



**XENOPHOBIA AND RADICAL NATIONALISM,
FREEDOM OF CONSCIENCE,
AND
MISUSE OF ANTI-EXTREMISM LEGISLATION
IN RUSSIA**

KEY DEVELOPMENTS IN 2016



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XENOPHOBIA AND RADICAL NATIONALISM IN RUSSIA:

Key developments in 2016

*This chapter summarizes the report **Old Problems and New Alliances: Xenophobia and Radical Nationalism in Russia, and Efforts to Counteract Them in 2016**, issued by SOVA Center in March 2017. The summary was produced by International Partnership for Human Rights (IPHR, Belgium).*

For over two years, the authorities of the Russian Federation have increasingly monitored the ultra-right, brought criminal and administrative charges against its leaders and activists, banned organizations and blocked online content considered to be extremist.

In 2016, to adapt to these circumstances, **nationalists have largely avoided pursuing a conventional xenophobic agenda**. Instead they focused on developing activities that would be difficult for the authorities to counter and concentrated on issues that provided common causes with other political factions.

The ongoing state pressure on the ultra-right movement and its leaders could not fail to affect the very structure of the ultra-right sector. Along the ideological divide of those supporting the “Russian Spring” and those opposing it **the nationalist movement underwent a significant reorganization in 2016**. New leaders emerged, new groups were created, new coalitions and alliances formed. While many groups joined forces in coalitions, some of them continued to operate autonomously. In some cases no new activism has emerged in the place of organizations that have been shut down or become inactive in recent years.

The groups supporting the “Russian Spring” faced a severe drop in public interest in the second half of 2016, probably due to the receding interest in the Ukraine conflict. The turnout at their demonstrations was very poor, and their campaigns went largely unnoticed.

To counter their marginalization, many ultra-nationalists who opposed the “Russian Spring” decided to cooperate with the liberal opposition, who share some of their views on Ukraine. For this group of nationalists the main campaign slogan was “Against Putin means for PARNAS” (PARNAS – People’s Freedom Party, Partiiia Narodnoi Svobody). The parliamentary elections on 18 September 2016 turned out to be an important event for them that, in many ways, shaped the direction and nature of their public activity for almost the entire year. On 29 May 2016, the democratic coalition around the PARNAS party held its online primaries and Viacheslav Maltsev, a nationalist blogger from Saratov, won. PARNAS listed Maltsev as their second candidate for the Russian State Duma elections. While the cooperation with the liberal opposition brought the ultra-right a certain degree of success since they benefited from access to new audiences and associated exposure, the PARNAS’s defeat left the majority of the ultra-right dissatisfied. Most expressed their indignation only on the Internet, and thus the situation differed fundamentally from that of 2011, when people went out into the streets to express their disappointment.

Maltsev’s election campaign was far from universally supported, even by the ultra-right who opposed the “Russian Spring” as many criticized his cooperation with the liberals and rejected any compromise on nationalist positions.

SOVA Center’s evaluation of the overall dynamics in the use of anti-extremist laws show that, at least in relation to nationalists, well-established **repressive methods are slowly fading**. SOVA’s monitoring results demonstrate a drastic slowdown in the growth of the number of convictions for crimes “of extremist nature” in 2016. Instead the law enforcement agencies appear to increasingly **focus on what they call “preventive measures”**. This probably explains the increase in the blocking of online materials as well as the growing number of administrative sanctions relating to banned symbols and dissemination of prohibited materials. It is also likely that the number of convictions for “speech of an extremist nature” rose less sharply in comparison with last year due to the gradual relaxation of the state of high alert triggered by the war in Ukraine and the fact that the authorities have largely succeeded in suppressing the ultra-right.

SOVA Center recorded fewer **violent incidents** motivated by racism and neo-Nazism in 2016 (nine died, 72 injured, three death threats) than in 2015 (12 died, 96 injured, eight death threats). In 2016, a total of 44 people

VIOLENT INCIDENTS MOTIVATED BY RACISM AND NEO-NAZISM

12 died // 9 died
96 injured // 72 injured
8 death threats // 3 death threats

PEOPLE FOUND GUILTY OF HATE CRIMES

61 convictions in // 44 convictions in
19 regions // 15 regions

CASES OF VANDALISM MOTIVATED BY RELIGIOUS, ETHNIC OR IDEOLOGICAL INTOLERANCE

56 cases // 44 cases

3229

7805

4015

entries were added to the Federal List of Extremist Materials

+10

ultra-right groups

Jehovah's Witness congregations

Muslim prayer house

organisations were added to the Federal List of Extremist Organizations

were found guilty of **hate crimes** in 15 regions of Russia (vs. 61 convictions in 19 regions in 2015). There were also fewer cases of **vandalism** motivated by religious, ethnic or ideological intolerance in 2016 (44 cases in 2016, vs. 56 cases in 32 regions in 2015); six people were convicted and handed down sentences including corrective labour and restriction of liberty (vs. 14 people in 2015).

Nine per cent of those convicted for violent crimes (four out of 44) received suspended sentences, which constitutes a much lower proportion than in 2015 (44 per cent). SOVA Center believes that the reduction in the number of suspended sentences for violent crime is a positive trend since they tend to instil a sense of impunity and do not deter ideologically motivated offenders from committing similar acts in the future.

The number of convictions for **“speech of an extremist nature”** (incitement to hatred, incitement to extremist or terrorist activities, etc.) remains higher than the total number of sentences for all other extremism-related crimes. However, in comparison with previous years the number of such convictions increased more slowly in the first half of 2016 and dropped in the second half of the year; notably fewer people were imprisoned for “extremist speech” during the period under review. The vast majority of convictions related to “extremist speech” were handed down in relation to materials distributed over the Internet. While ultra-right leaders continued to be targeted – new prosecutions brought in 2016 often affected leaders who had already come to the attention of law enforcement agencies in previous years – most of those convicted for “extremist speech” were rank-and-file users of the social network VKontakte who reposted video clips or other materials. Unfortunately, in these cases the proportion of suspended sentences rose to 41 per cent (82 out of 198 offenders), compared to 34 per cent in 2015, while the proportion of corrective, compulsory sentences and fines decreased. The state has failed to introduce clarifications into domestic legislation regarding the notion of the extent of speech, its public nature and the size of its audience. And yet this is a key factor when ruling on propaganda materials. While in recent years the authorities have prosecuted right-wing leaders for actionable speech offenses, the majority of sentences have been passed in relation to people who did not speak to a mass audience.

The number of **administrative sanctions** grew steadily. The offences included producing and disseminating extremist materials and displaying fascist symbols. Most offenders were subjected to fines, others to administrative arrest (up to 10 days). There were also cases where the “instruments of crime” (laptops, tablets, or smart phones), the cost of which often exceeded the fine several-fold, were confiscated.

In 2016, 10 organisations were added to the **Federal List of Extremist Organizations** published on the Ministry of Justice website bringing the number of groups banned by the courts to 58. Five of them were ultra-right groups while the other five were Jehovah’s Witness congregations and a Muslim prayer house. These numbers do not include 26 organizations recognized as terrorist. In 2016, 19 ultra-right activists were convicted in six regions of Russia for being active in **organizations banned as extremist**. In 2015, there were 10 verdicts involving 10 people in eight regions.

In 2016, 785 entries were added to the **Federal List of Extremist Materials** (compared to 667 in 2015), at least 711 of them referring to materials found on the Internet. The total number of entries grew from 3229 to 4015. Most new entries related to xenophobic materials produced by Russian nationalists, followed by materials by Islamist militants and other calls for violence issued by political Islamists. Some materials were inappropriately classified as extremist, e.g. Jehovah’s Witnesses brochures. The Federal List of Extremist Materials has long proved to be a clumsy, ineffective and dysfunctional mechanism.

Prosecutors have increasingly **blocked access to prohibited materials online** (or those presumed to be otherwise “dangerous”) based on two separate registries, one that is based on court decisions while the other – set up under Lugovoy’s Law – lists online materials that are blocked at the request of the General Prosecutor’s Office, if the Office considers materials to carry incitement to extremist activities or public disorder. SOVA Center has repeatedly voiced concern about the efficacy and legality of these measures. In addition, SOVA believes it to be unlikely that content-blocking improves public safety. Instead, it erodes freedom of expression.

FREEDOM OF CONSCIENCE IN RUSSIA:

Key developments in 2016

*This chapter summarizes the report **Freedom of Conscience in Russia: Restrictions and Challenges in 2016**, issued by SOVA Center in March 2017. The summary was produced by IPHR.*

SOVA Center is seriously concerned about developments relating to religious freedom in Russia in 2016. The authorities implemented increasingly repressive and discriminatory measures against “non-traditional” religions and movements (as opposed to the “traditional” ones protected by the state: the Russian Orthodox Church, official Islam, Buddhism and Judaism) and this line was often supported by “anti-sect” rhetoric in the mass media.

The adoption of legislative “**anti-missionary amendments**” in July 2016, part of “anti-terrorist package”, was undoubtedly the most important event of the year. The amendments have seriously impeded the activity of many religious organizations, especially unregistered religious groups, and missionary activity. Anyone undertaking missionary activity now requires written permission from the leadership of a registered religious organization. Preaching without permission is now limited to land owned by the religious body and cemeteries and is banned in residential accommodation. The introduction of these amendments is a victory for those within and beyond the machinery of State who are dedicated to combating “sects” – that is, religious minorities they deem undesirable. Following adoption of the amendments, **administrative sanctions** were imposed in several dozen cases for what was considered to be illegal missionary activity.

Over 2016 pressure on **Jehovah’s Witnesses** escalated into **religious persecution**, as a long-running state campaign resulted in a ban on five communities, and in 2017 the Supreme Court issued a total ban on Jehovah’s Witnesses’ activities in Russia.

In 2016, the Supreme Court upheld the decision of the Moscow City Court to close the Moscow Church of **Scientology**, ruling that Scientology is not a religion. The European Court of Human Rights will review the case.

Jehovah’s Witnesses, other representatives of new religious movements and members of Protestant churches were targets of **harassment and discrimination by the authorities**. Jehovah’s Witnesses reported cases where preachers were detained, subjected to body searches, and religious literature was confiscated before imposing administrative fines. Muslims also experienced pressure in the form of large-scale police checks at mosques, during which believers were sometimes arbitrarily detained, taken to police stations, photographed and fingerprinted. There were also several incidents where Muslim women wearing headscarves faced discrimination by the authorities.

The main source of **conflict involving the authorities, religious entities and citizens** remains the contentious sites selected for **building works**, particularly in Moscow where plans to build new inner-city Orthodox churches are supported by the city authorities. But protests against church building in public squares and green zones also took place in other cities. Although in a number of cases the authorities listened to citizens’ opinions and cancelled or moved construction, they often preferred to ignore the protests. Residents in various regions also protested against the **construction of mosques**, often linking mosques with a rise in the number of migrants and terrorism. Bureaucrats demonstrated more readiness to take public opinion into account when the construction of mosques, rather than Orthodox churches was under debate.

Muslims and Orthodox Christians who are not under the jurisdiction of the Russian Orthodox Church or official muftiats continued to face difficulties in **using existing religious buildings**. Protestant organizations encountered fewer difficulties than before.

The **authorities** provided **financial support to certain religious organizations** for the restoration of places of worship, which represent culturally significant architectural monuments. The recipients of such aid were mainly Russian Orthodox, along with some Muslim entities. Selected religious organizations also received government funds for social, cultural, educational and other programmes. The Russian Association for the Protection of Religious Freedom was allocated four and a half million rubles to prepare a report on religious freedom in Russia

“to counterbalance the non-objective reports of the US State Department and foreign NGOs”. As in previous years, the authorities also transferred property to religious organizations, mainly the Russian Orthodox Church, but also to other religious denominations. 2016 saw few of these transfers of property and for the most part they were not controversial. Relations between the authorities and the Russian Orthodox Church were strained over several famous buildings and museums, such as St Isaac’s Cathedral in St Petersburg which were claimed by the Church. SOVA Center is aware of several cases where museums were able to defend their interests in conflicts with religious organizations.

The level of **religiously motivated violence** remains constant – SOVA Center recorded 21 victims compared to 23 in 2015. The majority of victims were Jehovah’s Witnesses, who were attacked most often while on missionary service and who sustained minor injuries. However, in one incident in Vladimir region two men with knives attacked Evangelical Christians, shouting their intention “to exterminate all sectarians” before making congregation members stand with their hands up.

SOVA Center recorded 30 acts of **religiously-motivated vandalism** over the year, mainly against Orthodox objects, including high crosses. Jehovah’s Witness’ objects were also targeted as were a synagogue and a Jewish cemetery. Fewer cases of vandalism against Muslim targets occurred than in 2015 – although vandals daubed Nazi graffiti on the mosque in Ivanovo. Two Buddhist objects were also vandalized.

In 2016, for the first time, there were a number of convictions aimed at **“defending the feelings of believers”** under the so-called law for the protection of religious feelings (Article 148 Part 1 of the Criminal Code: “Public actions expressing obvious disrespect to society and committed with the aim of insulting the religious feelings of believers”) and several new proceedings were opened. In addition, Article 282 of the Criminal Code (“Incitement to hatred and humiliation of human dignity”) continued to be used against those accused of offending religious feelings. SOVA Center considers most of these proceedings to be inappropriate.

Activity by Russian Orthodox **grassroots defenders of religious feelings** was somewhat reduced over the year although they still targeted some allegedly “blasphemous” rock concerts, exhibitions, theatre performances and other cultural events. Sometimes activists received support from the authorities resulting in the cancellation of events or the removal of contentious content. SOVA Center also recorded complaints about offended religious feelings from Muslims and a Buddhist. In many cases the authorities did not give into the demands of zealous defenders of religious feelings.

MISUSE OF ANTI-EXTREMISM LEGISLATION IN RUSSIA:

Key developments in 2016

*This chapter summarizes the report **Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2016**, issued by SOVA Center in April 2017. The summary was produced by IPHR.*

In 2016 Russian anti-extremist legislation significantly expanded state control in the realms of access to information, public activity and religious life.

New laws including the infamous “Yarovaya’s Package” launched mechanisms directly infringing on freedom of speech and protection of privacy as well as other rights and freedoms of citizens. The amendments require all communication providers to store information on communication between people for one year, and the actual content of calls and correspondence for up to six months (this part will only enter into force in 2018) and provide officials of the Federal Security Bureau (FSB) with keys to decrypt their users’ correspondence. Another important part of the legislative package substantially restricts missionary work and has been applied actively; from 2016 dozens of people have faced administrative charges. The amendments essentially make it possible to issue a fine for any religious statement not authorized in writing by an officially registered religious association.

Yarovaya’s Package also significantly increased penalties for crimes of terrorist or extremist nature, as well as for organizing illegal migration. Questionable offenses such as failing to report a terrorism-related crime or encouraging the organization of mass disorder were included in the Criminal Code, which, judging by prior law enforcement practice were not necessary and will not be of use in combating real threats. However, new human rights abuses committed under the aegis of combating radicalism are already evident, and we can expect more of them.

Other legislation passed during the year included decrees amending the Code of Administrative Offences to extend extra-judicial blocking of websites by fining internet providers who fail to block web pages within a day of notification from the Federal Service for Supervision of Communications (Roskomnadzor) and stipulating that news outlets with circulation of over a million can only be owned by Russian nationals or legal entities. New procedures for banning extremist materials which were introduced by the General Prosecutor’s office in an attempt to limit the number of new bans and to put them under control proved partially effective.

Meanwhile, a number of law enforcement problems became so noticeable that the Russian Supreme Court attempted to clarify the interpretation of some legislative provisions prone to misuse in court judgments. The Supreme Court adopted a resolution on the use of anti-terrorist and anti-extremist articles of the Criminal Code, underlining the necessity of taking the context and circumstances into account in cases of incitement of hatred or enmity; and stipulating that public calls to extremist and terrorist activity on the Internet should be considered a completed crime from the moment they have been posted or sent, thus changing the previous approach to the statute of limitations when a crime was considered ongoing while the relevant post stayed online.

According to SOVA Center data, in total 19 inappropriate sentences against 20 people were issued under anti-extremist criminal articles in 2016 (fewer than in 2015 when 24 verdicts were issued against 29 people). At the same time, we know of at least 32 new criminal cases which were opened during 2016 without due cause, exceeding the 2015 number of 24 newly opened inappropriate cases; this is a cause for concern since we see no signs of improvement in the quality of investigations.

The Russian authorities continue to use anti-extremist legislation against actions and statements related to the crisis in Ukraine, without taking the specifics of the situation adequately into account. Anti-extremist legislation was written for use in peacetime – it is not an adequate legal tool to use in situations of military operations and does not take into account the intensity of emotion in Russian society, where people are painfully sensitive on the issue of the conflict with Ukraine. As a result, the number of inappropriate prosecutions in connection with the “Ukrainian Question” remains high.

For example, **Igor Stenin**, the leader of the Russians of Astrakhan movement, was sentenced to two years in a penal colony for making public calls to extremism. Stenin was found guilty of publishing an entry about the war in the Ukraine on his social network page; he also was charged for a comment left by another user. In our opinion, the short post calling for destruction of “the Kremlin invaders,” cited in the court case cannot be considered an incitement to extremist activity as it is impossible to interpret this figure of speech as a direct call for violence.

Some articles of the Criminal Code, such as that on incitement to separatism, are used explicitly to pressure those critical of, for example, the annexation of Crimea.

A criminal case was opened in 2016 against **Ilmi Umerov**, chairman of the Mejlis of the Crimean Tatar people, a representative body for Crimean Tatars. The incriminating event was the address made by Umerov in a live broadcast on ATR TV channel in Ukraine. SOVA Center views the prosecutions of Crimean Tatar activists for their calls to return Crimea to Ukraine as inappropriate – because people, who never recognized the acquisition of the territory on which they live by another country, have the right to express their point of view, especially as the legality of the annexation of Crimea to Russia is controversial under international law.

The Mejlis itself was banned in 2016 as an extremist organization, though the evidence of its involvement in extremist activity was not examined in detail by the court; the decision to close down the Mejlis was dictated not by its actual activities, but by political.

In addition, new criminal cases unrelated to Ukraine were initiated without proper justification under the article on separatism.

The Moscow FSB opened a criminal case for the post *A Bomb Ready to Explode* published by journalist Andrei Piontkovsky on his blog on the “Echo of Moscow” website. According to the FSB, the article contained calls for “violation of the territorial integrity of Russia and actions aimed at inciting hatred and hostility based on ethnicity.” The article focused on the crisis in relations between the Russian and Chechen peoples. The text ended with the statement that, in order to avoid a catastrophe, Chechnya should be granted full independence. In our view only calls for violent separatism merit prosecution, and Piontkovsky’s post contained neither such calls nor statements inciting hatred on ethnic grounds.

Ideological opponents of the authorities are also charged with “justification of terrorism.”

Alexei Kungurov, a blogger from Tyumen, was sentenced to two years and six months in a settlement colony for the text *Whom Putin’s Falcons Are Really Bombing* posted on his personal blog. The FSB objected to his allegations that Russia was actually helping the Islamic State, rather than bombing it. We view Kungurov’s verdict as inappropriate. The article *Whom Putin’s Falcons Are Really Bombing* contains an analysis of the situation in the Middle East and, in our opinion, includes no incitement to terrorism.

Several verdicts handed down by Russian courts in 2016 for incitement of hatred, give us reason to doubt the expedience of criminal prosecution in such cases and we readily concede that the number of such sentences among the verdicts issued in 2016 could be, in fact, much larger. We maintain that the scale of prosecution against citizens under the article on inciting hate (and for public utterances in general) raises serious concerns.

In 2016, we recorded nearly 20 instances where sanctions were imposed for demonstration of Nazi or extremist symbols that was not intended as dangerous propaganda. The corresponding article of the Code of Administrative Offences was used to improperly punish not only users of social networks using Nazi symbols in heated debates to criticize their opponents, but also antiques dealers or even random citizens.

While recommendations to states to abolish blasphemy laws are heard in the UN, Russian prosecutors increasingly initiate criminal cases for insulting the feelings of believers, thus creating tension between the secular society and the adherents of religious organizations (primarily the Russian Orthodox Church) who enjoy state support and protection.

An absurd case was opened in September 2016 in Yekaterinburg, when videoblogger Ruslan Sokolovsky was charged under articles on incitement to religious hatred and insulting the feelings of believers for publishing videos full of provocative atheist remarks. The blogger's story of catching Pokémon in the Cathedral of the Intercession of the Spilled Blood in Yekaterinburg was viewed as particularly offensive to believers. In May 2017 Sokolovsky received a suspended 3.5 years' prison sentence.

At the same time, religious organizations and trends not considered by the authorities as “traditional” for Russia, that is religious minorities most in need of protection, have been increasingly subjected to government pressure.

Jehovah's Witnesses whose organizations were being banned for extremism one after another during 2016, in 2017 finally faced the liquidation of their Administrative Center in Russia as extremist and a ban on its activities, as well as activities of its 395 branches – that is local Jehovah's Witnesses' communities. This means that every one of the one hundred thousand believers is now potentially under threat of criminal prosecution for continuing the activities of an extremist organization.

Several new criminal cases were opened on charges of involvement in the activities of the international religious movement Tablighi Jamaat, banned in Russia as extremist, although it has never been known to incite violence. Persecution of Muslims studying the works of Turkish theologian Said Nursi was ongoing as Russian law enforcement agencies prosecuted believers, found in possession of Nursi's books, for membership in Nurcular, a supposedly united organization which is banned in Russia despite the fact that its activities and even its very existence have never been proven. SOVA Center knows of at least one verdict, issued against a Nursi follower, and several new criminal cases against five people, charged for affiliation to Nurcular.

*In Dagestan, **Magomednabi Magomedov** – the imam of Vostochnaya Mosque and the chairman of the Imam City Council of Khasavyurt – was sentenced to five years' imprisonment in a minimum-security penal colony. The imam was accused of calling for terrorist activities and publicly justifying terrorism in a sermon about the shutting down of Salafi mosques in Dagestan. The imam talked about the unacceptability of further pressure from the security forces on the Salafis and urged the community members to stay united and defend their rights by peaceful means.*

Dozens of people were improperly fined in 2016 for dissemination of extremist materials, mostly religious, or the storage thereof for the purpose of distribution.

The Federal List of Extremist Materials banned by the Russian courts increased by 785 entries in 2016, compared to 667 entries in 2015.

The Unified Registry of Banned Websites, created in 2012, has continued to add resources that are recognized as extremist, or similar materials. According to available data, at least 486 resources blocked for “extremism” by the courts were added in 2016, compared to 283 in 2015. In 2016, at least 923 items were added to the Registry of resources blocked under Lugovoy's Law (which allows the Prosecutor General's Office to order websites to be blocked without a court ruling), compared to just 133 new items in 2015. It is also worth noting that, in 2016, Russian courts issued decisions to block dozens of anonymous proxy websites (anonymizers) based on prosecutorial claims. Prosecutors justify this by claiming that Internet users can access extremist materials with the help of such services, though the anonymizers in and of themselves, contain no forbidden information.

RECOMMENDATIONS:

On counteracting xenophobia, racism and hate crimes

- Change the crime reporting system so that a suspected hate motive can be recorded at any stage of the criminal procedure, including at the outset of a criminal investigation;
- Train law enforcement personnel in the detection and prevention of offenses motivated by racial and xenophobic hatred;
- Ensure that regular police, and not only specialized law enforcement units, investigate hate crimes;
- Publish official hate crime statistics, disaggregated by type, regions, and the number of victims. Data should be based both on court decisions and the number of criminal cases opened;
- Ensure that the information collected by non-governmental organizations monitoring racist groups is routinely used by law enforcement officials.

Freedom of conscience

- The state should cease according preferential treatment to certain Christian, Muslim or other organizations, referring to the norms of canon law or to other strictly religious arguments which are not set out in state legislation;
- The state should expand the circle of religious organizations, including Christian ones, with which it has institutionalized cooperation, to reflect the religious diversity in society;
- Clarify registration procedures for religious groups and ensure the non-discriminatory application of laws governing the acquisition of premises for religious purposes;
- Abandon the requirement for informal communities of believers to present information about themselves to government bodies, if they do not wish to obtain official status;
- Rescind the 'anti-missionary' amendments to legislation, which increase risk for anyone practicing religious activity outside buildings owned by religious organizations;
- Accept that religious tolerance should be protected by the same mechanisms as for other forms of tolerance, and refrain from creating special rules that restrict freedoms specifically in relation to religious tolerance;
- Prevent the implementation of new laws and other legal acts aimed at restricting public expression of religious beliefs, including dress, provided that it does not violate other legal provisions;
- In line with Supreme Court recommendations, stop interpreting religious polemics as inciting religious hatred and prevent criminalizing religious debate;
- Review court rulings banning religious organizations for extremism and ensure that the bans are based on clear and objective examination of all available evidence.

Misuse of anti-extremism legislation

- Amend the existing anti-extremist legislation in line with the recommendations of the Venice Commission to make it an effective tool for fighting manifestations of racism and xenophobia related to violence, and to avoid unjustified restrictions of basic human rights;
- Amend legislation on hate crimes and related activities, including organizing and financing as well as public incitement to hatred, etc. to ensure that legislation prioritizes bringing to justice those who are responsible for dangerous crimes against the person. The internal policies and regulations of law enforcement agencies should reflect the same priorities. Investigators should take into account the severity of the threat to the society when evaluating public incitement;
- Issue a decision on legal norms limiting freedom of speech to bring their implementation in line with 2012

Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred. In particular, ensure that courts and law enforcement agencies assessing the level of public threat of statements not only consider their content but also the context, style and suitability for their audience, whether they incited others to break laws, the speaker's personal authority and other circumstances;

- Instruct public officials not to publicly express intolerance or disrespect in regard to any group based on race, colour, ethnic or national origin, religion or belief. Civil service legislation should include effective sanctions against such actions;
- Rule out punishment by imprisonment for statements and actions not related to incitement to violence and discrimination, including denial of Russia's territorial integrity, abasement of human dignity on the basis of ethnicity and other characteristics, etc.;
- Stop the practice of court bans on books and other materials for 'extremist content' and dispense with the ineffective Federal List of Extremist Materials;
- Revise internet filtering policies to ensure greater streamlining and transparency in countering extremism; put an end to extrajudicial procedures on blocking access to materials deemed to have 'extremist content';
- Law enforcement agencies' reports on countering extremism should be divided into three categories: measures taken against illegal public statements, involvement in banned organizations and groups and hate crimes. This would put an end to the practice of inflating counter-extremism statistics due to prosecutions for statements rather than acts of violence;
- Cease blocking of bank accounts of those included in the Rosfinmonitoring list of individuals involved in or suspected of involvement in extremist or terrorist activity.

