

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	342
Land:	Rusland
Kilde:	Human Rights Watch
Titel:	Human Rights Watch Concerns and Recommendations on Russia
Udgivet:	Maj 2014
Optaget på baggrundsmaterialet:	3. september 2014



Human Rights Watch Concerns and Recommendations on Russia

Submitted to the UN Human Rights Committee on the occasion of its Pre-Sessional
Review of Russia

May 2014

This memorandum provides an overview of Human Rights Watch's principal concerns with respect to the human rights situation in Russia, submitted to the Human Rights Committee ("the Committee") in advance of its upcoming pre-sessional review of this country. We hope it will inform the Committee's preparations for its consideration of the Russian government's ("the government") compliance with the International Covenant on Civil and Political Rights ("the Covenant"). For additional information, please see Human Rights Watch's country page on Russia: <http://www.hrw.org/europecentral-asia/russia>.

Since Vladimir Putin's return to the presidency in May 2012, Russia's human rights situation has increasingly deteriorated. The government has unleashed a crackdown on civil society **unprecedented in the country's post-Soviet history**, which intensified as the Ukrainian crisis started unfolding in winter 2013 and spring 2014. The government introduced new regulations that unjustifiably interfere with, and restrict freedom of, assembly and expression in violation of **Russia's obligations under** the Covenant. The authorities have harassed, intimidated, and in several cases imprisoned political activists, interfered with the work of nongovernmental organizations (NGOs), and sought to cast government critics as enemies of the state.

Freedom of Assembly and Political Manipulation of the Justice System (Covenant articles 9, 14, 21)

The right to freedom of assembly has increasingly been under attack in Russia. Police frequently disperse peaceful public rallies by civil society activists and the political opposition, sometimes using unnecessary or excessive force.

Following the May 2012 rally of tens of thousands of people on Bolotnaya Square, during which [violence erupted](#) between police and small groups of protestors and resulted in the detention of over 1,000 people and prosecution of dozens of protesters on charges of mass rioting, the State Duma passed amendments that increased by 30-fold administrative fines for violating rules on holding public events, making them equivalent to fines for criminal offenses. The [amendments](#), which came into force in June 2012, also imposed new restrictions on peaceful assembly; for example, allowing authorities to designate certain areas as permanently off-limits for public events.

In what has become Russia's [biggest political trial](#), the authorities have leveled a [range of charges](#) against several dozen protesters in connection with the Bolotnaya Square rally, including participating in, calling for, and organizing mass riots, and using violence against police. International experts, members of the Presidential Council on Civil Society Development and Human Rights, and Russian human rights organizations, among others, [have called](#) into serious question the proportionality and appropriateness of the charges. As of this writing, 11 of the defendants have been [convicted](#). One defendant received a suspended sentence and travel restrictions, one was sentenced to indefinite [forced confinement](#) in a psychiatric institution, and the rest received prison terms ranging from two and a half to four and a half years. Another four people are presently on trial on charges of mass rioting and violence against police.

In another case related to the Bolotnaya Square rally, the trial of Leonid Razvozzhaev and Sergei Udaltsov began in February 2014 on charges of organizing mass riots. If convicted, they face prison sentences of up to ten years. Udaltsov is under house arrest. Razvozzhaev went missing in Ukraine in October 2012 as he was applying for political asylum and reappeared in Russian custody several days later, alleging that Russian special services [kidnapped](#) him and that he was subjected to cruel treatment and threatened with torture while held incommunicado to compel him to confess and implicate others. He remains in custody.

On March 31, another [set of restrictive amendments](#) to the law on public rallies was submitted to **the lower chamber of Russia's parliament**. If adopted, the new amendments would further increase the already hefty fines for violating rules on holding public events, and provide that a participant of an unauthorized public gathering can be punished by an administrative custodial sentence, and repeated violations would constitute a criminal offense punishable by up to five years of imprisonment or a fine of up to 1 million rubles (US\$27,800). The penalty would apply to those who have been sentenced for organizing or participating in an unauthorized public gathering more than twice in 180 calendar days. In their official explanatory note, the

amendments' authors say that the new amendments are necessary to protect society and the public order from the dangers caused by unauthorized gatherings and **point to Ukraine's** Maidan protests as an example of such dangers.

The draft amendments also introduce the possibility of a custodial sentence for up to 10 days for unauthorized participation in public gatherings, and up to 15 days for obstruction of traffic and social infrastructure. The current sanctions for these administrative violations are limited to fines. The amendments provide for up to 30 days imprisonment for participants in public gatherings who are repeatedly accused of refusing to obey police orders. This detention, although lasting for as long as 30 days, is considered an administrative rather than a criminal penalty under Russian law. **Presently, Russia's administrative law allows for up to 30 days'** imprisonment as a sanction solely for breaking the emergency situation rules or the counterterrorism operation rules; imprisonment as punishment for all other types of administrative violations does not exceed 15 days. The amendments would impose fines of up to 300,000 rubles (US\$8,350) and up to 20 days of imprisonment for organizing public gatherings next to railroads, oil and gas pipelines, border zones, court buildings, prisons, and other places of detention.

Freedom of Association and the Campaign Against "Foreign Agents" (Covenant articles 17, 19, 22)

The controversial ["foreign agents" law](#), adopted in July 2012 and upheld by the Constitutional Court in April 2014, requires nongovernmental organizations that accept foreign funding and engage in "political activity" to register as "foreign agents," a term generally understood in Russia to mean "traitor" or "spy." The law is used to marginalize and silence independent groups. In March 2013, after human rights and other groups made clear they would not comply with the registration requirement, Russian authorities began a punitive [inspection campaign](#) to identify "foreign agent" organizations and order them to register. Tax inspectors, prosecutors, and Justice Ministry officials made unannounced, [intrusive inspections](#) at the offices of more than 1,000 Russian nongovernmental organizations. Dozens of groups [received warnings or direct orders](#) from the prosecutors to register as "foreign agents" within 30 days. Administrative cases were filed against nine groups with an additional five administrative cases against leaders of these groups for failing to register under the "foreign agents" law. Prosecutors [brought civil suits](#) against four groups. The Justice Ministry [suspended the activities](#) of two election watchdog groups, and at least four groups chose to wind up operations to avoid further repressive legal action. In particular on April 9 of this year, Anti-Discrimination Centre (ADC) "Memorial," a leading Russian human rights group based in St. Petersburg that supported vulnerable minority populations, including the

Roma and LGBTI people, [announced its closure](#) in response to a court demand that it register as a “foreign agent.” Prosecutors claimed that the organization violated the law by sharing information about discrimination and abuse with an international body, in this case the United Nations Committee against Torture (CAT), **without officially registering as a “foreign agent.”** The group’s submission to CAT **provided background for the committee’s periodic review of Russia’s** compliance with the Convention against Torture and had been published on November 9, 2012, **two weeks before the “foreign agents” law came into force.**

The “foreign agents” law [defines political activity so broadly](#) as to allow government control over just about any organized activity relating to public life. The law is an apparent effort to limit advocacy, advisory, and public education activities across a wide spectrum of issues that involve comment on or interaction with government authorities. The law has seriously encumbered the work of independent organizations, had a chilling effect on **civil society, and violates Russia’s** obligations under the Covenant to respect freedom of association and expression. A legislative proposal was [floated](#) in March 2014 that would expand the scope of the “foreign agents” law to include research organizations and universities that receive foreign funding and work with public opinion.

In October 2012, the State Duma [adopted](#) a broad, expanded legal definition of the crime of treason that could lead to criminal action against those who conduct international advocacy on **human rights issues.** Despite his promise to “look into the law” and possibly narrow the overly broad and vague definition of treason, President Putin [signed](#) it in November 2012.

Over the last two years, pro-government media outlets have launched propaganda campaigns targeting prominent nongovernmental groups, accusing them of promoting Western interests in exchange for funding. The media attacks increased after President Putin referred to independent groups as **“national traitors” and “the fifth column”** in his address to the parliament on March 18, 2014, with government-controlled media condemning anyone who criticizes the government or its policies as unpatriotic.

Freedom of Expression and the Attack on Independent Media, Including in the Internet (Covenant article 19)

In July 2013, seven months after decriminalizing libel, the Duma adopted amendments [recriminalizing](#) certain kinds of libel and imposing steep fines instead of prison terms. A provision

criminalizing libel against judges, jurors, prosecutors, and law enforcement officials could restrict legitimate criticism of public officials.

In March, the editor-in-chief and executive director of *Lenta.ru*, one of the last remaining major independent online news outlets, [was fired](#) the day the news portal received a warning from *Roskomnadzor*, the Russian state body for media oversight, for having included a link in a *Lenta.ru* article to a 2008 interview with Dmytro Yarosh, leader of the Ukrainian ultranationalist paramilitary group Right Sektor. Roskomnadzor determined that Yarosh's statements qualified as "incitement of national discord," or extremism. Many of *Lenta.ru*'s journalists left after the editor's dismissal, and at this writing, the outlet's independence appears seriously compromised. The only remaining major independent television channel is on the verge of bankruptcy after an official warning against it in January [prompted](#) major cable and satellite providers to drop it. Also in March, the authorities [blocked](#) three opposition media websites for allegedly publishing banned content. The websites were blocked under the law on Information and information Technology, which was amended in February to authorize the prosecutor general to request the agency to block **access to websites if they contain "extremist" content, call for mass riots, or call for participation in unsanctioned public gatherings.** The authorities are not required to obtain a court order or even inform the website prior to blocking it, although website owners can appeal the decision.

Also in early March, as the crisis in Ukraine escalated, several Russian policymakers announced their plans to propose laws that would impose heavy restrictions on mass media. One proposal, apparently prompted by independent media coverage of the crisis in Ukraine, would introduce [administrative and criminal offenses for editors who publish "false anti-Russian" information or offer "media support to anti-Russian extremist and separatist forces, inter alia, in their description of events outside Russia."](#)

On May 5, 2014, President Putin signed into law a set of amendments to counter-terrorism legislation, including [new regulations on "Internet users called bloggers"](#). The law requires bloggers with more than 3,000 daily visitors online to register with media oversight authorities. Once registered, bloggers will have the same legal constraints and responsibilities as mass media outlets, including verifying information for accuracy, indicating the minimum age for users, protecting information pertaining to **people's privacy, and being subject to restrictions on propaganda in support of electoral candidates.** However, bloggers would not enjoy the protections and privileges provided to mass media. Bloggers could also be held responsible for any comments posted by third parties on their website or social media page, and will be required to provide their real surname, initials, and contact details on their websites or pages. Failure by bloggers to

register with Roskomnadzor or to provide contact information is punishable by significant administrative fines. These restrictive regulations seriously curb freedom of expression and privacy on the Internet, which was the last remaining platform for free expression in Russia.

Discrimination and Violence on the Basis of Sexual Orientation and Gender Identity (Covenant articles 2,6, 7, 17, 19, 26)

In June 2013, Russia's parliament adopted a law [banning "propaganda of nontraditional sexual relationships" to children](#). Such relationships are widely understood to mean lesbian, gay, bisexual, or transgender (LGBT) relationships. The law essentially prohibits conveying any positive information or communication about LGBT issues, including to children of LGBT parents. Russian citizens and organizations face heavy fines and suspension of operations for violations, while foreigners can be fined, jailed for up to 15 days, or deported. Homophobic rhetoric, including by state officials, accompanied debate around these issues. Russia also saw a surge of homophobic violence across the country and increased harassment of LGBT activists, including through media smear campaigns. **The authorities' failure to act and some officials' homophobic comments** expose LGBT people to further harassment and violence and embolden the attackers.

At least three [murders](#) allegedly motivated by homophobia were reported in 2013. Vigilante groups of radical nationalists emerged across the country, luring men or boys to meetings, accusing them of being gay, humiliating and beating them, and posting videos of the proceedings on social media. Only a few investigations of homophobic violence were opened by the police. To date, several people have been tried and convicted for attacks against LGBT people, but their crimes were not classified as hate crimes because Russian authorities do not recognize LGBT people as a protected social group.

Palliative Care and Disability Rights(Covenant articles 2, 7, 9, 17)

As part of state's positive obligation to protect people from cruel, inhuman or degrading treatment, states have to take steps to protect people from unnecessary pain related to a health condition. In a 2009 report to the Human Rights Council, the Special Rapporteur on Torture stated **that "the de facto denial of access to pain relief, if it causes severe pain and suffering, constitutes** cruel, inhuman or degrading treatment or punishment.

Restrictive government policies and limited availability of pain treatment continue to be a major obstacle to the delivery of palliative care. Each year, tens of thousands of dying cancer patients

(up to 80 percent of them) [are denied their right](#) to adequate relief. Such inexpensive drugs as oral immediate-release morphine are largely [unavailable](#) through the public healthcare system. These failings in government policy lead to unnecessary and avoidable suffering, and unjustifiably limit the choices that should be available to people in Russia as to how to manage their pain and reach health care decisions.

In 2012, the Russian Ministry of Health and Social Development acknowledged the need to increase significantly the number of hospices. However, drug regulations have not been adequately revised, and training of healthcare workers on pain management and palliative care still does not meet World Health Organization standards.

In September 2012, Russia ratified the UN Convention on the Rights of Persons with Disabilities (CRPD). Although Russia has taken some significant legislative steps to increase accessibility of the physical environment and public services for people with disabilities since ratifying the Convention, the more than 13 million people with disabilities living in Russia continue to face [a range of barriers](#) that limit their participation in society, including inaccessible housing, public buildings and transportation, lack of access to education and employment on an equal basis with others, lack of access to health care and rehabilitation. Confinement of children and adults with various types of disabilities to institutions for prolonged periods of time against their will and without appropriate legal safeguards for their rights also remains a serious problem.

North Caucasus (Covenant articles 2, 6, 7, 9, 17, 18, 19)

Enforced disappearances, torture, and extrajudicial executions persist to be a feature of the **government's** campaign against the Islamist armed insurgency in the North Caucasus and continue to be perpetrated with full impunity.

Dagestan remained the epicenter of insurgent violence in 2013 with frequent clashes between insurgents and law enforcement officials. Adherents of Salafism are especially vulnerable to counterinsurgency-related abuses, such as enforced disappearances, torture, and extrajudicial executions.

Magomed salam Magomedov, who was appointed president of Dagestan in 2010, achieved some moderate successes in dealing with human rights problems in Dagestan, and government attitudes toward Salafism grew more tolerant. Despite a decline in the numbers of insurgent recruits and insurgency-related deaths after a peak in 2011, federal authorities appeared unwilling

to give Magomedov's policies more time to produce positive results and replaced him with Ramazan Abdulatipov. Under Abdulatipov, the authorities ceased efforts to foster ties with and integrate non-militant Salafis, and a new crackdown on Salafi communities has been launched. Since mid-2013, law enforcement officials have been raiding places of alleged gatherings of Salafis, including mosques, Islamic cafes, madrassas, and private houses and carrying out arbitrary detentions. Lawyers, activists, and journalists working with Salafi Muslims have reported increasing pressure and harassment by the authorities.

In July 2013, unidentified assailants [shot dead Akhmednabi Akhmednabiev](#), an independent journalist and critic of abuses by law enforcement and security agencies. The official investigation, ongoing at time of writing, acknowledged that he was killed because of his journalism. Prior to the murder, Akhmednabiev reported to the authorities death threats he received, but they did not take adequate steps to investigate. Akhmednabiev is the second journalist covering counterinsurgency issues murdered in less than two years in Dagestan. The 2011 [killing of Khadzhimurad Kamalov](#) remains unresolved.

In Chechnya, law enforcement and security agencies under Ramzan Kadyrov's de facto control continued collective punishment against relatives and suspected supporters of alleged insurgents. Victims increasingly refuse to speak about violations due to fear of official retribution, with the result that abuses remain largely under-reported. **Kadyrov's "virtue" campaign for women** in Chechnya continues, with pressure on women to [wear headscarves](#) in all public places. **According to local women's activists**, so-called honor killings have become more frequent in Chechnya.

Local activists rarely speak out about human rights violations in Chechnya or express discontent **with Kadyrov's policies for well-**justified fear of repercussions. In a recent example, Ruslan Kutaev, the head of an independent Chechen group, was [arrested](#) on February 20, 2014, on politically motivated drug charges. Two days before his arrest, during a conference commemorating the 70th anniversary of the mass deportation of Chechens during World War II, Kutaev criticized an order by Kadyrov to ban memorial events and suggested it reflected a lack of commitment on the part of the authorities to safeguarding historical memory. Russian human rights defenders and several independent journalists have said that Chechen law enforcement officials arrested Kutaev and tortured him with beatings and electric shocks in retaliation for his critical remarks and for organizing the commemorative conference, which local authorities had deemed subversive.

Kutaev told his lawyer that on the day of his arrest unidentified personnel beat him, subjected him to electric shocks, and threatened harm to his family members to force Kutaev to confess to drug possession with intent to sell. *Novaya Gazeta* [published](#) photocopies of some of Kutaev's notes to his lawyer, which Human Rights Watch examined. At this writing, Kutaev's trial for possession of large quantities of heroin is ongoing. The authorities opened an investigation into the torture allegations, but it has yet to yield tangible results. In mid-March, Russia's ombudsman and the head of Russia's presidential human rights council jointly petitioned the general prosecutor's office to transfer Kutaev to a different region of Russia to ensure his safety and to move the torture inquiry to a federal level. Their requests have not been granted.