes require NGOs financed from abroad and engaging in “political activities” to apply for being included in the register of “foreign agents.” This law defines “political activity” as “affecting government policies or shaping public opinion,” which is a natural mode of operation for any NGO. The organizations are obligated to label any published material, speech, presentation, event, or consultation as originating from a “foreign agent.” Failing to follow this requirement will lead to a ban on the NGO activities without a court decision, huge fines leading to bankruptcy, and, finally, criminal charges against its senior staff that may result in up to two years in prison.

The statutory provisions of the law are so broad that it is impossible to understand whether a person is breaking them or not and predict the legal consequences of these actions. This creates a fertile ground for selective and arbitrary application of the law based on political bias rather than legal grounds. The sponsors of this law make no secret of this. They have intimated that they will prosecute only those organizations that “are harmful to the state.” Aside from that, those NGOs that receive foreign funding will be subject to excessive reporting and audits. Arguments of those who contend that this law is modeled on the legislation on the freedom of association in the developed democracies are unsound. Without any doubt, it contradicts not only the Russian Constitution, but also international legal standards.

¹ For more information please the following reports: Human Rights in the Russian Federation. A collection of Reports on the events of 2011 // <http://www.mhg.ru/files/012/pr2011.pdf>, pp. 101-118.

The Freedom to Association in 2010 // http://irhrg.ru/files/FAssociations_2010_MHG_Gn.doc

The Freedom of Association in 2011 // http://www.irhrg.ru/files/FA_2011_MHG_Gn_0.doc

What this repressive law does achieve is that it incites the common people against civic organizations. It misleads the public and forces NGOs to recognize themselves as “foreign agents,” which is not what they are. In the Russian language this term is synonymous with the terms “enemy” and “spy.” It is simply impossible to continue working and have successful results under such a label.

In addition, if the amendments to the law on the state secrets pass the State Duma where the appropriate bill had already been submitted, Russian NGOs will have to stop their international cooperation with intergovernmental organizations including the UN under threat of twelve-year or longer prison terms. The bill equates providing foreign and international organizations with material assistance, informational, consultative and other forms of assistance with espionage if these activities infringe upon the security and sovereignty of the Russian Federation. People suspected of such activities do not even have to actually hand over state secrets to international organization or even be aware of the “harm” caused by such actions because, in practice, Russian courts accept testimony of the prosecution and security service officers about “harm to state security” without further questioning.

Apart from this, in the spring of 2012 it was decided to introduce additional oversight over all money disbursements to NGOs from foreign sources. The oversight is now carried out by the federal executive body charged with the control of money laundering and funding of terrorist activity. Therefore, the government effectively suspects NGOs of money laundering and terrorism.

In spring 2012 the mass media outlets controlled by the state began producing propagandist and offensive materials that are trying to convince the audience that human rights NGOs are “foreign agents” executing the orders of foreign enemies. The same arguments are being voiced in the speeches of political leaders and deputies at the State Duma.

Thus, Russia’s acceptance of the recommendations within the framework of the 2009 Universal Periodic Report not only failed to lead to compliance regarding the freedom of association but also resulted in worsening conditions for human rights and other independent NGOs in the country.

The Situation of Human Rights Defenders

Since 2009 the situation of human rights defenders in Russia, despite of the official acknowledgement of the necessity of protecting them by the authorities, has hardly improved. Human rights activities in general remain marginalised, as the authorities still, particularly during election campaigns, use the rhetoric of “external threat” and offset criticism of their actions on the international conspiracy, thus creating a negative image of independent public activity.

The state demonstrates a failure, and sometimes obvious reluctance to systematically and effectively respond to threats for security and unhindered work of human rights defenders. Although the level of violence against human rights defenders in Russia over the past three years has noticeably decreased, the level of legal persecution for legitimate human rights activities is still alarmingly high.

Investigation on resonant cases of murders of human rights defenders committed in previous years arouses numerous questions. 2011 saw convictions for the killings of Stanislav Markelov in 2009 and Nikolay Girenko in 2004. But in cases on murders of human rights defenders working in the North Caucasus (including Anna Politkovskaya in 2006 and Natalia Estemirova in 2009) colleagues and relatives of the victims, as well as the society at large, are not convinced that those who are now identified by the investigatory agencies as suspects and/or indicted are the actual perpetrators.

Since 2009 there has been one case of murder of a human rights advocate in the North Caucasus (that of Omar Sagidmagomedov in Dagestan in the beginning of 2012), as well as several cases of physical attacks against human rights defenders committed both by representatives of the state and by non-state actors. Against this background new threats to human rights defenders, including death threats, are still not treated seriously by the law enforcement agencies, which are reluctant to investigate them.

In a number of cases human rights defenders faced criminal persecution, which was either based on misuse of laws restricting freedom of expression (including “anti-extremism” law and charges of libel) or on charges fabricated against defenders by the authorities they are trying to control or criticize. The most resonant cases of this kind include those of Alexey Sokolov, Oleg Orlov and Sapiyat Magomedova.

Other challenges encountered by human rights activists include short-term detentions and administrative persecution, as well as defamatory statements. The most frequent targets of pressure are traditionally human rights defenders working in the North Caucasus, those protecting the rights of “marginalised” groups (prisoners, migrants), confronting xenophobia and discrimination and advocating for LGBT rights, as well as those who monitor the observance of electoral rights.

Not only human rights defenders as individuals are targeted, but human rights organisations as well. Moreover, this pressure is carried out with a growing variety of means and becomes increasingly complex.

The general legislative framework of carrying out human rights activities, including that regulating freedom of association, freedom of assembly and freedom of expression, which was slightly improved in 2008-2011, was dramatically changed since the beginning of 2012 with excessive restrictions which obviously go contrary to the provisions of the UN Declaration on Human Rights Defenders and de-facto push human rights advocacy outside of the legal field.

A long-awaited positive response by the Russian authorities to repeated requests for a country visit by the UN Special Rapporteur on the situation of human rights defenders can be recognised as a step in solving the above-mentioned problems of the protection of human rights defenders in the country. Hopefully, this visit will be organised as soon as possible.

Freedom of Assembly

Many problems in exercising the freedom of assembly in Russia have remained the same. For example, the procedure for conducting public events de facto requires obtaining official permission rather than simply notifying the proper authorities as dictated by the law. To prevent public events from taking place, the government uses such means as preventative detainment of their organizers, offers of venue change on trumped-up excuses (the choice of new venues is often limited to unpopulated remote places far away from the projected target audience), unmotivated bans on public marches, refusal to consider public events because the officials do not “like” their agenda (e.g. LGBT rights), and the requirement to get official approval for the slogans displayed at the events. The existing legislation does not provide for a process of reaching agreement between the organizers and the authorities that would keep both parties on an equal footing.

If the law-enforcement agencies notice even a minor transgression, peaceful assemblies are always terminated, and their organizers are detained (instead of imposing a fine post event). The authorities often punish the organizers for not matching the projected number of event participants. It is equally dangerous both to overestimate and underestimate the projected attendance. Often law-enforcement officers resort to unwarranted violence in the absence of any threats to public order on the part of the protesters. General violence and violent detainments often extend to the journalists covering the event and human rights observers.

In June 2012 the State Duma responded to several months of public protests with repressive amendments to the legislation on rallies and demonstrations that suppressed the freedom of assembly. These amendments set prohibitive fines for violations committed by the organizers of public events: for private individuals the fines will range from 10,000 to 20,000 rubles (325 - 650 USD) while legal entities will have to part with between 50,000 and 100,000 rubles (1,750 - 3,500 USD). If the authorities have not been notified of the event prior to the time when it was held, the fines increase to 30,000 rubles (1,000 USD) or more for private individuals and to more than 100,000 rubles (3,500 USD) or more or compulsory community service for legal entities. This level of fines de-facto equates such violations with crimes. At the same time,

the administrative proceedings do not offer the same amount of defense remedies as is the case with criminal offenses.

New forms of administrative offenses have been introduced, for example “organizing stationary and/or mobile public gatherings in public places that have led to the disturbance of the public order.” This has already resulted in comic situations whereby the organizers of mass bike rides, street celebrations, etc. received citations. People with an active record of convictions who have committed crimes against state security or public order or an administrative offense while conducting public events within one year prior to the new offence can no longer participate in organizing public events.

The Russian regional authorities now have more power in determining the specifics of public event regulations, such as setting a minimal distance between the participants of a single-person picket. They will now be selecting special venues for “collective discussion of important social issues and expressing public views (“Hyde Park”),” banning protests in other places. For example, the authorities of the Ivanovo Region have come out with a bill on public events that would prohibit such actions almost everywhere: on sidewalks, automobile roads, closer than 20 meters to public transportation stops, cultural heritage sites, and buildings occupied by government and municipal authorities.

Freedom of Expression

Regrettably, physical violence, threats, unsolved murders, unlawful detainment of journalists, as well as statutory restrictions on the freedom of speech continue to undermine the exercise of the fundamental freedom of expression and the freedom of the press in Russia. The recommendations formulated in the course of Universal Periodic Report review in 2009 urging a thorough, immediate, and impartial investigation of the murders of journalists and human rights activists and bringing the guilty persons to justice for the crimes against journalists have not been implemented.

Attacks targeting journalists in Russia show no signs of stopping. Over the past ten years more than 300 journalists have been killed while only 10% of these murders have been solved. There are practically no cases in which the persons who ordered the killings have been held liable. This kind of state approach to the problem reinforces the atmosphere of impunity and provokes new killings and attacks on journalists, fostering the belief that killing is a rather effective and safe way to hush down a journalist. According the Glasnost Defense Foundation, 30 journalists were killed in Russia between 2009 and October 2012. Three of them were killed this year². Attacks on journalists have been even more frequent; between 2009 and 2012 there were 263 such cases, with 67 attacks carried out this year³.

Similarly, the recommendations of the first cycle of the Universal Periodic Report review to provide better conditions for the independent mass media (in particular, the national television channels) have not been followed. These recommendations demanded more space for expressing diverse opinions and viewpoints. Journalists, as well as other citizens, exercise their right to freedom of expression primarily in the form of public protests and on the internet. Print media and television effectively deny them this opportunity. The state either owns the entire equity stake or has shares in all six major national TV channels. The state is also the sole owner of the two main news radio stations (Radio Mayak and Radio Russia). The rest of the commercial wave band is almost entirely occupied by entertainment/music radio stations. Additionally, the state owns two of the 14 main daily newspapers and more than 60% of 51,000 regional publications. Such a level of state ownership of the mass media, as well as an indirect influence on them through corporate owners where the government has a stake, allows the authorities to control both the journalists and the information that reaches the public despite the fact that censorship is prohibited by the Constitution.

Unfortunately, the creation of the Public Television does not hold promise as a venue for independent reporting and free exchange of opinion. According to Presidential Order No. 455 “On creating a public television in the Russian Federation” (issued in April 2012), the general director who will run this nonprofit

² http://www.gdf.ru/murdered_journalists

³ http://www.gdf.ru/attacks_on_journalists/list/2012

organization will be appointed by the President of Russia for a four-year term. He will also act in the capacity of the chief editor. Therefore, just the appointment procedure alone whereby the president chooses the director who doubles up as chief editor deprives the public television of its meaning and does not create an additional independent platform for discussing the issues that are important for the society.

Every year Russian mass media, bloggers, and, more recently, civic activists become a target of more than 4,000 anti-defamation lawsuits. The compensations awarded by courts in some of them are capable of causing financial ruin to regional media outlets of modest means. At the same time, many trials are politically motivated, and the verdicts do not meet international fair trial standards and sometimes even break domestic laws. One example of this is a civil lawsuit filed by Ramzan Kadyrov, the President of the Chechnya, against Oleg Orlov, the chair of “Memorial” Human Rights Center, in response to Orlov’s criticism of Kadyrov’s politics and his political culpability in the murder of human rights activist and journalist Natalia Estemirova. Kadyrov used the same excuse to incite another, criminal “libel” lawsuit against Orlov that did not lead to a sentence only because defamation was decriminalized in 2011 (albeit, as it turned out later, only for half a year).

Since spring 2012 a new and clear trend of tightening the legislation concerning the freedom of expression has been gaining steam. New restrictions on the freedom of speech and journalistic activities have been introduced.

Defamation remained decriminalized only for half a year, and a few weeks after President Putin’s inauguration criminal liability for libel returned to the Criminal Code (article 128.1 of the Criminal Code of the Russian Federation). At the same time a separate article criminalized libel against judges, prosecutors, investigators, and court officers (article 298 of the Criminal Code of the Russian Federation). The revised article on “libel” stipulates more severe sanctions as well. Despite the fact that imprisonment is no longer on the list of punishment for libel, financial sanctions have been beefed up rather significantly: fines have increased from 180,000 rubles to the astronomical 5,000,000 rubles, which is ruinous not only for the rank-and-file citizen, but also for many media outlets.

Just in 2009-2011 (until the temporary exclusion of libel from the Criminal Code) article 129 of the RF Criminal Code was used to convict approximately 800 people. Most of them were regional journalists and bloggers, while the lawsuits were primarily initiated by public officials and government representatives⁴. Taking this into account, one can hardly hope that the revised list of offences punishable under the libel clauses in the Criminal Code will be used in any other manner.

The period of 2011-2012 saw multiple violations of journalist rights due to their work to collect information and report on the mass protests in Russia demanding fair elections. For example, on May 6, 2012 when the March of Millions was held in Moscow, and over the following two days, approximately 40 journalists and reporters were detained, many of them violently, which prevented the media from covering these events objectively.

Aside from reinstating “libel” to the Criminal Code, the most publicized changes in the legislation on the freedom of speech concern limits of the freedom of online information that at present remains Russia’s only channel for free exchange of opinion. On July 28, 2012 amendments were made to the Federal Law “On information, informational technologies, and information security.” These amendments allow blacklisting certain websites with “content that is dangerous for children.” The amendments have such a wording that this legal act can be used for internet censorship since the definition of content that could harm children lacks precision. By the same token, the decision to block certain websites will be made by officials at the Russian Oversight Committee without a court ruling. A decision made in such a way could be appealed in court within three months, but all this time the internet resource will be inaccessible to Russian users. The black list will be launched starting November 1, 2012. What is unclear is that whether providers will be limiting access to banned materials by blocking the exact webpage or the entire website or internet service that could host millions of web pages. Such IP-address blocking without a relevant court

⁴ “Libel Worth a Million”, Kommersant, №127 (4912), 13.07.2012, - <http://www.kommersant.ru/doc/1979442/print>

decision may affect many legitimate internet sources. The problem of implementing this law rests not only in the subjective nature of decision making outside the normal judicial process, but also in the fact that if banned materials appear as comments to the otherwise legitimate content (in the absence of post-moderation it is possible to post such comments without the knowledge of the website owners), practically any website will run the risk of being blocked.

The requirement to label mass media and internet content with appropriate age restrictions went into force on September 1, 2012. The law “On protecting children from information harming their health and development” prohibits the dissemination of information that does not clearly display age restriction ratings. Depending on the age of the audience, mass media content must be marked as follows: “12+,” “16+,” and “18+.” Implementing these changes may be problematic due to the ambiguous definitions, specifically those that refer to information that, according to the law, “puts into question family values and respect for parents,” as well as “scenes of sexual intercourse.” Information will be judged to belong to one of these categories based on expert opinions. Subjectivity and the level of expert competence are just two of many issues, causing serious concern in the media community.

Another serious cause for concern that has to do with unwarranted restrictions on the freedom of speech and information is the State Duma discussions of an initiative by the United Russia Party that proposes a ban on anonymity of internet users and introduces administrative and criminal punishment for any kinds of crimes committed with the help of the internet. The bill is expected to pass no later than December 2012. This initiative runs contrary to the position of the Council of Europe on similar issues clearly articulated in the recent recommendations of its Committee of Ministers, adopted on April 4, 2012 (“Recommendation of the Committee of Ministers to member States on the protection of human rights with regard to search engines” and “Recommendation of the Committee of Ministers to member States on the protection of human rights with regard to social networking services”).

Hate Crime. Illegitimate Use of Anti-Extremism Legislation

In 2006-2007 Russia began a crackdown on hate crimes and hate speech. While 56 people were convicted of violent hate crimes in 2005, in 2010 this number rose to 297, and the toll of convictions in 2011 reached 189. Eventually, this has led to a reduction in such crimes, especially murders. The SOVA Center reports that 2008 was the worst year on record, with 615 victims of such crimes, including 116 killings. In 2011 these figures fell to 216 and 24 respectively. Regrettably, there has been no improvement in the level of violent crimes in 2012.

Criminal prosecution of hate speech has also been on the increase. It rose from 15 convictions in 2005 to 76 in 2011. However, most of the sentences in these convictions were based on charges for unimportant statements and publications. As a result, the levels of hate speech throughout the country remain unchanged.

The statistics collected by NGOs are far from being comprehensive, but even government data do not refer to the number of supposed or real crimes, but to the number of criminal proceedings (not even sentences), which reflects police activity, but not the level of aggressive racism.

Despite recommendation made to Russia in the framework of the UPR review process in 2009 to amend anti-extremism legislation to bring it in line with international standards which was accepted by Russia, no measures have been taken to improve it. The definition of extremism in the existing law has not been clarified. Vague and excessively broad definitions in the existing laws cause, among other things, numerous violations of civil and political rights under the guise of combating extremism. However, no less important are such factors as the tendency at the various levels of government to resort to political and religious repression, as well as the existing reporting system that encourages prosecution on unlawful or minor grounds.

Especially numerous are violations of the right to freedom of conscience and the freedom of expression. Russian courts can impose bans on publications and other materials if they are deemed extremist. The list

of such materials includes almost 1,500 titles. Clearly, many of its entries have been added unlawfully. These injunction practices fail to keep genuinely harmful materials from spreading. Instead they create serious problems for citizens, libraries, schools, etc.

Many groups of people come under pressure as a result. Firstly, these include journalists. For example, in 2009 a journalist named Irek Murtazin was jailed for criticizing the authorities in the Republic of Tatarstan. Secondly, civic activists are another group that comes under pressure. They are harassed not for actions that border on misdemeanor (which could be considered moot), but for such innocent acts as drawing political cartoons. Thirdly, among the people targeted in such a way are religious group members. A number of these organizations have been closed down due to unlawful application of the anti-extremist law. For instance, in 2009 a regional branch of Jehovah's Witnesses was banned in Tatarstan. Another organization that suffered the same fate was Nurzhular that united the followers of Said Nursi, a Turkish Sufi teacher. Neither the nursists, nor Jehovah's Witnesses have been cited for violating the public order and have been targeted just for affirming the supremacy of their religious views.

The instances of unlawful prosecutions based on this legislation multiply every year. Just in 2011 unlawful criminal sentences were imposed on 16 individuals for public statements or membership in banned, unlawfully in our opinion, religious organizations (Nurdzhula and Tabligi Dzhamaat, not counting 19 people convicted of membership in Hizb ut-Tahrir," an organization that may have been banned unlawfully).

Aside from criminal charges, unlawful application of this legislation leads to administrative restrictions and various forms of pressure and harassment that affect primarily civic and religious activists and journalists.

Protection against Discrimination

Russia accepted recommendations in the framework of the previous Universal Periodic Review in 2009 focusing on combating discrimination. In particular, Russia committed to strengthen anti-discrimination legislation with a special emphasis on gender equality, ethnic minorities, indigenous peoples, and migrants irrespective of their minority status. Russia also resolved to guarantee that the existing legislation would be used effectively to fight racism and agreed to make new institutional changes aimed at counteracting discrimination, etc. However, we are yet to see a substantial improvement in this sphere.

Anti-discrimination legislation and effective legal measures to protect victims of discrimination are still missing. The Russian authorities often cite the anti-discrimination norms existing in various laws, but in practice these norms prove to be declarative. Using them in courts to protect real people is impossible. This conclusion follows from a nearly complete absence of discrimination cases in the Russian legal practice.

This destabilizes the legal system, which opens up the door for discriminative legislation to be passed on the regional level. A number of regional laws infringing upon LGBT rights have been passed in several regions of Russia. For example, the law "On administrative violations in Saint-Petersburg" provides for administrative punishment for public actions meant to "propagandize sodomy, lesbianism, bisexuality, transgenderism among underage individuals." This legal act runs contrary to the norms of the Russian Constitution prohibiting discrimination and the principle of the freedom of expression and beliefs as well as the international norms recognized by the Russian Federation, i.e. articles 8, 10, and 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Over the past years, a number of legislative initiatives have targeted discrimination against women. The most prominent bill in this regard was titled "On state guarantees of equal rights and freedoms of men and women and equal opportunities for exercising these rights." However, the bill has not passed the State Duma. Occasionally, direct discrimination of women in labor law practices is caused by the list of occupations maintained by the Russian government that permits women to hold such positions only if the employer creates special conditions for their employment; this effectively excludes women from consideration for these positions. Likewise, there is no legislation aimed at preventing domestic violence.

Constant attempts are being made to limit women's right to abortion. Specifically, recent changes to the law "On the foundations of healthcare" passed at the end of 2011 introduce a waiting period between the first doctor's appointment and the abortion procedure, as well as give the doctor the right to refuse the abortion on personal grounds. Another legislative novelty along these lines, in a series of such changes, is an amendment passed in summer 2011 to "The law on advertisement" that disallows private clinics to advertise abortion as safe.

The problem of discrimination in the Russian Federation also concerns ethnic minorities (including the peoples of the North Caucasus, indigenous peoples of the North, migrants from the former Soviet republics, and Roma people). All these groups become targets of violent attacks at the hands of both racists and police officers; their rights to social security and state support are being violated.

For example, Roma settlements exist under a constant threat of demolition. Their residents have their requests to establish legal residence denied, which brings about further instability and provoke new violations of Roma rights. In current Russian administrative practice, inability to establish legal residence precludes the exercise of almost all social and economic rights (e.g. the right to healthcare, the right to receive social security payments and pensions, labor rights, etc.), including the right of children to education.

Up until now the right of Roma children to receive education has been difficult to exercise. Examples of positive and effective governmental action in this respect are few and far between. No concrete program exists on the state level aimed at integrating the children of ethnic minorities into mainstream society. At the local level the situation is exacerbated even further by inaction on the part of the authorities and indirect discrimination. As a consequence, most Roma children in Russia never graduate secondary school. Many of them do not even finish elementary school, and even if they do succeed in passing several grades, their knowledge and skills do not match state educational standards and prevent them from continuing their studies.

The number of violations with respect to the rights of migrants and individuals without citizenship does not show any signs of decreasing. Official plans of fighting illegal migration set targets for schools and medical institutions to report cases of providing educational or healthcare services to migrants (schools are required to compile lists of migrant students to be submitted to the Federal Migration Service).

Many people residing in the Russian Federation fall victim to double and triple discrimination. Among them are Roma migrants, female migrants, and children of migrants. Children of migrant workers are not allowed to legally reside in the Russian Federation for periods longer than three months, whereas their parents who hold work permits can legally reside in the country for a year. Female migrants cannot get jobs, for instance, in construction, while women who are Russian citizens can work on construction sites, as can male migrant workers (quotas for male and female migrant workers differ for the positions designated for men and women). Cumulative forms of discrimination force discriminated groups of people to live in dire poverty.