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AMNESTY INTERNATIONAL REPORT 2017/18

**THE STATE OF THE WORLD'S
HUMAN RIGHTS**



**AMNESTY
INTERNATIONAL**



DISCRIMINATION – PEOPLE WITH DISABILITIES

Living conditions in social care and psychiatric institutions for people with disabilities remained extremely precarious. The monitoring mechanism required by the UN Convention on the Rights of Persons with Disabilities, ratified by Romania in 2011, was not fully operational at the end of the year.

VIOLENCE AGAINST WOMEN AND GIRLS

In July, the UN Committee on the Elimination of Discrimination against Women recommended broadening existing legislation to address all forms of gender-based violence, strengthening women's access to justice and remedies, disaggregated data collection, and improved access to sexual and reproductive health and rights.

In May, the ECtHR noted that despite existing legislation and a national strategy there was insufficient commitment from the government to take appropriate action to prevent and combat domestic violence. The ECtHR also criticized the limited number of shelters for women victims of domestic violence available across the country.

RUSSIAN FEDERATION

Russian Federation

Head of state: **Vladimir Putin**

Head of government: **Dmitry Medvedev**

There were further restrictions to the rights to freedom of expression, association and peaceful assembly. Harassment and intimidation of human rights defenders and independent NGOs continued. Cultural rights were reduced, including through reprisals and self-censorship. Religious minorities continued to face harassment and persecution. The right to a fair trial was frequently violated. Torture and other ill-treatment persisted; the work of independent monitoring bodies for places of detention was further eroded. Serious

human rights violations continued in the North Caucasus. Russia used its veto to block UN Security Council resolutions on Syria. Migrants and refugees were denied protection of their rights. Some forms of domestic violence were decriminalized. LGBTI people continued to face discrimination and violence; gay men in Chechnya were targeted through a co-ordinated campaign of abduction, torture and killings by the Chechen authorities.

LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS

On 10 February, the Constitutional Court ruled that the mere fact of holding an “unauthorized” peaceful gathering did not constitute a criminal offence under Article 212.1 of the Criminal Code, which made repeated violation of protest rules a crime.¹ On 22 February, activist Ildar Dadin, who had received a prison sentence for his peaceful protest, had his sentence under Article 212.1 reviewed; the Supreme Court ordered his release.

In July, provisions were enacted allowing the authorities to deprive of Russian citizenship individuals who had acquired it while “intending” to “threaten the foundations of [Russia's] constitutional order”. NGOs criticized the language of the law, which they said was open to arbitrary application.

VIOLENCE AGAINST WOMEN AND GIRLS

In February, a law was enacted decriminalizing domestic violence committed by “close relatives” that caused pain but no injury or loss of ability to work. This prompted an increase in violent incidents mainly targeting women in several regions.

FREEDOM OF ASSEMBLY

Across the country, the biggest protests in years took place. Hundreds of peaceful protesters, bystanders and journalists were arrested; many were subjected to cruel, inhuman or degrading treatment, prolonged arbitrary detention, and unfair trials resulting in heavy fines and “administrative detention” for several days.

In March, anti-corruption rallies took place in at least 97 cities and towns. In many places, police dispersed peaceful protesters using unnecessary and excessive force. More than 1,600 people were arrested, including at least 14 journalists covering the protests. Many of those arrested faced unfair trials on politically motivated charges and hundreds were detained solely for peacefully exercising their rights to freedom of expression and assembly. Fourteen employees and volunteers of the Anti-Corruption Foundation, who had organized a widely watched live internet broadcast of the protests, were arbitrarily arrested at their office in Moscow, the capital. On 27 and 28 March, 12 of them were sentenced to “administrative detention”.²

Since 26 March, criminal convictions were pressed against at least eight protesters for violent offences allegedly committed while trying to protect themselves or others from police violence in Moscow, Petrozavodsk and Volgograd. Criminal proceedings were initiated against more protesters; some of them faced further questionable charges.

Many who took part in the largest protests were teenagers and young students. The authorities put pressure on them through schools and universities, using informal warnings and expulsions, and in some cases threatened to challenge custodial rights of parents of under-age protesters.

On 7 February, the European Court of Human Rights (ECtHR) ruled in *Lashmankin and Others v. Russia* – a case concerning 23 applicants from different regions. The ECtHR found that the restrictions on location, time and manner of conduct of street protests violated their right to freedom of assembly, without effective remedy being available to them. The applications concerned events of 2009-2012 when restrictions on protests were less strict than in 2017.

FREEDOM OF ASSOCIATION

NGOs were affected by the law on “foreign agents”. Thirteen NGOs receiving foreign funding were added to the Ministry of Justice’s list of “foreign agents”. Several

dozen organizations were removed from the list following their closure or after their foreign funding or their “political activity”, as defined by the “foreign agents” law, ceased, bringing the number of organizations that remained in the list to 85 at the end of the year. However, NGOs affected by the “foreign agents” law, among them leading human rights groups, did not perceive this as an improvement.

In March, the ECtHR combined and communicated the complaints of 61 Russian NGOs against the “foreign agents” law; and Russian authorities filed their comments in September. The case was pending before the Court at the end of the year.

On 19 June, the charge of “malicious evasion” of obligations arising from the “foreign agents” law – in the first and only such criminal case – against human rights defender Valentina Cherevatenko was dropped due to the absence of elements of a crime.

Four more foreign organizations were declared “undesirable”, making them and working for or supporting them, illegal in Russia. There were 11 “undesirable” organizations at the end of the year.

Between September and November, administrative proceedings were initiated against the NGO SOVA Centre, Andrey Rylkov Foundation for Health and Social Justice, the Centre for Independent Social Research, and the Centre for Social Partnership, for allegedly distributing materials of “undesirable” organizations. The NGOs did not remove old mentions of “undesirable” organizations and hyperlinks to their websites. Administrative proceedings against SOVA Centre were terminated because of the expiration of the statute of limitations. Other NGOs were fined 50,000 roubles (USD871) each.

FREEDOM OF EXPRESSION

Most of the media remained under effective state control and were used by the authorities to smear human rights defenders, political opponents and other dissenting voices. Throughout the country, protest leaders and political activists supporting critical voices

faced harassment, administrative and criminal proceedings and physical violence by pro-government activists and “unidentified” individuals, believed to be security officials or others acting in collusion with them.

In a further crackdown on freedom of expression online, the authorities banned anonymizers and virtual private networks, among other new restrictive measures. In May, the President approved the Strategy for the Development of the Information Society for 2017-2030 which stated “priority of traditional Russian spiritual-ethical values” in the use of information and communication technologies.

Anti-extremism legislation was further extended and used arbitrarily against protected speech. In August, the UN CERD Committee expressed concern over its use to silence individuals belonging to groups vulnerable to discrimination and reiterated its recommendations that the legislation contain a clear legal definition of extremism and abandon the Federal List of Extremist Materials.

Artistic expression was restricted on occasions under pressure from conservative groups that regarded specific artistic productions as an offence to their religious belief. Performances were cancelled and individuals associated with them faced harassment and violence. Criminal proceedings were initiated against a number of prominent theatre workers in Moscow and were widely condemned by their devotees as politically motivated.

In November, a law was enacted allowing authorities to recognize as “foreign agents” media outlets that were both registered abroad and foreign-funded, which stigmatized them and imposed restrictive reporting requirements. At the end of the year, nine mass media outlets were recognized as “foreign agents”.

FREEDOM OF RELIGION AND BELIEF

Religious minority groups continued to be harassed, including by banning, blocking of their websites, and the inclusion of their

publications on the Federal List of Extremist Materials.

On 20 April, the Supreme Court banned the Jehovah’s Witnesses’ central organization and all its affiliates in Russia, ruling that the group comprising 395 local organizations and over 170,000 followers was “extremist”. Jehovah’s Witnesses who continued to manifest their beliefs risked being criminally prosecuted and faced up to 12 years’ imprisonment.

Restrictions on missionary activities introduced in 2016 were indiscriminately applied, ranging from the attempted prosecution of a yoga instructor in St Petersburg in January for giving a public lecture to the confiscation of copies of the Salvation Army’s Bible in Vladivostok as they did not feature the prescribed official marking of the distributing organization.

On 11 May, a court in Yekaterinburg imposed on blogger Ruslan Sokolovsky a three-and-a-half-year conditional prison sentence, reduced to two years and three months on appeal, for “inciting hatred” and “offending believers’ feelings” by posting a video in which he played the reality game Pokémon Go in a cathedral.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

State-sponsored discrimination and persecution of LGBTI people continued unabated, and the homophobic “propaganda law” was actively enforced. On 18 October, activist Evdokia Romanova was found guilty of the administrative offence of “propaganda of non-traditional sexual relationships among minors using the Internet”. She was fined 50,000 roubles (USD871) by a court in Samara, for the links to the international Youth Coalition for Sexual and Reproductive Rights website she had shared on social media in 2015 and 2016.³

In April, independent *Novaya Gazeta* newspaper reported that over 100 men in Chechnya who were believed to be gay were abducted, tortured and otherwise ill-treated in secret prisons, and that some were killed. Escaped survivors reported a campaign of violence co-ordinated by the authorities.

Eyewitnesses stated that a number of captives were killed, and some handed over to their families for “honour killings” under local “traditions”.

The federal investigative authorities were slow to respond to these reports. They refused to open a formal investigation after a protracted pre-investigation failed to recognize the allegations as well founded, despite the efforts by the federal Ombudsperson to establish and check the relevant facts. No investigation was known to have been initiated by the end of the year.

NORTH CAUCASUS

Reports continued of serious human rights violations, including enforced disappearance, unlawful detention, torture and other ill-treatment of detainees, and extrajudicial executions in the North Caucasus. The situation in Chechnya was further deteriorating. Impunity remained for past violent incidents against human rights defenders in Chechnya.

In January, Magomed Daudov, speaker of the Chechen Parliament, issued personal threats through his Instagram account against Grigory Shvedov, editor-in-chief of the independent online news project Caucasian Knot.⁴ In April, *Novaya Gazeta* journalists received threats from Chechnya for their coverage of the anti-gay campaign in Chechnya. Radio Ekho Moskvyy journalists also received such threats for expressing solidarity with *Novaya Gazeta* journalists.⁵

Novaya Gazeta reported the unlawful detention of dozens of people, starting in December 2016, and secret execution of at least 27 captives by the security forces on 26 January. No one was known to have been investigated or held accountable for these incidents by the end of the year.

UNFAIR TRIALS

Independent trial monitors reported systematic violations of the right to a fair trial at criminal and administrative hearings, including in the cases brought against peaceful protesters. Most administrative trials relied heavily on widely disputed police

reports as sole evidence. The trials resulted in lengthy detentions and hefty fines. Trials were often swift; after the 26 March protest, Tverskoi District Court in Moscow considered 476 cases in 17 working days.

On 22 August, Aleksandr Eivazov, former Secretary of the October District Court in St Petersburg and also a whistle-blower, was arrested for purportedly “interfering in the work of the court”, on account of his refusal to sign and backdate records of a court hearing that someone else compiled. He was a witness to numerous violations of court procedures, judicial ethics and workers’ rights in the court, and had sent complaints about all violations to the authorities and shared this information on social media. Aleksandr Eivazov’s complaints were not known to be addressed. He remained in detention despite his asthma at the end of the year.⁶

TORTURE AND OTHER ILL-TREATMENT

Reports of torture and other ill-treatment in prisons and detention centres across Russia persisted. The conditions during prisoner transports amounted to torture and other ill-treatment, and in many instances, to enforced disappearance.⁷ Some prisoners faced journeys lasting a month or more, while being transferred in overcrowded train carriages and vans, and spending weeks in transit cells at various stages on their way to remote prison colonies. Their families and lawyers had no information about their fate and whereabouts.

Prisoner of conscience Ildar Dadin was forcibly disappeared for a month while being transferred to another prison; his whereabouts became known in January. He made allegations of torture in Segezha prison colony in October 2016 and as a consequence the authorities transferred him to another prison colony. During his transfer, the authorities refused to provide any information on his whereabouts to his family and lawyers until after his arrival at the colony.

In May, the ECtHR ruled on the cases of eight applicants from Russia, that the

condition of their transport by the penitentiary service amounted to inhuman and degrading treatment. This included the cases of Anna Lozinskaya and Valery Tokarev who were repeatedly transported in single-person van compartments measuring 0.3m².

The role and effectiveness of Public Oversight Commissions, an independent monitoring mechanism for places of detention, was further eroded, including through continued under-funding. The rules governing the nomination of their members by Public Chambers – consultative bodies consisting of state-appointed members of civil society organizations – were changed. This led to a reduction in the membership of some of the Commissions, which in some cases had an impact on their independence by effectively precluding certain human rights defenders from becoming members.

There were reports of independent monitors, including members of Public Oversight Commissions and of the Presidential Human Rights Council, being arbitrarily denied access to prison colonies by prison administrations.

ARMED CONFLICT – SYRIA

Russia five times used its veto in the UN Security Council to block resolutions that would have imposed sanctions for the production and use of chemical weapons in Syria, condemned the reported chemical weapons attack on the town Khan Shaykhun, called on the Syrian government to grant access to and the right to inspect any sites, and renewed the mandate of the Joint Investigative Mechanism, formed to determine the perpetrators of chemical-weapons attacks.

REFUGEES' AND MIGRANTS' RIGHTS

Russia continued to return asylum-seekers and refugees to countries where they were at risk of torture and other ill-treatment.

On 1 August, a court in Moscow ruled that Uzbekistani national and journalist Khudoberdi Nurmatov (also known as Ali Feruz) was violating Russia's immigration laws and should be deported to Uzbekistan.

Khudoberdi Nurmatov fled Uzbekistan years earlier to avoid persecution by security services for refusing to act as a secret informer. He would also be subject to prosecution under Uzbekistani law which criminalized homosexuality. Following the ECtHR's decision granting Khudoberdi Nurmatov urgent interim measures, the Moscow City Court on 8 August stayed his deportation but remanded him in a detention centre for foreign nationals, where he remained at the end of the year. In December, the ECtHR communicated his complaint.

Registration with local police at the place of residence remained a precondition for labour and other migrants to access health care and education. But the registration was routinely refused by many landlords who were required to consent to it.

In September, human rights defender Tatiana Kotlyar was convicted of fictitiously registering 167 migrants at her address to enable them to comply with immigration regulations and to be able to access essential services. The court sentenced Tatiana Kotlyar to a fine of 150,000 roubles (USD2,619). The fine was waived on account of the expiration of the statute of limitations for this crime.

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1. Russia: Court offers "chink of light" in case brought by jailed protester Ildar Dadin ([News story](#), 10 February)
 2. Russian Federation: Detained members of corruption watchdog are prisoners of conscience and should be freed immediately ([EUR 46/5998/2017](#))
 3. Russia: Homophobic legislation used to persecute activist who shared LGBTI articles on Facebook ([News story](#), 18 October)
 4. Russian Federation: Journalist threatened by Chechen official – Grigory Shvedov ([EUR 46/5442/2017](#))
 5. Russian Federation: Newspaper threatened for reports on abductions ([EUR 46/6075/2017](#))
 6. Russian Federation: Whistle-blower detained on spurious charges – Aleksandr Eivazov ([EUR 46/7200/2017](#))
 7. Prison transportation in Russia – travelling into the unknown ([EUR 46/6878/2017](#))