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STATE POLICY ON THE PREVENTION OF EXTREMISM ESCALATION AS A FORM OF DEVIANT SOCIO-POLITICAL ACTIVITY

The article is devoted to investigation of the experience of state policy on the prevention of extremism escalation as a form of a deviant socio-political activity. In the article definitions of the term «extremism» represented in the legal and political acts of different states are considered. Public approaches in determination of features, manifestations, forms of extremist activity are demonstrated. Legal acts of the PACE, SCO, and also state acts of the Russian Federation, Ukraine, Czech Republic, Great Britain, the USA are studied.

Unavailability of a dialogue between participants of the socio-political system, absence of mediators who are able to carry on negotiations and support interaction between opponents result in disharmony and imbalance in the system. A party that usurps power and law (authoritarian minority or totalitarian majority) emerges along with a party, deprived of its rights or limited in them (marginal minority or deviant majority). Socio-political conflict between bearers of the identified roles reveals their mutual fear and readiness to apply pressure. Both parties are «ready» to extremism but eventually it is expressed by that party which feels greater weakness.

International extremism is more and more displaying itself as a result of a system crisis in the new global world and it was doctrinally formed at the end of XX century. Forms of extremism (terror, terrorism, revolution) appeared to have been fixed earlier, as they are easier analyzable by an example of national and subregional conflicts. However, extremism as a wider notion in comparison to them is being formed only now, as its specific developments are not always well-defined. Thus, terrorism of Hezbollah party is sometimes interpreted as a form of conducting national liberation war by «indirect actions».

Having endured consequences of fascism in the XX century, global community sets to search ways how to prevent such phenomena as national terror, racism, and ethic discrimination. It seemed that approved by majority of states documents, which set principles of human rights, equality, and identity formation of nations, according to which Constitutions of democratic states were developed, mainly solved this problem. However, tragic events at the turn of the centuries showed that we would have to realize errors and to work out efficient warrants of

equality of social groups, nations, exclusion of extremism and intolerance escalation.

Problems of terrorism and extremism are studied in works of Ukrainian researchers – V.A. Lipkan, D.I. Nikiforchuk, M.M. Rudenko, P.Ya. Kondratev, and Russian researchers – Yu.I. Avdeev, S.V. Borisov, Z.M. Beshukova, P.N. Kobets, V.V. Malyshev, G.K. Nurlybaeva, P.A. Prokhorov, S.G. Fedorov, V.V. Ustinov, etc. T. Boyar-Sazonovich, A. Grachev, V. Glushkov, V. Emelyanov and others devoted their works to political and legal aspects of establishment of extremist activity counteraction system. However, the rule-making activity in states dictates a need in new researches of experience in prevention of extremism growth and demonstration. The *objective of this article* is analysis of modern state policy in the sphere of prevention of extremist activity escalation.

The term of «extremism» (from Latin *extremus* – extreme), meaning adherence to radical views and methods of goal achievement, has been used since the middle of the XIX century. At first, it was applied with respect to political antimonarchical trends. Along with the term of «radicalism», «extremism» was started to be used with respect to political opponents irrespectively of a nature of their activity and views. Therefore, Russian Explanatory Dictionary (1940) includes a definition of the notion as «extremely radical actions»¹.

For the first time at the European level, the notion of «extremism» was defined in a document of PACE – in Resolution «Threat posed to democracy by extremist parties and movements in Europe» (2003). In the Resolution «the extremism is called to be such a form of political activity that directly or indirectly rejects principles of parliamentary democracy and is based on the ideology and practice of intolerance, alienation, xenophobia, anti-Semitism, and ultra-nationalism»². In the document it is noted that extremists constitute a threat to all democratic states because their fanaticism can serve as a pretext to apply and justify violence. The Assembly of the Council of Europe admitted that anti-extremism protection presents the democracy with a dilemma: to secure the freedom of expression, assembly and association to all political groups, and at the same time to protect itself against activity of extremist groups rejecting democratic principles and human rights. Therefore,

¹ Волин, Б. М., Ушаков, Д. Н. (1940) *Толковый словарь русского языка*, Т. 4., 534.

² Об угрозе для демократии со стороны экстремистских партий и движений в Европе ПАСЕ Резолюция (2003). *Официальный сайт Парламентской Ассамблеи Совета Европы. Документы на русском языке*. <http://www.coe.int/t/r/parliamentary_assembly/%5Brussian_documents%5D/%5B2003%5D/%5Bsept_2003%5D/Res%201344%20rus.asp> (2014, январь, 24).

reminding of Recommendation 1438 (2000) «Threat posed to democracy by extremist parties and movements in Europe» and Resolution 1308 «Restrictions on political parties in the Council of Europe member states», PACE expressed its position that states have to neutralize effect of extremism by political and administrative measures. It is important to stress that in the Resolution (2003) PACE admitted that due to a specific nature of historical development of countries and different criteria of tolerance applied in the countries, different penalties for similar offenses are set, but restrictive measures to eliminate extremism roots must be used. It was an achievement that PACE called on Governments of the European states for the purposes of anti-extremism protection to provide an opportunity to restrict the freedom of expression, assembly and association in their legislation; and to introduce: 1) effective sanctions subject to availability of facts proving inflicting damage by extremist political parties and their members; 2) punishments that are adequate and performing a deterrent role for appeals for violence, race discrimination and intolerance; 3) measures aimed at suspension or termination of government financing of organizations conniving extremism; 4) in emergency cases (subject to availability of a threat to a constitutional order) – measures aimed at dissolution of extremist parties and movements; 5) to control, if necessary – to prevent renewal of activity of the dissolved parties and movements under another label or in another organizational form; 6) to encourage parties to reject associating with extremist parties, if necessary – to enhance transparency in funding of political parties; 7) to develop school curricula in a spirit of democracy, to work out immunity against extremism ideology; 8) to develop campaigns to explain pernicious influence of extremism on democracy; 9) to encourage civil society; 10) to introduce administrative measures and to initiate international cooperation preventing spread of extremism by means of information technologies; 11) to support activity of the European Commission against Racism and Intolerance which is entrusted to struggle against intolerance all over Europe.

A bit earlier within the scope of Shanghai Cooperation Organization's activity, «The Shanghai Convention on struggle against terrorism, separatism, and extremism» (2001) was approved. It defined the notion of «extremism» in the following way (cl. 3 p. 1 art. 1): «it is an action aimed at forced seizure and retention of power, and forced alteration of a state constitutional order, as well as violent encroachment on public security, including organization of ... illegal armed units and participation in their activity, and which is criminally proceeded according to the national leg-

isolation of the Parties»¹. This Convention was signed and ratified by: China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan.

One of the first regulations that set the notion of «extremism» and established methods of its counteraction is Law «On Counteraction to Extremist Activity» approved in 2002 in Russia. In 2006 a list of actions considered as extremism was extended. Now they include: activity of public organizations, mass media or individuals including arrangement of actions oriented to forced change of constitutional order bases; violation of integrity of RF security; seizure or appropriation of power authorities; establishment of illegal armed units; carrying out of terrorism activity or its public justification; incitement of race, national, religious or social hatred; abasement of national dignity; mass rioting, violence, and acts of vandalism; propaganda of exceptionality, superiority or inferiority of citizens; prevention of public authority activity associated with force or threat of its application; slander with respect to a person taking a public post; application of force or a threat of its application with respect to a public representative or his/her relatives; infringement on life of a public or community leader; actions aimed at infringement of human and citizen rights and freedoms; personal injury or infliction of damage to property based on their commitments, race or other grounds; propaganda or public demonstration of Nazi symbols and attributes; public appeals or distribution of materials inciting to extremist activity; financing of extremist activity and other facilitation of its arrangement and performance.

In 2011 Home Secretary of Great Britain T. May declared intentions of the government to enhance monitoring of funds that are spent for struggle against extremism. T. May stated that annually Britain spends tens of millions of pounds on extremism prevention, but a result is absent, or it is detected that money was used for financing of extremist organizations. This situation became possible because the government allocated money to Islam organizations for programs aimed at propaganda of extremism rejection, however due to insufficient review of these organizations, the effect is reverse. Great Britain and the USA make financial contributions. At that time a new report on prevention of extremism spread was presented².

¹ Шанхайская конвенция о борьбе с терроризмом, сепаратизмом и экстремизмом (от 15 июня 2001 года). *Медийный проект законодательства всех стран Центральной Азии*. <<http://medialaw.asia/document/-2056>> (2014, январь, 24).

² Updated anti-extremism strategy published. *Official new site of BBC-news* <<http://www.bbc.co.uk/news/uk-13679360>> (24.01.2014).

In 2001, British government started to toughen measures related to struggle against extremism by approving relevant law. The following was toughened: security measures in air transport, tightened legislation related to chemical, biological, and nuclear weapons to ensure safety of civil nuclear facilities and those facilities that could be chosen by terrorists as their targets. Additional measures were introduced to a list of financing channels of extremists (a right to arrest with no fixed term without legitimate criminal investigations and court decisions, and further deportation of foreign citizens).

In 2005, in Great Britain the Law «Prevention of terrorism» including issues of extremist activity was approved. The Law revoked such preventive measure for suspects of extremism as imprisonments without filing accusation. Previously it was recognized as contradictory to human rights. Instead of this, the law introduced travel restrictions or house arrest. Moreover, restrictions in use of telephone, the Internet, trips over the country and meetings with people can be applied to suspects.

The UK Terrorism Act, 2006 introduced new types of crimes connected with extremism: 1) Support of terrorism and extremism (publication of statements that could be regarded as direct or indirect support). 2) Indirect support of terrorism (statements glorifying commitment and arrangement (in the past, future or at any time) of such acts or crimes. Maximum sanction is 7 years of imprisonment. 3) Distribution of extremist publications. Maximum sanction is 7 years of imprisonment. 4) Preparation to an extremist act; 5) Training of others. Maximum sanction is 10 years of imprisonment. 6) Servicing of a place used for extremism training; 7) production of materials or possession of any radioactive devices (*i.e.* «dirty» bomb). The sanction is life imprisonment; 8) Extremist threats, etc.¹

In 2007, a new act came into force. It expanded opportunities of public authorities to control residents of the country. 795 organizations obtained access to confidential information about telephone conversation of British people. The act obliged phone companies to record information and to transfer it to authorities on demand. After acts of terrorism in 2007 in London, Preventing Violent Extremism Program based on 4 Ps – prevention, prosecution, patronage, and preparation – was approved. Home Office presented a list of measures aimed at struggle against extremism, including entrance prohibition to foreigners suspected of extrem-

¹ Британская система борьбы с экстремизмом. *Электронный ресурс Исследовательского центра «Спецслужбы под контролем»* <<http://www.agentura.ru/dossier/uk/counterterror/>> (2014, январь, 24).

ism and its propaganda¹. For three years (2006 – 2009) 230 people, 80 of which were declared religious extremists, did not obtain the entrance visa to Great Britain². For the purposes of struggle against youth extremism in 2006 the Government of Great Britain issued a Directive on struggle against extremism spread in universities and colleges, and in 2010 measures aimed at extremism counteraction in the Internet were taken. Analyzing activity of Great Britain in the sphere of counteraction of extremism escalation as a deviant behavior form of youth, G. Nurlybaeva noted that extremism prevention in this country is carried out preemptively and pointwise. For these purposes, local police departments track persons carrying out agitation in communities. Thus, county police site regularly post information on how members of local community can help police in liquidation of extremism threats, what should be called an arrangement of extremist activity³.

In 2011 T. May listed new trends in struggle against extremism in Great Britain: work in prisons and universities related to restriction of access to websites including potentially extremist content; work in urban ghetto, where there are conditions for spread of extremist views (25 districts in several cities are included); increase of control over information on the Internet. It means that in Great Britain struggle against extremism is conducted both at the national and social level according to a network principle, ensuring success.

In contrast to the practice of the EU, Great Britain and Russia, in the USA statement of extremist views is protected by the first amendment to the Constitution, and only certain actions are considered to be crimes in cases when they are subject to relevant definitions set in legislation. In some states of the USA such crimes are often classified as «hate crimes» against persons of another race or nationality, religion, etc.⁴

P.N. Kobets, Doctor of Law, presents analysis of experience in prevention of extremism escalation in such countries as France, Italy, Spain,

¹ Нурлыбаева, Г. К. (2011) Молодежный экстремизм и особенности противодействия со стороны полицейских служб Великобритании. *Российский следователь*, 10, 33-36.

² Малышев, В. В. (2013) Европейский опыт противодействия экстремизму. *Правовая инициатива*, 8, 14.

³ Нурлыбаева, Г. К. (2011) Молодежный экстремизм и особенности противодействия со стороны полицейских служб Великобритании. *Российский следователь*, 10, 33-36.

⁴ Борисов, С. В., Васнецова, С. А. (2013) Экстремизм: тенденции, характеристики и вопросы противодействия органами исполнительной власти. *Правовая инициатива*, 6, 10-17.

etc., in sufficient details.¹ Thus, in the Criminal Code of France a list of people, to who preventive methods could be applied, is significantly extended. Along with individuals, legal entities were also declared as subjects of criminal responsibility. Amendments to the Law «On Identity Check» related to regulation of a checking procedure of persons entering territory of France, who can constitute a threat to order and security of the country, are introduced. The Law simplifies the checking procedure with respect to suspected persons. Deportation of undesirable persons is provided by the Law «On conditions of entrance and staying of foreigners in France». Regulations of France set recompensative norms (inducing people participating in offences to cooperation with law enforcement agencies). The Law of France «On struggle against terrorism and state security violations» provides cases of relief from punishment of an offender or an abettor of a terrorism crime (art. 6), if they, after having notified on an imminent crime, made all reasonable efforts to prevent the crime and helped to identify other participants of the crime.

As to Italy and Spain, for the purposes of struggle against extremist activity use of special methods of fact-finding that differ from usual ones regulated by criminal procedure and administrative law is provided. The Criminal Code of Spain (1995), Law «On struggle against armed gangs and terrorist elements» contain norms of a preventive nature and recompensative norms (as in France). For example, Article 579 of the CC of Spain prescribes a reduction of a punishment term for those who will voluntarily go before authorities and facilitate prevention of crime commitment. The Czech Republic demonstrates a significant experience in counteraction of extremism escalation, though in legislation of the country there is no special law on struggle against extremism as well as there is no definition, that is often used in criminal code, of the notion of «extremism»². In this country, the notion of extremism was defined in a report of the Ministry of Internal Affairs of the CR in 2002 as «ideologic positions which significantly deviate from rules of law, show elements of intolerance and infringe on constitutional principles». Z.M. Beshukova notes that a notion of «a crime with extremist context» is used in the report, that means types of crimes reasoned by extremist positions.

¹ Кобец, П. Н. (2009) Законодательные основы предупреждения терроризма в европейских странах и необходимость совершенствования российского законодательства с учетом международного опыта. *Международное публичное и частное право*, 1, 37-40.

² Бешукова, З.М., Прохоров П.А (2011). Законодательные и правоприменительные аспекты противодействия экстремизму: анализ опыта Чешской Республики. *Российский следователь*, 8, 10-17.

As an alternative, a notion of «crime reasoned by race, national, or other social hate» is used.

In Ukrainian legislation a legal definition of «extremism» has been absent until January 16, 2014, when in the Criminal Code Article 110-1 «Extremist activity» was introduced. A Note to the article states: «extremist materials mean materials intended for disclosure: calling, substantiating, justifying a need to carry out activity aimed at arrangement, incitement, commitment of actions for the purposes of forced change or overthrow of the constitutional order, infringement of territorial integrity, inviolability, state sovereignty, seizure and retention of power, carrying out of mass disorders...»¹.

Thus, the growth of government activity in the sphere of regulatory fixation of measures aimed at struggle against extremist threats to peace and state security and the state system as a whole, and each person in particular, as well as toughening of steps taken for prevention of social activity escalation tending to transformation into extremist activity should be acknowledged. We should note that most of states considered by us still does not have a well-defined interpretation of the notion of «extremism», and in their legislation they set punishments for such activity in different ways. However, the process supported at the level of SCO and Council of Europe offers hopes for confident steps of the state aimed at prevention of violence escalation in the world.

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¹ *Закон про внесення змін до Закону України «Про судоустрій і статус суддів» та процесуальних законів щодо додаткових заходів захисту безпеки громадян 2014* (Верховна Рада України). *Офіційний сайт Верховной Ради України*. <<http://zakon4.rada.gov.ua/laws/show/721-18>> (2014, январь, 24).

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