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AMNESTY INTERNATIONAL

VIOLATION OF THE RIGHT TO FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY IN RUSSIA

The enjoyment of the rights to freedom of expression, association and assembly has long been partial, and often perilous, for government critics in Russia. The steady squeeze on the exercise of these rights since the ascendancy of Vladimar Putin to the Presidency in the late 90s has accelerated markedly since his return to it in 2012. Independent NGOs, critical media outlets and public protesters have all borne the brunt of an assault on fundamental freedoms that has been fuelled and "justified" by an increasingly aggressive propaganda drive to depict them as a fifth column bent on undermining Russia's stability and prosperity. Unless this rapid decline is halted, it is Russian society as a whole that will, in the long run, be the loser.

SUPPRESSION OF FREEDOM OF EXPRESSION IN RUSSIA: PRESSURE ON THE MEDIA

Russia's record on media freedom has deteriorated progressively throughout the last decade, and particularly rapidly in recent months. The Russian Constitution guarantees freedom of media and prohibits censorship (Art. 29.5). However, for years most media in Russia have been under effective state control, except for some outlets with limited circulation. Now even these are coming under increasing pressure from the authorities. The internet has long been the preserve of pluralism and provided free space for expression of critical and dissenting views. Not anymore: a host of new laws has been rushed through parliament to impose government control on the internet as well. Meanwhile the list of journalists physically assaulted and killed in Russia is constantly growing while those who have committed these crimes continue to enjoy impunity.

SELF-CENSORSHIP AND OTHER FORMS OF INDIRECT GOVERNMENT CONTROL

Self-censorship is widespread in the mainstream media. Nominally free in their editorial policies, they seldom if ever give a platform to views unwelcome by the authorities. Those that stray far from the official line, quickly feel the pressure. It may come from the owner – either the state, or private individuals and corporate owners with close links to the government – or manifest itself in the severing of business ties.

In December 2013, one of Russia's most prominent news agencies, RIA Novosty, was closed down by a presidential decree and replaced with a state-owned news corporation Rossiya Segodnia (Russia Today). It has become one of the most aggressive disseminators of government views. This has been particularly obvious in its coverage of the so-called EuroMaydan protests in Ukraine, the Russian occupation and annexation of Crimea, and the subsequent conflict in eastern Ukraine.

In March 2014, the widely read online news outlet *Lenta.ru* published an interview with a right-wing Ukrainian nationalist leader who had come to prominence during EuroMaydan. It received a warning from Roskomnadzor, the state agency responsible for oversight of the media, that the interview contained incitement to national hatred, and the text of the interview was removed. Within hours, the editor-in-chief of *Lenta.ru* was replaced by the owner, in spite of protest from its staff and from other journalists.

Broadcast television remains the main source of news and political analysis for the majority of people in Russia, and all national TV channels have long been predominantly espousing official views. Satellite and cable channels are for the most part apolitical and focused on entertainment. Dozhd TV is a rare exception, known for its

independent reporting and providing a platform to a wide range of views. It has come under increasing pressure in recent months, as its coverage of EuroMaydan and the subsequent events in Ukraine has diverged from the Kremlin sponsored narrative. In January 2014, Dozhd TV invited its viewers' opinions on whether Leningrad should have been surrendered to the Germans during World War Two to save lives in the besieged city. It was heavily criticised by the political establishment and mainstream media. Several satellite and cable TV networks promptly and simultaneously annulled their contracts with Dozhd TV and took it off air. It has continued to broadcast online, but its income has dwindled. It runs at a loss and relies on "crowdfunding" to survive.[1]

In the meantime, national TV channels and other mainstream media have been widely used for smear campaigns against political opposition and independent civil society organisations and their leaders.

NEW LEGISLATION STIFLING MEDIA FREEDOM

Since the return of Vladimir Putin to presidency in May 2012, several pieces of legislation have been rapidly passed through parliament, including the following:

- The offence of libel was reintroduced, just eight months after its decriminalization under President Medvedev.
- Russia's Criminal Code was amended to criminalise religious blasphemy.
- A federal law was passed banning "propaganda of non-traditional sexual relations among minors".
- A raft of restrictions have been introduced to increase government control over the internet.

CLAMPDOWN ON FREEDOM OF EXPRESSION ON THE INTERNET

As print and broadcast media were increasingly closed off to people with dissenting views, the internet became an essential platform for independent voices in Russia, and an essential vehicle for political communication. It has been widely used to disseminate independent news, organize protest and other civil society initiatives, report violations and raise funding for various causes.

Several laws have been passed over the last two years progressively enabling the government to restrict the information available on, and the organization of activities through, the internet. The Law "On Information, Information Technologies and Protection of Information", adopted in December 2013 with minimal public scrutiny or parliamentary debate and enacted on 1 February 2014, provides the Prosecutor's Office with the authority to block access to websites though direct orders (executed by Roskomnadzor) when it concludes that the website incites mass riots, extremist activities or unauthorized public assemblies.[2] These powers were first used within a month of laws adoption, when access was blocked to four popular online resources. Three were news outlets known for their critical political reporting, Grani.ru, Ezhednevnyi Zhurnal ["Daily Journal"] and Kasparov.ru. The Prosecutor's Office noted their reports and re-posts about a series of spontaneous (and therefore "unlawful" under Russian law) peaceful protests in Moscow in previous days, and decided that the tone of the reporting constituted "incitement of unlawful actions" . The blog of the well-known anti-graft campaigner and political activist Aleksei Navalny was blocked because he was under house arrest (even though, Navalny argued in court, it was being updated by his wife and not him). Repeated legal challenges have all failed.

Further legislation was introduced in May 2014 targeting social media: it requires any internet-based resource receiving more than 3,000 daily visits to register with Roskomnadzor and be bound by the same rules as mainstream media. Popular bloggers now must publish their real name and address on their webpage, and accept responsibility for publishing "unchecked information" as well as for libel arising from comments left on their page

[1] This wasn't all. In August 2014, a court in Moscow ruled that Dozhd TV should pay RUB 200,000 (USD 5,500) to three individuals who had launched complaints against it for "offending their dignity" by asking the question about the besieged Leningrad.

[2] Notably, anti-extremism legislation has been repeatedly used in Russia arbitrarily in recent years, to persecute and harass religious minority groups, law-abiding NGOs, civil society activists and government critics. The demonstration in Bolotnaya Square in Moscow on 6 May 2012, which resulted in some violence by a minority of protesters, was qualified by the authorities as "mass riots" when there were none, so that the prosecution could wage heavier charges against participants, including several peaceful protesters.

by readers. There are severe penalties for violation of this law, including a fine of up to RUB 500,000 (US$ 14,000) and suspension of blogging for up to 30 days.

PERSECUTION AND HARASSMENT OF JOURNALISTS, AND FAILURE TO INVESTIGATE PAST ATTACKS

Individual journalists face the risk of prosecution and harassment for speaking out loud against the government. In March 2014, journalist from Vologda, Roman Romanenko, published a sardonic open letter to President Putin on Facebook. He asked Putin to send troops to Vologda instead of Crimea, to protect "the rights of Russian-speakers" there first against corruption and other abuses. Days later, the Vologda Region governor requested that Romanenko's post be checked for extremism, and the journalist was summoned by a prosecutor for questioning. In the meantime, his apartment door was vandalized and anonymous fliers distributed in the neighbourhood describing Romanenko as a Ukrainian Jew and a sympathiser of far-right Ukrainian nationalists. When another journalist, Alexandr Yerenko, reproduced Romanenko's text but replaced Vologda with Perm, he was fired within hours.

Meanwhile the list of journalists physically assaulted and killed in Russia is constantly growing while those who have committed these crimes continue to enjoy impunity. Amnesty International has highlighted the cases of severely assaulted Mikhail Beketov, Oleg Kashin and Elena Milashina for instance. In June 2012, journalist Sergei Sokolov from the independent Novaya Gazeta newspaper was reportedly taken to a forest and openly threatened by none other than the Chair of the Investigative Committee (a stand-alone agency responsible for investigation of serious crime), Aleksandr Bastrykin. Bastrykin later acknowledged that he had "had a chat" with the journalist and apologised, following which the matter was closed.

Another journalist from Novaya Gazeta, Anna Politkovskaya – Russia's most authoritative voice on the two "Chechen wars" on the 1990s-2000s – was assassinated near her apartment in Moscow on 7 October 2006. Earlier this year, several men were convicted in connection with her killing, but it is still unknown who ordered it, and there is little indication that the Russian authorities are committed to establishing this.

Human rights defender Natalia Estemirova who wrote for the online news agency Caucasus Knot was abducted in Chechnya and killed on 15 July 2009. Dagestani journalists Hajimurad Kamalov and Akhmednabi Akhmednabiev were assassinated in December 2011 and July 2013 respectively, and Timur Kuashev from Kabardino-Balkaria was found dead in August 2014. All of these journalists were known for their critical reporting, including on human rights issues. Not one of these deaths has been effectively investigated.

VIOLATIONS OF THE RIGHT TO FREEDOM OF ASSOCIATION: THE "FOREIGN AGENTS LAW".

Independent non-governmental organizations (NGOs) who have been critical of the authorities or exposed abuses have long faced harassment in Russia. Until recently, this mostly took the form of reprisals against targeted individuals. In 2011, Amnesty International published a report Beaten up for speaking out: *Attacks on human rights defenders in the Russian Federation*[3] in which it documented over 20 cases of physical attacks (including killings), harassment and intimidation of human rights defenders, lawyers and journalists. However, the situation has significantly worsened in the two years since Vladimir Putin's return to the presidency. Now it is the very notion and existence of an independent, critically engaged civil society that is under attack.

INTRODUCTION OF THE "FOREIGN AGENTS LAW" TO SMEAR INDEPENDENT NGOS

In 2012, the so-called "foreign agents law" was rushed through parliament. It imposed an obligation on any NGO receiving foreign funding, however insignificant, and engaged in loosely defined "political activities", to register as "an organization performing the functions of a foreign agent" and stamp all its public documents, including its website and publications, with this highly charged label. The failure to do so entails hefty fines for the NGO,[4] and

[3] http://www.amnesty.org/en/library/info/EUR46/038/2011/en.

[4] An NGO is punishable by an administrative fine up to RUB 500,000 (USD 14,700) for the failure to register as a "foreign agent"; its failure to mark its public documents as "produced by an organization performing the functions of a foreign agent" is punishable additionally by the same

similar fines and even criminal responsibility and up to two-year imprisonment for its leaders. Securing domestic funding for human rights work continues to be a challenge for Russian NGOs and many of the most prominent human rights NGOs receive at least some foreign funding for a variety of projects.

While presented by the Russian authorities as a measure to increase transparency, its real purpose has been to discredit some of the Kremlin's most vocal critics in the eyes of the public. The notion of foreign agent has deep connotations of spying in Russia and its application to NGOs has coincided with a propaganda drive portraying leading Russian NGOs as a fifth column intent on destabilizing Russia at the behest of foreign pay-masters. Russian NGOs have, with two questionable exceptions,[5] unanimously resolved to boycott this requirement.

In March 2013, the authorities unleashed a wave of "inspections" of NGO offices by prosecutors accompanied by varying combinations of other officials – members of tax authorities, fire inspectors, intelligence officials – and, in numerous cases, "coincidentally" by camera crews from a national TV channel. Over a thousand – and possibly twice as many – NGOs were "inspected" in less than two months. Election watchdogs, human rights and environmental NGOs, and independent think-tanks were particularly targeted. Shortly after, the Prosecutor's Office issued numerous warnings to NGOs. These were of two kinds: one ordered them directly to register as "foreign agents" (Amnesty International is aware of over a dozen of NGOs that received such instructions), while the other warned NGOs that they would face legal consequence should they fail to register as such (at least 35 further such cases known to Amnesty International).

At least ten NGOs were taken to court by either the Ministry of Justice or the Prosecutor's Office for their failure to register as "foreign agents", and dozens more themselves challenged the official "warnings" they had received in the courts. As a result, dozens of NGOs were embroiled in court battles, lasting months and taking enormous amount of their time and resources. Several lost their cases, and the respective NGOs, and in some cases their leaders also, were heavily penalized. Thus, on 25 April 2013 the prominent electoral watchdog Association Golos was ordered to pay a huge fine, as was its leader Liliya Shabanova; the NGO's activities were forcibly suspended for six months, after which its members decided to disband it.[6] Notably, Golos had taken steps not to receive any foreign funding, and even declined a monetary prize which it had been awarded as part of a prestigious foreign award; the money never reached the NGO's account. Nonetheless, the prosecution argued – and the judge accepted – that this award had constituted foreign funding. The NGO lost its appeal against this decision. However, this decision was also appealed by the Federal Ombudsman for Human Rights, and in September 2014 a court in Moscow overturned this decision. However, by then Golos had already disbanded itself, and the NGO and its leader had paid the fines.

At least six other NGOs and at least two other NGO leaders were heavily fined. At least five decided to close down in response to these reprisals. Unlike Golos, the others did receive foreign funding, but all adamantly denied being foreign agents or engaging in any political activities with foreign interests in mind.

The Russian authorities argued for, and courts by and large accepted, a very broad interpretation of "political activity". Examples include: the submission of alternative reports to UN human rights treaty bodies (e.g., the Anti-Discrimination Centre Memorial, in St. Petersburg, now disbanded, submitting an alternative report to the UN Committee against Torture), the provision of free legal aid to detained peaceful protesters, the publication of court decisions in these and other cases, the organization of roundtable discussions, the publication of proposals for

amount. There are further additional related fines.

[5] A little-known non-profit partnership Assistance to Development of Competition in CIS Countries was registered as a "foreign agent" upon its own request made in June 2013. This NGO had been established by an initiative of the Russian Federal Anti-Monopoly Service. One other, genuine NGO – the human rights organization Shield and Sward – announced in December 2012 that it would seek to register as a "foreign agent" specifically to test the procedure; its application was declined by the Ministry of Justice.

[6] For further details, see Amnesty International news "Russia: Voters' rights NGO is first victim of 'foreign agents' law", available at http://www.amnesty.org/en/news/russia-voters-rights-ngo-first-victim-foreign-agents-law-2013-04-25

reforms or of opinions critical of the ongoing reforms, or even, oddly, the submission of activity reports to the Ministry of Justice (which is a legal requirement for the NGO).

Attempts by NGOs to resist the imposition of the vilifying requirements of the "foreign agents law" have taken colossal resources and been hugely disruptive for the NGO community in Russia. Nonetheless, their resistance has been partly successful, to the extent that up until 5 June 2014, the Ministry of Justice's register of "foreign agents" included just one organization. In an attempt to give it more bite, the law was amended in June 2014 so as to give the Ministry of Justice the power to register NGOs as "foreign agents" at its own discretion.[7] The following day, five NGOs were added to the list,[8] followed shortly by a further eight.[9]

WOMEN OF THE DON: STORY OF A "FOREIGN AGENT"

For over a year, Regional Public Alliance of Women of the Don (hereafter Women of the Don), has been resisting the authorities' attempts to brand it a "foreign agent". It proved an impossible battle which cost the NGO dearly.

Women of the Don is one of the oldest and most highly regarded human rights NGOs in Russia, with the office in Novocherkassk (Rostov-on-Don Region in southwest Russia). It diverse portfolio includes work on women's rights and interethnic relations in the troubled North Caucasus, social and psychological rehabilitation of victims of armed conflicts, support of other vulnerable social groups.

Since the beginning of mass "inspections" of NGOs in spring 2013, it has been repeatedly "inspected" by the Prosecutor's Office, Federal Security Service (FSB), Consumer Rights Control Agency (Rospotrebnadzor), fire inspectorate, economic crimes department of police and tax authorities. On 14 May 2014, a court in Novocherkassk upheld a request submitted by the Prosecutor's Office and ruled that the NGO should register as "an organization performing the functions of a foreign agent". Women of the Don receive foreign funding, but they have always denied their work was political. The court disagreed. It ruled that such activities as submission of an annual report to the Ministry of Justice (which the NGO is required to do by law), sending a report to its funders, and publishing both of these reports on its website, as well as holding roundtables on police reform (which was prior to the "foreign agents law" coming into force), and the publication of an article in the NGO's newsletter which criticized the ongoing reform of the police – constituted "political activities". On 9 June 2014, the Ministry of Justice added Women of the Don to its register of "foreign agents". On 8 July 2014, the NGO was ordered by court to pay a fine of RUB 300,000 (USD 8,800) for refusing to register as a "foreign agent". The NGO has since been trying to fundraise this amount to enable it to pay the fine.

The "foreign agents law" has attracted criticism since its inception, including by the Presidential Council for the Development of Civil Society and Human Rights, and there have been regular – and consistently unsuccessful – attempts to challenge it legally. Several Russian NGOs and the Federal Ombudsman for Human Rights appealed against it to Russia's Constitutional Court. On 8 April 2014, the Court ruled that the term "foreign agent" was not derogatory, and that the law did not place an undue burden on NGOs.

Several amendments to the law have been suggested in the Russian parliament, including the introduction of an official prohibition for state officials to have any contacts with "foreign agents", as well as a ban on the use of foreign funding to pay NGO salaries. Considering the law's short but eventful history, it is perfectly possible that these or other equally restrictive proposals will find their way on the statute books.

What is clear already however is that the "foreign agents law" has placed many human rights NGOs in front of an invidious set of choices. They could seek to escape its net altogether by foregoing all foreign funding, but this will inevitably result in reduced activity given the difficulties in attracting funding domestically. The alternatives, should they wish continue with existing grants and sources of foreign funding, are to accept a political branding designed

[7] Prior to that the law was obliging the NGOs to apply to be put on the list, but was not providing for executive authority to enlist them, if they persisted in refusing to register.

[8] The list/registry of NGO - "foreign agents" is available at the Ministry's website at http://unro.minjust.ru/NKOForeignAgent.aspx.

[9] At the time of writing, there are 14 NGOs in the register, published on the Ministry of Justice's official website, http://unro.minjust.ru/NKOForeignAgent.aspx. Notably, the register refers to them simply as "foreign agents" – and not as "organizations performing the functions of foreign agents" which is the exact language of the law.

to drive a wedge between them and the Russian public, or to resist it and face the threat of fines, closure and criminal prosecution. Either way, the future of independent civil society in Russia looks bleak.

PUSHED OUT OF PUBLIC SPACE: PROTESTERS DENIED THE RIGHT TO FREEDOM OF ASSEMBLY

The freedom to hold public meetings, pickets and demonstrations in the Russian Federation has shrunk dramatically in the last few years. Since the mass protests that accompanied the parliamentary and presidential elections in 2011 and 2012, new laws and regulations have chipped away at this constitutionally guaranteed right. Whether it is a peaceful single-person picket or a mass demonstration against the armed conflict in Ukraine – the authorities now have a catalogue of measures to hand enabling them to ban, restrict or alter protesters' plans, and arbitrarily disperse virtually any gathering.

LAWS REGULATING THE RIGHT TO FREEDOM OF ASSEMBLY AND ITS INTERPRETATION

Article 31 of the Russian Constitution guarantees the right to freedom of peaceful assembly. Russia's main legislation on public assemblies is found in the federal law "On assemblies, meetings, demonstrations, rallies and pickets" (hereafter, Law on Assemblies), which came into force on 19 June 2004. In June 2012, the already restrictive rules were further toughened, and penalties increased 150-fold. Since June 2014, every repeated violation of these rules entails harsher penalties, and their third consecutive violation is now a criminal offence punishable by up to five years in prison.

Currently those who plan to hold a meeting, demonstration or picket, except for a single-person picket, can either do so at one of the specially designated places (commonly known as "Hyde Parks"), of which they still need to notify the authorities, or they must seek an express prior permission from the authorities if they wish to hold the meeting in another location.

The "Hyde Parks" are usually non-central locations with limited, if any, footfall in the vicinity. Anti-government protests in the city centre are consistently prohibited, particularly in Moscow, where the authorities typically cite reasons of public safety or convenience (the obstruction of pedestrians or public transport) when denying permission to hold a meeting. These arguments are rarely applied to pro-government rallies in the same locations.[10]

In a revealing indicator of the political application of supposedly neutral criteria, the Other Russia movement, which has long been denied permission to protest when the Kremlin has been the object of its ire,[11] has in recent months been allowed to organise a series of demonstrations as it has swung behind the annexation of Crimea and expressed its support for pro-Russian fighters in the Donbass region of Ukraine.

The single-person picket is the only form of public protest outside of the designated "Hyde Park" areas which does not require an express prior permission from the authorities. The absence of any exception in the law for spontaneous gatherings effectively outlaws protests in immediate response to fresh events of public concern. Where such meetings occur, the authorities usually interfere without delay and try to stop the event, no matter how small and peaceful it might be, and without considering whether the interference is necessary.

Unsurprisingly, street protest has become increasingly rare in Russia. Protest activity does occasionally spike, however, as it did between February and March 2014, in response to the EuroMaydan events in Ukraine and the sentencing of several Bolotnaya Square protestors (see below). In Moscow alone, 14 event events took place: at least seven were dispersed; over 1,000 participants were arrested, hundreds fined, and at least ten sentenced to several days of detention.

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[10] Amnesty International tried to get permission to hold a picket involving 15 persons on Pushkin Square in the centre of Moscow in October 2013 but was refused on grounds that their safety could not be ensured. Yet, the area has been used many times in the past for public events, and in March 2014 it was made available to a much bigger gathering in support of Russia's policies in Crimea.

[11] See for example http://www.amnesty.org/en/for-media/press-releases/russian-activists-jailed-over-freedom-assembly-protest-2011-01-04.

At the end of August, Russia's military interference in Ukraine provoked more protests in Moscow, for most part in the form of single-person pickets. On 28 August, several individual picketers came to Moscow's central Manezhnaya Square. Police claimed they were not 50 meters apart, as the regulations on single-person picketing require, and briefly detained them. One was sentenced to 15 days of arrest for purportedly shouting slogans and refusing to leave.

THE BOLOTNAYA TRIALS AND OTHER JUDICIAL PROCEEDINGS AGAINST DEMONSTRATORS

Notwithstanding the already limited space for freedom of peaceful assembly, the authorised demonstration on Bolotnaya Square in the centre of Moscow on 6 May 2012 was a watershed moment in the way the authorities responded to mass protest. As the planned protest route was significantly restricted by the authorities without prior warning and sporadic violence erupted, the police violently dispersed the entire crowd and detained hundreds. Dozens of protestors were charged with participating in "mass disorder". Some were amnestied after they spent over a year in detention, but others – many of them entirely peaceful protesters – were sentenced to lengthy periods of detention in politically motivated, procedurally flawed trials.[12]

At other demonstrations, both large and small, over the past two years, Amnesty International has observed how protesters are often randomly detained, placed in police cars and shipped to the police station, where standardised police reports are written up by other officials than those who carried out the arrest. These reports typically end up being presented as the sole evidence in court and usually suffice to secure convictions resulting in fines or administrative detention of up to 15 days.

AN ATMOSPHERE OF INTOLERANCE OF PUBLIC PROTEST

The repeated demonising of protestors and government critics in the mainstream media has contributed to an atmosphere in which both police – and indeed other members of the public – have come to view anti-government protest as unpatriotic, seditious and unlawful.[13] The result is that even authorised protests and single-person pickets – even the overt public expression of dissonant political sympathies – increasingly induce the interference of the police or aggrieved by-standers.

In July 2014, a handful of activists wearing yellow and blue, the colours of the Ukrainian flag, were detained while sitting on a bench on Pushkin Square in the centre of Moscow, because their clothing was considered to be provocative. They were not holding slogans or doing anything that might constitute a public action. In August 2014, an individual activist was detained near the Kremlin for holding up a placard quoting the Russian Constitution and claiming that the President was violating it. He was stopped by the police who told him the protest was unlawful. A small – no more than 20-strong – gathering against Russian military involvement in Ukraine held in central Moscow on 5 September was encircled by a bigger crowd of onlookers who initially challenged them as Russia-haters and Fascists, sang Russia's hymn, and then proceeded to tear up their posters.[14]

GOVERNMENT-SPONSORED HOMOPHOBIA: DENIAL OF THE RIGHT TO FREEDOM OF EXPRESSION AND ASSEMBLY TO LGBTI COMMUNITY

Same-sex relations were de-criminalized in Russia in 1993, but homophobic sentiment has remained widespread. In recent years it has increasingly been officially endorsed. A law banning homosexual "propaganda" among minors was adopted in 2013, lesbian, gay, bisexual, transgender and intersexual (LGBTI) groups have been targeted under the "foreign agents law" and routinely prevented from holding public actions, while unpunished homophobic assaults by vigilante groups have risen.

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[12] Amnesty International, "Russia: Anatomy of injustice: The Bolotnaya Square trial", public statement, 10 December 2013 (AI Index: EUR 46/055/2013), http://www.amnesty.org/en/library/info/EUR46/055/2013/en.

[13] Amnesty International interviewed the man on 26 August 2014.

[14] See video report published by Grani.ru at http://grani.ru/Politics/Russia/activism/m.232691.html#media-232692 (the site is blocked in Russia, but the video is accessible on YouTube at https://www.youtube.com/watch?v=aZ1U2UA-Ip4).

ANTI-LGBTI PROPAGANDA

President Vladimir Putin has repeatedly stated that sexual minorities enjoy the same rights in Russian as anyone else. Prior to the Sochi Olympics, at a time when Russia's homophobic laws and policies were in international spotlight, he urged Russians not to "create an atmosphere of xenophobia … including in relation to people of non-traditional sexual orientation." These were just words.

In fact, the prevailing narrative in the mainstream, state-controlled media has been to portray same-sex relations as something inherently alien, an import from the "decadent" West, undermining Russia's traditional "values" and hampering its demographic growth. In the same month that Vladimir Putin spoke out for greater tolerance, one of the main Russian TV channels, Rossiya 1, aired a primetime programme which claimed that gay rights activists had taken control of European governments, had "grabbed them by the neck", and were now trying to do the same in Russia. The programme alleged that LGBTI activists were unpatriotic, ungrateful to the Russian state and are seeking financial gain by betraying Russia. Similar broadcasts and publications have been released by other media, and people known for their strong homophobic attitudes have made successful careers in politics and state-owned media on the back of them.[15]

RIGHT TO FREEDOM OF ASSEMBLY CONSISTENTLY DENIED TO LGBTI ACTIVISTS

LGBTI activists have for years been routinely prevented from holding public meetings in Russia, with their applications to hold street events declined by the authorities under varying pretexts, including the purported inability to ensure participants' safety and objections from "local residents". LGBTI street assemblies – invariably small and peaceful – have frequently been attacked by counter-protesters. In most instances, LGBTI gatherings have been dispersed by police as "unauthorized" assemblies, while the homophobic groups that confronted them – often more numerous and always more disruptive – have not been. On several occasions Russian courts have found the banning of gay pride events in Moscow, St. Petersburg and Kostroma to have been unlawful, and in 2010 the European Court of Human Rights ruled against Russia in a case submitted by activist Nikolai Alekseev. These rulings have made no difference in practice.

THE LEGAL BAN ON "HOMOSEXUAL PROPAGANDA"

A local law prohibiting "propaganda of homosexuality" was first introduced in the Ryazan Region in 2006, and has been copied in a number of other regions. It was challenged in the Constitutional Court of the Russian Federation which, however, took the view that the prohibition could not be seen as violating constitutional rights.[16] Subsequent constitutional challenges have also failed. The latest decision by the Court, dated 23 September 2014, reaffirmed its position that the law aims to protect "such Constitutional values as family and childhood, and is intended to prevent harm to health of minors, their moral and spiritual development" and that it does not prevent

LGBTI individuals from holding public events except when these aim at "circulation of information that promotes among and imposes on minors … non-traditional sexual relations."[17]

A federal law banning "propaganda of non-traditional sexual relations among minors" was introduced in June 2013. Since then, the authorities have a simple legal reference point for banning any LGBTI event that might possibly be seen by minors. They are routinely prevented by police from carrying out single person pickets (which are allowed without any prior notification), and even events in the specially designated "Hyde Park" areas.[18] A rare exception

[15] For instance, journalist Dmitry Kiselev is widely remembered for his impassioned appeal, made on a popular talk-show on the national TV channel Russia in April 2012, to ban organ donations by gay people and burn their hearts as "unsuitable for continuation of life" (eg, see http://www.youtube.com/watch?v=2NIayCtujIU&feature=youtu.be). In December 2013, he was put in charge of the state-owned news corporation Rossiya Segodnia (Russia Today).

[16] http://sudebnyeresheniya.ru/016_semeinoe_pravo/page27.html.

[17] The text of the decision is available at the Constitutional Court's official website, http://www.ksrf.ru/ru/Decision/Pages/default.aspx.

[18] For more detail and cases, see Amnesty International, *A right, not a crime: violations of the right to freedom of assembly in Russia* (AI Index: EUR 46/028/2014), 3 June 2014, particularly pages 11-12 and 14-15, available at http://www.amnesty.org/en/library/info/EUR46/028/2014/en.

was a small pride event within a temporarily fenced park at St. Petersburg's "Hyde Park" (Marsovo Pole) on 26 July 2014; the activists were hugely outnumbered by police, and not allowed to proceed outside the enclosure.

Although for most part the law is used as a preventative measure, to ban and disperse public assembles by pro-LGBTI right activists, there have been several cases in which individuals have been fined. On 30 June 2013, the day the federal "propaganda law" came into force, Dmitry Isakov held a single-person picket in his hometown Kazan with the slogan "To be a gay and to love gays is normal. To beat gays and to kill gays is a crime". The authorities received a complaint from a minor in Arkhangelsk Region, over a thousand miles away, who had read about Dmitry Isakov's picket on the internet. An administrative case was opened against the activist on that basis, and he was fined RUB 4,000 (USD 120) for the "propaganda". His appeal was unsuccessful.

In a number of cases, proceedings were initiated against "offenders" under this law, but later dropped; in some instances the case was "resolved" out of court but not without serious consequences for the "offender". Thus, in early 2014, an under-aged woman from Bryansk Region was put under special control of the social services for writing in the social media that she was a lesbian. A university lecturer in Arkhangelsk was told by her management in spring 2014 that she had to stop her activities in an LGBTI rights organization if she wanted to keep her academic job, while her colleague had been sacked earlier for the same reason.

PERSECUTION OF LGBTI NGOS

Only a few NGOs focusing on LGBTI rights are officially registered in Russia, and they were among the first to be targeted under the "foreign agents law". Vykhod (Coming Out) from St. Petersburg is one of them. Owing to the difficulties in attracting funding for such an unpopular cause in Russia, it relies in part on foreign donations. In 2013, it was ordered by the Prosecutor's Office to register as an "organization performing the functions of a foreign agent". After a final court decision on 21 July 2014, which upheld the order to register the NGO as a foreign agent, Vykhod officially closed down but its members continue to campaign for LGBTI rights in partnership with other LGBTI rights organizations. Similarly, St. Petersburg-based LGBTI film festival Bok o Bok (Side by Side) was found in violation of the "foreign agents law" and heavily fined, following which it closed down.[19]

VIOLENCE AGAINST MEMBERS OF THE LGBTI COMMUNITY AND LACK OF LEGAL RECOGNITION AS A "SOCIAL GROUP"

Violent attacks against members of the LGBTI community are regularly reported in Russia.[20] There are no official statistics about hate crimes on grounds of sexual orientation, but the LGBTI rights activists interviewed by Amnesty International believe that the "propaganda law" has contributed to an increase in the number of respective attacks. LGBTI rights activists are often attacked at demonstrations, pickets, flashmobs, at the offices of LGBTI organizations, in police stations and inside court buildings where cases of LGBTI activists are being heard, as well as at clubs and bars popular among the LGBTI community.

Some homophobic groups have organized themselves via the social media, and a number of anti-LGBTI vigilante groups have organized and filmed violent assaults against gay individuals. Some of these videos are publicly available on the internet, often without the perpetrators making any attempt to hide their identity in the knowledge that they can do so with impunity. Amnesty International is not aware of a single case in which perpetrators of these, sometimes brutal, attacks have been prosecuted, despite their being easily identifiable.

Inciting hatred is a crime under Russian law, and hatred directed against others because of their race, ethnicity, language, gender, religion, political view or because the victim belongs to a specific social group is an aggravating circumstance. However, Russian courts seldom if ever recognize LGBTI individuals as a "social group" and apply the relevant legal provisions.

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[19] Both organization continue to operate but without the obligations and privileges of a registered NGO.

[20] For instance, see http://www.amnesty.org/en/library/info/EUR46/028/2013/en.

RECOMMENDATIONS

RECOMMENDATIONS TO THE RUSSIAN GOVERNMENT

FREEDOM OF EXPRESSION/MEDIA

- Respect and promote media freedom and pluralism;
- Effectively investigate all incidents and allegations of physical assault, killing, harassment of journalists and unlawful interference with their work; identify and hold to account all those responsible, including those who commissioned the relevant crimes;
- Immediately restore full access to Grani.ru, Ezhednevnyi Zhurnal and Kasparov.ru. and other websites blocked under the Law "On Information, Information Technologies and Protection of Information";
- Repeal the Law "On Information, Information Technologies and Protection of Information" and bring legislation regulating the media in line with Russia's obligations under international human rights law.

FREEDOM OF ASSOCIATION/NGOS/HUMAN RIGHTS DEFENDERS

- Stop the harassment and smearing of independent civil society organizations;
- Repeal all legislation on "foreign agents", close the respective register and lift unnecessarily onerous reporting and other burdensome administrative requirements on NGOs;
- Investigate promptly, effectively and impartially all incidents of attacks, unlawful pressure and harassment of human rights defenders and other civil society activists; identify the perpetrators and bring them to justice.

FREEDOM OF ASSEMBLY

- Ensure the right to freedom of peaceful assembly to all persons within its jurisdiction without discrimination, in accordance with international human rights law and standards, and the Russian Constitution;
- Bring national legislation governing public assemblies in compliance with international standards, in particular:
  - remove criminal responsibility for repeated violation of the rules governing public assembly; and ensure
  - that other relevant penalties do not, due to their severity, serve as a deterrent to public protest;
  - that public assemblies do not require the permission of authorities, and that the requirement of prior notification is not applied in practice as an authorization procedure;
  - that there is clear scope for spontaneous peaceful assembly in response to a current event and where a delay would render a later assembly obsolete;
- Ensure that law enforcement officials provide adequate protection to participants in public assemblies who are subjected to threats and violence by counter-demonstrators; Effectively investigate all allegations of human rights violations by police officials during public assemblies, including unlawful use of force, arbitrary arrest and detention, and bring all those found responsible to account;
- Ensure that essential fair trial guarantees are respected in administrative proceedings relating to violations of the Law on Assemblies;
- Release all those still in detention in connection with the Bolotnaya Square protests.
- Ensure that the right to freedom of peaceful assembly and expression can be exercised by any individuals and groups in Russia, without discrimination on the grounds of political views, sexual orientation, or other grounds;

DISCRIMINATION/RIGHTS OF LGBTI INDIVIDUALS

- Repeal the prohibition of "propaganda of non-traditional sexual relations among minors";
- Ensure that LGBTI individuals and activists are able to exercise their right to freedom of peaceful assembly and expression without discrimination and fear of violence;
- Ensure that all allegations of crimes perpetrated on the basis of the actual or perceived sexual orientation or gender identity or assumptions as to their engagement in consensual same-sex practices of the victim are effectively investigated and that those responsible are prosecuted, judged in a fair trial and duly punished in a manner that conforms to international human rights standards;
- Amend the relevant legislation, including Article 5.62 of the Administrative Violations Code and Article 3 of the Labour Code to explicitly include sexual orientation and gender identity as prohibited grounds for discrimination;

- Amend article 282 of the Criminal Code so that any alleged hate motive, including those based on real or perceived sexual orientation and gender identity, associated with all crime is fully taken into account in the phases of investigation, prosecution and sentencing;
- Introduce policies and practices targeting law enforcement and judiciary authorities and aimed at ensuring that any alleged hate motive associated with all crimes, those based on real or perceived sexual orientation and gender identity, are promptly, thoroughly, effectively and impartially investigated and taken into account in the prosecution and sentencing.