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Preface

Country of Origin Information (COI) is required within Refugee Status Determination (RSD) to provide objective evidence on conditions in refugee producing countries to support decision making. Quality information about human rights, legal provisions, politics, culture, society, religion and healthcare in countries of origin is essential in establishing whether or not a person's fear of persecution is well founded.

CORI Country Reports are designed to aid decision making within RSD. They are not intended to be general reports on human rights conditions. They serve a specific purpose, collating legally relevant information on conditions in countries of origin, pertinent to the assessment of claims for asylum. Categories of COI included within this report are based on the most common issues arising from asylum applications made by Russian Federation nationals. This report covers events up to 29 October 2010.

COI is a specific discipline distinct from academic, journalistic or policy writing, with its own conventions and protocols of professional standards as outlined in international guidance such as The Common EU Guidelines on Processing Country of Origin Information, 2008 and UNHCR, Country of Origin Information: Towards Enhanced International Cooperation, 2004.

CORI provides information impartially and objectively, the inclusion of source material in this report does not equate to CORI agreeing with its content or reflect CORI's position on conditions in a country. It is acknowledged that all sources have a bias, it is for decision makers to place a weight on sources, assessing relevance to each individual application.

CORI Country Reports are prepared on the basis of publicly available information, studies and commentaries within a specified time frame. All sources are cited and fully referenced. Every effort has been taken to ensure accuracy and comprehensive coverage of the research issues, however as COI is reliant on publicly available documentation there may be instances where the required information is not available. The reports are not, and do not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should refer to the full text of documents cited and assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

CORI is an independent centre providing specialist research and resources to support Refugee Status Determination.

CORI works internationally with all parties to RSD, including governments, NGOs, decision makers and legal representatives, producing commissioned research reports and providing knowledge management services. CORI works to improve standards of COI production through capacity building and training.

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A. Background and Recent Developments

1. Political Actors and System

The Soviet Union was dissolved on 26 December 1991 and was succeeded by the Russian Federation.¹ In September 1993, President Boris Yeltsin dissolved the Russian parliament and called for national elections and a new constitution, which triggered a brief insurrection by his opponents in parliament.² In December 1993, a new parliament was elected and a new constitution, drafted by President Yeltsin, was approved by 58% of the electorate.³

The 1993 Constitution gives the President the power to nominate the Prime Minister, who must be approved by the Duma; the President heads the Security Council and the Armed Forces.⁴ Constitutional amendments in 2008 increased the president's term to six years, and the members of the Duma's terms to five years.⁵ Russia's parliament, the Federal Assembly is formed of two houses, the Federation Council (Upper House) and the State Duma (Lower House);⁶ its inaugural session took place on 12 January 1994.⁷

Boris Yeltsin resigned as President on 31 December 1999.⁸ Vladimir Putin, formerly the director of the Federal Security Service, succeeded him and won the 2000 presidential elections.⁹ According to the *United States Department Of State (USDOS)*, Putin increased the federal government's control over the regions by sending his representatives there, enacted liberal economic reforms and operated a rapprochement with the US and NATO.¹⁰ Putin won a second term as President in March 2004, the Constitution prevented him from running for a third term; he became Prime Minister in May 2008 after his chosen successor Dmitry Medvedev was elected President in the March 2008 elections.¹¹ Dmitry Medvedev, a lawyer by training, has worked with Vladimir Putin since the early 1990s and ran his presidential campaign in 2000.¹²

¹ Inter-Parliamentary Union, Russian Federation; Gossoudarstvennaya Duma (State Duma), undated, http://www.ipu.org/parline-e/reports/2263_arc.htm, accessed 15 August 2010; Empire: Lessons for Modern Russia, by Yegor Gaidar, Brookings Institution Press, 2007; US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010.

² Inter-Parliamentary Union, Russian Federation; Parliamentary Chamber: Gossoudarstvennaya Duma, ELECTIONS HELD IN 1993, undated, http://www.ipu.org/parline-e/reports/arc/2263_93.htm, accessed 15 August 2010; US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010.

³ Inter-Parliamentary Union, Russian Federation; Parliamentary Chamber: Gossoudarstvennaya Duma, ELECTIONS HELD IN 1993, undated, http://www.ipu.org/parline-e/reports/arc/2263_93.htm, accessed 15 August 2010; US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010.

⁴ The Constitution of the Russian Federation, The President of the Russian Federation, 1993, <http://www.constitution.ru/en/10003000-05.htm>, accessed 21 October 2010; EU Russia Centre, Russian Political System, 2011, <http://www.eu-russiacentre.org/russia/political-system>, accessed 6 May 2011; US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010.

⁵ Freedom House, Freedom in the World 2009, Russia, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7689>, accessed 15 August 2010; The Constitution of the Russian Federation, 1993, <http://www.constitution.ru/en/10003000-01.htm>, accessed 21 October 2010.

⁶ EU Russia Centre, Russian Political System, 2011, <http://www.eu-russiacentre.org/russia/political-system>, accessed 6 May 2011.

⁷ Inter-Parliamentary Union, Russian Federation; Gossoudarstvennaya Duma (State Duma), undated, http://www.ipu.org/parline-e/reports/2263_arc.htm, accessed 15 August 2010.

⁸ US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010.

⁹ BBC News, Russia country profile, 6 October 2010, http://news.bbc.co.uk/1/hi/world/europe/country_profiles/1102275.stm#leaders; BBC, Profile: Vladimir Putin, 6 May 2008, <http://news.bbc.co.uk/1/hi/world/europe/667749.stm>, accessed 6 May 2011; US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010.

¹⁰ US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010; US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010.

¹¹ BBC News, Russia country profile, http://news.bbc.co.uk/1/hi/world/europe/country_profiles/1102275.stm#leaders, accessed 15 August 2010; US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010; Freedom House, Freedom in the World 2009, Russia, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7689>, accessed 15 August 2010.

¹² BBC News, Russia country profile, updated 6 October 2010, http://news.bbc.co.uk/1/hi/world/europe/country_profiles/1102275.stm#leaders, accessed 15 August 2010; Dmitry Medvedev, Personal website, undated, <http://eng.medvedev.kremlin.ru/biography>, accessed 6 May 2011.

United Russia is the ruling party, which won more than two-thirds of the seats in the lower house in December 2007.¹³ The Just Russia party and the Liberal Democratic Party are also represented in the Duma¹⁴; according to *USDOS* they are seen as supporting the Kremlin.¹⁵ The Communist Party is the only opposition party represented in the Duma.¹⁶

In 2009 *Freedom House* reported,

"Russia is not an electoral democracy. The December 2007 State Duma elections were carefully engineered by the administration, handing pro-Kremlin parties a supermajority in the lower house, which was powerless in practice."¹⁷

In September 2010 Russian news agency *Ria Novosti* reported President Medvedev as stating,

"Russia is a democracy - young and immature, imperfect and inexperienced, but it is a democracy," he told the Yaroslavl Global Policy Forum.

"I know the shortcomings of this system - perhaps better than anyone else, if only because I have more information," Medvedev said, calling criticism of Russia's political system "unfair and tendentious."

"We are at the very start of our path and it is a path to freedom," he said.¹⁸

Political parties must have at least 50,000 members and organizations in half of the federation's administrative units to register, obtain at least 7 percent of votes to enter the Duma and cannot form electoral coalitions.¹⁹ US NGO *Freedom House* and the *Inter-Parliamentary Union*, an international organisation of parliaments, report concerns that stricter criteria for party registration has created obstacles for small and opposition parties to be represented in the Duma.²⁰ *Freedom House* further states that this is compounded by the control of the government over the media and its use of administrative resources.²¹

Under the 1993 Constitution, the Russian Federation consisted of 84 administrative units, including two federal cities, Moscow and Saint Petersburg. Currently there are 83 members of the Federation, including 21 republics, 9 krais, 46 oblasts, 2 federal cities, 1 autonomous oblast, and 4

¹³ US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010; Freedom House, Freedom in the World 2009, Russia, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7689>, accessed 15 August 2010

¹⁴ Inter-Parliamentary Union, Russian Federation; Gossoudarstvennaya Duma (State Duma), Last elections, undated, http://www.ipu.org/parline-e/reports/2263_E.htm, accessed 15 August 2010

¹⁵ US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010

¹⁶ Inter-Parliamentary Union, Russian Federation; Gossoudarstvennaya Duma (State Duma), Last elections, undated, http://www.ipu.org/parline-e/reports/2263_E.htm, accessed 15 August 2010; US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010; Freedom House, Freedom in the World 2009, Russia, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7689>, accessed 15 August 2010

¹⁷ Freedom House, Freedom in the World 2009, Russia, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7689>, accessed 15 August 2010

¹⁸ Ria Novosti, Medvedev insists Russia democratic, despite 'shortcomings,' 10 September 2010, <http://en.rian.ru/russia/20100910/160547739.html>, accessed 6 May 2011

¹⁹ Central Election Committee of the Russian Federation, Political parties participation in federal elections, undated, <http://cikrf.ru/cikrf/eng/politparty/>, accessed 6 May 2011; Inter-Parliamentary Union, Russian Federation; Gossoudarstvennaya Duma (State Duma), undated, <http://www.ipu.org/parline-e/reports/2263.htm>, accessed 15 August 2010; Freedom House, Freedom in the World 2009, Russia, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7689>, accessed 15 August 2010

²⁰ Freedom House, Freedom in the World 2009, Russia, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7689>, accessed 15 August 2010; Inter-Parliamentary Union, Russian Federation; Gossoudarstvennaya Duma (State Duma), undated, <http://www.ipu.org/parline-e/reports/2263.htm>, accessed 15 August 2010;

²¹ Freedom House, Freedom in the World 2009, Russia, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7689>, accessed 15 August 2010

autonomous okrugs.²² The Constitution sets out the federal government's exclusive powers, but also describes the joint responsibility of the federal government and the regional administrative units in important regional issues.²³

The *USDOS* states that "Russia is a federation, but the precise distribution of powers between the central government and the regional and local authorities is still evolving."²⁴

In 1994, the Russian security forces engaged in military operations in the Republic of Chechnya against rebels seeking separation from Russia.²⁵ *Human Rights Watch* reports that the conflict was marred by serious human rights violations by Russian security forces.²⁶ The conflict lasted until a negotiated settlement in August 1996 between the Russian and Chechen authorities, under which Russian troops withdrew from Chechnya and elections were organised in January 1997.²⁷ Despite a peace treaty in May 1997, the Russian authorities started another military campaign in 1999 in Chechnya following terrorist incidents. Fighting has since continued intermittently, although the Russian government announced the end of their counter-terrorism operations in the Republic in April 2009.²⁸

In 2000, President Vladimir Putin regrouped the regions into seven federal districts, with presidential appointees in Moscow and six provincial capitals.²⁹ In March 2004, the Constitution was amended to allow some regional administrative units to merge. President Putin also introduced a law in 2004 which eliminates the elections of the regional governors; instead they are now nominated by the president and their appointment confirmed by regional legislatures.³⁰

On 19 January 2010, President Medvedev established the North Caucasus Federal District (Okrug), splitting the former Southern Federal District in two parts, and bringing the number of federal districts in Russia to eight.³¹

The eight federal districts are;

"Central Federal District: Belgorod Oblast, Bryansk Oblast, Ivanovo Oblast, Kaluga Oblast, Kostroma Oblast, Kursk Oblast, Lipetsk Oblast, Moscow Oblast, Orel Oblast, Ryazan Oblast, Smolensk Oblast, Tambov Oblast, Tula Oblast, Tver Oblast, Vladimir Oblast, Voronezh Oblast, Yaroslavl Oblast, Moscow (city). Plenipotentiary representative: Georgiy Poltavchenko

²² The Constitution of the Russian Federation, 1993, <http://www.constitution.ru/en/10003000-01.htm>, accessed 21 October 2010; US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010

²³ The Constitution of the Russian Federation, 1993, <http://www.constitution.ru/en/10003000-01.htm>, accessed 21 October 2010; US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010

²⁴ US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010

²⁵ Radio Free Europe/Radio Liberty, Russia: Annotated Timeline of the Chechen conflict, 7 February 2006, <http://www.rferl.org/content/article/1065508.html>, accessed 6 May 2011.

²⁶ Human Rights Watch, World Report 1996; Russian Federation, http://www.hrw.org/legacy/reports/1996/WR96/Helsinki-16.htm#P757_150434, accessed 4 April 2011

²⁷ Radio Free Europe/Radio Liberty, Russia: Annotated Timeline of the Chechen conflict, 7 February 2006, <http://www.rferl.org/content/article/1065508.html>, accessed 6 May 2011. US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010

²⁸ Human Rights Watch, World Report 2010, Events of 2009, Russia, <http://www.hrw.org/en/world-report-2010/russia>, accessed 15 August 2010; Radio Free Europe/Radio Liberty, Russia: Annotated Timeline of the Chechen conflict, 7 February 2006, <http://www.rferl.org/content/article/1065508.html>, accessed 6 May 2011; US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010

²⁹ US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010

³⁰ Freedom House, Freedom in the World 2009, Russia, 16 July 2009, <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7689>, accessed 15 August 2010; US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010

³¹ Reuters, Kremlin picks outsider as new Caucasus overlord, 19 January 2010, <http://www.alertnet.org/thenews/newsdesk/LDE6011XH.htm>, accessed 16 August 2010

North-Western Federal District: Republic of Karelia, Republic of Komi, Arkhangelsk Oblast, Kaliningrad Oblast, Leningradskaya Oblast, Murmansk Oblast, Novgorod Oblast, Pskov Oblast, Vologda Oblast, St. Petersburg (city), Nenets Autonomous Okrug. Plenipotentiary representative: Ilya Klebanov

Southern Federal District: Republic of Adygeya (Adygeya), Republic of Kalmykia, Krasnodar Territory, Astrakhan Oblast, Rostov Oblast, Volgograd Oblast. Plenipotentiary Representative: Vladimir Ustinov

North Caucasus Federal District: Republic of Dagestan, Republic of Ingushetia, Karachayevo-Cherkess Republic, Kabardino-Balkaria Republic, Republic of North Ossetia – Alania, Chechen Republic, Stavropol Territory. Plenipotentiary Representative: Alexander Khlopinin

Volga Federal District: Republic of Bashkortostan, Chuvash Republic – Chavashia, Republic of Mariy El, Republic of Mordvinia, Republic of Tatarstan (Tatarstan), Udmurtia Republic, Perm Territory, Kirov Oblast, Nizhniy Novgorod Oblast, Orenburg Oblast, Penza Oblast, Samara Oblast, Saratov Oblast, Ulyanovsk Oblast. Plenipotentiary representative: Grigoriy Rapota

Urals Federal District: Chelyabinsk Oblast, Kurgan Oblast, Sverdlovskaya Oblast, Tyumen Oblast, Khanty-Mansi Autonomous Okrug – Yugra, Yamal-Nenets Autonomous Okrug. Plenipotentiary representative: Nikolai Vinnichenko

Siberian Federal District: Republic of Altai, Republic of Buryatia, Republic of Khakassia, Republic of Tyva (Tuva), Altai Territory, Krasnoyarsk Territory, Chita Oblast, Irkutsk Oblast, Kemerovo Oblast, Novosibirsk Oblast, Omsk Oblast, Tomsk Oblast, Aga Buryat Autonomous Okrug. Plenipotentiary representative: Anatoliy Kvashnin

Far Eastern Federal District: Republic of Sakha (Yakutia), Kamchatka Territory, Khabarovsk Territory, Maritime Territory, Amur Oblast, Magadan Oblast, Sakhalin Oblast, Jewish Autonomous Oblast, Chukchi Autonomous Okrug. Plenipotentiary representative: Victor Ishayev.”³²

2. March 2008 Elections

The 2 March 2008 elections were won by Dmitriy Medvedev, the pro-government party United Russia's candidate, with 70.28% of the vote.³³

According to *Freedom House*, “[i]n the presidential election of March 2008, state dominance of the media was on full display, debate was absent, and incumbent Vladimir Putin was able to pass the office to his handpicked successor, Dmitry Medvedev.”³⁴ Human Rights Watch states that the elections were “orderly but uncompetitive.”³⁵

The Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) cancelled its plans to send observers to the presidential elections, citing restrictions on its election observers.³⁶ The Russian government had agreed to increase the number of ODIHR election observers and extend the timeframe for its visit as a

³² EU Russia Centre, Russian Political System, 2011, <http://www.eu-russiacentre.org/russia/political-system>, accessed 6 May 2011

³³ US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010

³⁴ Freedom House, Freedom in the World 2009, Russia, 16 July 2009,

<http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7689>, accessed 15 August 2010

³⁵ Human Rights Watch, World Report 2009, Russia: Events of 2008, <http://www.hrw.org/en/world-report-2009/russia>, accessed 20 August 2010

³⁶ Organisation for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights – Elections, OSCE/ODIHR regrets that restrictions force cancellation of election observation mission to Russian Federation, 7 February 2008, http://www.osce.org/odihr-elections/item_1_29599.html, accessed 20 August 2010

compromise, but the request by ODIHR to send 50 observers from 15 February 2008 was not granted.³⁷

ODIHR stated that,

“[C]ontrary to standard practice, Russia did not accept an ODIHR planning mission that would have been conducted in December in order to determine the scope of a potential observation mission. While Russia eventually invited ODIHR on 28 January, it set severe restrictions on the composition and duration of the mission, also contrary to previous Russian elections observed.”³⁸

In response to the position taken by ODIHR, the spokesman for the *Permanent Mission of the Russian Federation to the United Nations* stated that,

“We can only deplore that position, but first a couple of words on how the events developed. Immediately after the completion of the registration of candidates the Central Election Commission in full accordance with our international OSCE obligations forwarded an invitation to the ODIHR to send 70 observers several days before the elections to participate in the monitoring. Since the Office leadership said the observers needed to arrive earlier the CEC invited ODIHR representatives to come to Moscow to agree a mutually acceptable approach.

In the course of the meetings held on February 4 the Russian side agreed to meet the Office half-way on a number of issues, including the preparedness to receive a technical group (5 persons) and an advance team (20 persons) within the time period suggested by ODIHR Director Christian Strohal, and the rest of the observers from February 20.

But the leadership of the ODIHR flatly rejected that compromise. No distinct explanations were given for this kind of position.

We consider such actions by the ODIHR unacceptable. It needs mentioning that the ODIHR approaches monitoring in other OSCE countries with an entirely different yardstick, quite happy, as a rule, to send just ten to 20 observers 1-2 weeks before the poll.”³⁹

A pre-electoral delegation of the Parliamentary Assembly of the *Council of Europe* (PACE) expressed concern at the absence of ODIHR election observers, stating that they usually “ensure the long-term aspect of the observation exercise”.⁴⁰ The PACE pre-delegation also expressed concern at the lack of alternatives proposed to voters and the lack of level-playing field between the candidates, particularly regarding media coverage.⁴¹

After the elections, PACE stated that although the results reflected the will of the electorate, the election was not free and not fair.⁴² PACE stated that the result was “a reflection of the will of an

³⁷ RIA Novosti, [Wrap: OSCE election watchdog to boycott Russian polls - tensions rise](http://en.rian.ru/russia/20080207/98680172.html), 7 February 2008, <http://en.rian.ru/russia/20080207/98680172.html>, accessed 20 August 2008, International Herald Tribune, Election observers warn of boycott of Russian vote, 31 January 2008, available from, <http://www.rusnet.nl/news/2008/01/31/currentaffairs01.shtml>, accessed 20 August 2008

³⁸ Organisation for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights – Elections, OSCE/ODIHR regrets that restrictions force cancellation of election observation mission to Russian Federation, 7 February 2008, http://www.osce.org/odihr-elections/item_1_29599.html, accessed 20 August 2010

³⁹ Permanent Mission of the Russian Federation to the United Nations Office and other International Organizations in Geneva, Russian MFA Spokesman Mikhail Kamynin answers a media question regarding ODIHR position on monitoring Presidential Elections in Russian Federation, 14 February 2008/7 February 2008, http://www.geneva.mid.ru/press/e_2008_06.html, accessed 4 April 2011

⁴⁰ Council of Europe, PACE pre-election delegation concerned by limited choice in Russian Presidential election, 8 February 2008, <http://assembly.coe.int/ASP/Press/StopPressView.asp?ID=2008>, accessed 20 August 2008

⁴¹ Council of Europe, PACE pre-election delegation concerned by limited choice in Russian Presidential election, 8 February 2008, <http://assembly.coe.int/ASP/Press/StopPressView.asp?ID=2008>, accessed 20 August 2008

⁴² Daily Telegraph, Russian election “neither free nor fair”, 3 March 2008, <http://www.telegraph.co.uk/news/worldnews/1580598/Russian-election-neither-free-nor-fair.html>, accessed 20 August 2008; Reuters, Criticism and protests mar Medvedev’s election win, 3 March 2008, <http://www.reuters.com/article/idUSL2883523820080303>, accessed 20 August 2010

electorate whose democratic potential was, unfortunately, not tapped,” and that the election was “well-administered” although it “repeated most of the flaws revealed during the Duma elections of December 2007.”⁴³ PACE raised a lack of resolution of its pre-electoral mission concerns, candidate registration concerns and the lack of improvement in equal access of the candidates to the media and the public sphere.⁴⁴

GOLOS, an independent Russian civic organization defending voters’ rights, with an large election monitoring network of 281 NGOs in 38 regions, stated that the presidential elections were quieter than the preceding December 2007 Duma elections.⁴⁵ However, it also raised the low level of monitoring over elections, due in part to amendments of the electoral legislation and in part to GOLOS observers sent away or detained when attempting to enter polling stations.⁴⁶ GOLOS said that of the regions in which it deployed observers, “over one fourth of all territorial commissions did not fulfill the procedures specified in the law.”⁴⁷

The USDOS reports that in May 2008, the authorities refused to issue permits for a march by the opposition group Other Russia, which wanted to express disapproval of the inauguration of President Medvedev; although the march was cancelled, “police arrested 50-60 Other Russia members, in locations away from the site of the cancelled rally.”⁴⁸ The USDOS further reports that on 14 December 2008, Other Russia held an unauthorised march in Moscow to protest at constitutional changes lengthening presidential and Duma terms during which police arrested about a hundred demonstrators, sometimes violently.⁴⁹

3. Local and Regional Elections

The USDOS reports that in 2009, “direct and indirect government interference in local and regional elections restricted the ability of citizens to change their government through free and fair elections.”⁵⁰ The USDOS further reports that the government used its influence to restrict coverage of opposition political parties and candidates in local elections held in March and October 2009.⁵¹

On 1 March 2009, elections were held for parliamentary seats in nine Russian regions, 10 posts of mayor, and seats in the representative bodies of 12 administrative centres of the Russian regions.⁵² Candidates of the pro-government party United Russia won in all regions they contested and most mayoral elections, except for Tver and Smolensk.⁵³ The USDOS reports that in Smolensk, the election winner immediately joined the United Russia party and that in the city of Mozhaisk, “an environmental activist Dmitry Belanovich defeated the United Russia candidate,

⁴³ Council of Europe, Russian Presidential election: for an election to be good it takes a good process, not just a good election day, 3 March 2008, <http://assembly.coe.int/ASP/Press/StopPressView.asp?ID=2013>, accessed 21 August 2010

⁴⁴ Council of Europe, Russian Presidential election: for an election to be good it takes a good process, not just a good election day, 3 March 2008, <http://assembly.coe.int/ASP/Press/StopPressView.asp?ID=2013>, accessed 21 August 2010

⁴⁵ GOLOS, Statement of GOLOS association on the results of short-term monitoring of presidential elections on March 2, 2008, 3 March 2008, http://golos.org/IMG/doc/GOLOS_statement_ENG_for_website.doc, accessed 21 August 2010

⁴⁶ GOLOS, Statement of GOLOS association on the results of short-term monitoring of presidential elections on March 2, 2008, 3 March 2008, http://golos.org/IMG/doc/GOLOS_statement_ENG_for_website.doc, accessed 21 August 2010

⁴⁷ GOLOS, Statement of GOLOS association on the results of short-term monitoring of presidential elections on March 2, 2008, 3 March 2008, http://golos.org/IMG/doc/GOLOS_statement_ENG_for_website.doc, accessed 21 August 2010

⁴⁸ US Department of State, 2008 Country Report on Human Rights Practices: Russia, 25 February 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119101.htm>, accessed 22 August 2010

⁴⁹ US Department of State, 2008 Country Report on Human Rights Practices: Russia, 25 February 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119101.htm>, accessed 22 August 2010

⁵⁰ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁵¹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁵² Radio Free Europe/Radio Liberty, Unified Russia scores predictable victories in regional elections, 2 March 2009, http://www.rferl.org/content/Unified_Russia_Scores_Predictable_Victories_In_Regional_Elections_/1502651.html; US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁵³ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

despite being unable to stay at any hotels in Mozhaïsk due to what he called "administrative pressure" on the proprietors."⁵⁴

GOLOS reports that opposition candidates were barred from registering at the municipal elections in St. Petersburg and that pressure was exercised by regional authorities on heads of local self-government in the context of the March 2009 elections.⁵⁵ GOLOS also reports irregularities on the day of the elections, such as "lotteries, prize drawings, distribution of discount cards and free goods at polling stations", pressure on voters in Tatarstan, where workers at the Kamaz plant in Naberezhnye Chelny had to report their voting to their management, restrictions on journalists attempting to cover the elections in Tatarstan, Dolgoprudny and Tomsk, the removal of election observers and the presence of unauthorized persons in some polling stations.⁵⁶

The *British Broadcasting Corporation (BBC)*, Uk daily newspaper *The Guardian* and *USDOS* report that before the 26 April 2010 election of the mayor of Sochi, candidate Aleksandr Lebedev, an ex-KGB agent and billionaire, was struck from the ballot on allegations of misfiled financial statements⁵⁷; according to *USDOS* Lebedev's appeal of the decision was rejected by the regional court.⁵⁸ *Radio Free Europe/Radio Liberty* reports that the Sochi mayoral election process was "rigged, antidemocratic."⁵⁹ According to the *USDOS*, former deputy prime minister Nemtsov was prevented from campaigning, was not given access to media, was assaulted by youth during a press conference, and was criticised in a documentary broadcast on four local television channels the evening before the vote.⁶⁰ The *USDOS* further states,

"During the campaign leading up to the April 26 election of the mayor of Sochi, state-controlled television networks provided minimum coverage and focused the reports they carried on the incumbent mayor and United Russia candidate, Anatoliy Pakhomov. Opposition candidates noted that they were denied equal access to both local and national television."⁶¹

On 11 October 2009, elections were held in 76 regions, including for the Duma of the city of Moscow.⁶² The elections took place for the legislative bodies of three Russian regions, the mayors of three administrative centers, the representative bodies of ten administrative centres of the Russian regions, local self-government heads and municipal council deputies in other municipal entities.⁶³ According to *Freedom House*, large-scale disqualification of opposition candidates helped the ruling party United Russia to win the local and regional elections in October.⁶⁴

⁵⁴ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁵⁵ GOLOS, Statement No.2 on findings of long-term monitoring of the electoral campaign at the regional elections set for March 1, 2009 (the campaigning stage), 5 March 2009, <http://www.golos.org/a1272.html?lang=en>, accessed 22 August 2010

⁵⁶ GOLOS, Statement No.3 on findings of short term observation of the course of Elections Day during regional elections of March 1, 2009, <http://www.golos.org/a2218.html?lang=en>, accessed 22 August 2010

⁵⁷ BBC, Lebedev barred from Sochi contest, 14 April 2009, <http://news.bbc.co.uk/1/hi/world/europe/7997944.stm>, accessed 4 April 2011; The Guardian, Standard owner Alexander Lebedev disqualified from mayoral race, 13 April 2009, <http://www.guardian.co.uk/media/2009/apr/13/court-disqualifies-lebedev-sochi-mayor-race>, accessed 4 April 2011; US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 2 August 2010

⁵⁸ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 2 August 2010

⁵⁹ Radio Free Europe/Radio Liberty, Victory in Sochi, 28 April 2009, <http://www.rferl.org/content/blog/1617655.html>, accessed 4 April 2011

⁶⁰ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁶¹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁶² RT, All Russian elections yield predictable result, 12 October 2009, <http://rt.com/politics/russian-election-day-results/>, accessed 4 April 2011; US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁶³ GOLOS, First Statement on the Results of Long-term Monitoring of the Regional Electoral Campaigns—Elections Set for October 11 (Nomination, Registration and Beginning of Campaigning Stage), 22 October 2009, <http://www.golos.org/a2792.html?lang=en>, accessed 22 August 2010

⁶⁴ Freedom House, World Report 2010, Russia, <http://www.freedomhouse.org/template.cfm?page=363&year=2010&country=7904>, accessed 20 September 2010

GOLOS said that the October 2009 elections were hampered by a lack of political competition, due to restrictive legislation and the use of administrative resources by candidates of the government party and parties represented in the Duma.⁶⁵ According to the USDOS, GOLOS reported election fraud, inflation of the turnout, widespread ballot stuffing, and voter intimidation on the day of the elections.⁶⁶

The USDOS and GOLOS report that in Moscow, the Yabloko party was subjected to harassment and candidates of the political parties Right Cause and Solidarity were barred from registration by the electoral commissions.⁶⁷

The BBC reported that, after the pro-government United Russia party won almost all the seats in the October 2009 elections, three political parties represented in the Duma walked out of parliament in protest at intimidation and fraud.⁶⁸ The USDOS reports that, however, after a meeting with President Medvedev, the parties rejoined the Duma.⁶⁹

Regional elections were also held on 14 March 2010 in Altay Republic, Vladimir, Voronezh, Kurgan, Ryazan', Sverdlovsk regions, and in Astrakhan, Vladimir, Yekaterinburg, Ivanovo, Irkutsk, Rostov-on-Don, Krasnodar, Novorossiysk, Novosibirsk, Omsk, Perm, Sochi, Tula, Chelyabinsk.⁷⁰

Before the elections, GOLOS expressed concern that legislation was facilitating administrative interference in political competition, as parties not represented in the lower house were at disadvantage; that a "fully proportional electoral system at regional and municipal levels further limits the constitutional rights of non-partisan citizens to be elected"; and that "the introduction of fully proportional and mixed election systems for local elections in many regions is imposed on municipalities through the adoption of regional laws," all factors contributing to a decline in political competition.⁷¹

After the March 2010 elections, GOLOS stated that it was concerned by "reports of unauthorized persons' being present at most polling stations, as well as limitations being placed on the rights of party observers, election commissioners and mass media representatives", "reports of violations of remote voting procedures and numerous cases of organized voting with absentee ballots including bussing and bribing of voters in some regions", electoral commissions' refusal to "make proper registers for remote voting", and "violations of the counting procedures."⁷²

⁶⁵ GOLOS, First Statement on the Results of Long-term Monitoring of the Regional Electoral Campaigns—Elections Set for October 11 (Nomination, Registration and Beginning of Campaigning Stage), 22 October 2009, <http://www.golos.org/a2792.html?lang=en>, accessed 22 August 2010

⁶⁶ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁶⁷ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010; GOLOS, First Statement on the Results of Long-term Monitoring of the Regional Electoral Campaigns—Elections Set for October 11 (Nomination, Registration and Beginning of Campaigning Stage), 22 October 2009, <http://www.golos.org/a2792.html?lang=en>, accessed 22 August 2010

⁶⁸ BBC News, Russian MPs make election protest, 14 October 2009, <http://news.bbc.co.uk/1/hi/world/europe/8307709.stm>, accessed 22 August 2010

⁶⁹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁷⁰ GOLOS, Statement no.1 on findings of long-term monitoring of the period of nomination and registration of candidates and party lists for March 14, 2010, regional elections, 19 February 2010, <http://www.golos.org/a3230.html?lang=en>, accessed 21 August 2010

⁷¹ GOLOS, Statement no.1 on findings of long-term monitoring of the period of nomination and registration of candidates and party lists for March 14, 2010, regional elections, 19 February 2010, <http://www.golos.org/a3230.html?lang=en>, accessed 21 August 2010

⁷² GOLOS, Final Statement of GOLOS Association: Decrease in the Level of Public Monitoring, General Violations of Remote Voting Procedures and Counting of Ballots, 14 March 2010, <http://www.golos.org/a3393.html?lang=en>, accessed 21 August 2010

B.Security Developments (since 2009)

1. Security Situation in North Caucasus

According to *Freedom House*, *Human Rights Watch* and *Amnesty International*, the North Caucasus region, particularly Chechnya, suffers from high levels of violence; Amnesty International states that in 2009, “[h]uman rights abuses were increasingly reported in the North Caucasus.”⁷³

Human Rights Watch reports,

“The Islamist insurgency in the North Caucasus republics of Chechnya, Dagestan, and Ingushetia appeared to intensify in 2009. Casualties among civilians and law enforcement and security forces increased.”⁷⁴

Freedom House further reports that hundreds of civilians, officials and insurgents died in bombings, gun battles, and assassinations in the North Caucasus; *Human Rights Watch* reports that such killings increased in 2009.⁷⁵

The *USDOS* states that for the year 2009,

“The NGO Memorial reported that, during the year, 30 civilians were killed in Chechnya, 14 civilians were killed in Dagestan, and 158 civilians were killed in Ingushetiya. Rebels engaged in many killings of government officials in the North Caucasus. Memorial noted that 342 law enforcement officers lost their lives during the year, and the Council of Europe stated that 142 members of the security forces were killed and 280 injured during the three summer months of 2009, the highest level of losses among the police and the army in four years. On September 29, Interior Minister Rashid Nurgaliyev reported that, in the first nine months of the year, 270 insurgents had been killed and 450 arrested in the North Caucasus. According to Dagestan’s president, Mukhu Aliyev, 150 insurgents, including five foreigners, were killed in the republic, and 29 were detained. According to the Internet-based news portal *Caucasian Knot*, as a result of armed clashes and special operations, 177 suspected militants were killed, 213 were detained, and 16 surrendered in Chechnya. In Ingushetiya, 129 suspected militants were killed and 34 were detained.”⁷⁶

Caucasian Knot, a Russian NGO providing regional news, reports that in 2009, 892 persons were killed and 172 terrorist acts were committed in the North Caucasus.⁷⁷ It further reports:

“From the start of 2010, the Northern Caucasus saw 10 attacks committed by 12 suicide bombers, in which 49 persons were lost, apart from the bombers, and 308 persons more suffered. Two more such terror acts, according to law enforcers, were prevented.”⁷⁸

Human Rights Watch reports that in the North Caucasus in 2009,

⁷³ Freedom House, World Report 2010, Russia, <http://www.freedomhouse.org/template.cfm?page=363&year=2010&country=7904>, accessed 20 September 2010; Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010; Amnesty International, Annual Report 2010, Russian Federation, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010

⁷⁴ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

⁷⁵ Freedom House, World Report 2010, Russia, <http://www.freedomhouse.org/template.cfm?page=363&year=2010&country=7904>, accessed 20 September 2010. Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

⁷⁶ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁷⁷ *Caucasian Knot*, Terror acts in Moscow are this year's second use of suicide bombers and the 16th in 2009-2010, 29 March 2010, <http://www.eng.kavkaz-uzel.ru/articles/12948/>, accessed 20 October 2010

⁷⁸ *Caucasian Knot*, Twelve suicide explosions in 10 months in Northern Caucasus, 20 October 2010, <http://www.eng.kavkaz-uzel.ru/articles/14899/>, accessed 23 October 2010

“Counterterrorism operations continue to involve grave human rights violations such as torture, enforced disappearances, and extrajudicial executions. Impunity for these abuses is rampant.”⁷⁹

Amnesty International states that in 2009,

“Unlawful killings, extrajudicial executions, excessive use of force, enforced disappearances, torture and other ill-treatment in custody, and arbitrary detention continued to be reported in Chechnya, Ingushetia and Dagestan. Armed groups killed government officials, and suicide bombers killed law enforcement officials and civilians. Victims of human rights abuses feared reprisals if they sought redress.”⁸⁰

The *USDOS* reports that government personnel, rebels, and criminal elements continued to engage in abductions in the North Caucasus in 2009, and that abductions were underreported because detainees’ relatives feared reprisals if they complained to the authorities.⁸¹

In October 2010 the *European Parliament* stated that there were “some 20 000 cases pending at the European Court of Human Rights from the Russian Federation, mainly from the North Caucasus region.”⁸²

In the preamble to a resolution on the human rights situation in the North Caucasus the *European Parliament* stated in October 2010,

“whereas the situation of human rights defenders in the North Caucasus region, particularly in the Chechen Republic, Ingushetia and Dagestan, is alarming; whereas independent journalists, civil society activists, lawyers and human rights defenders in the region have often been the victims of threats and acts of violence, harassment and intimidation and their activities have been restricted by members of law-enforcement bodies; whereas the perpetrators of human rights violations continue to enjoy impunity and the rule of law continues to be flouted; whereas the civilian population remains subject to violence from both armed opposition groups and law-enforcement bodies; whereas torture and ill-treatment and arbitrary detention are common; and whereas NGOs which are independent of national governments are important for the development of civil society.”⁸³

The *European Parliament* resolution expresses concern at an increasing number of disappearances of North Caucasus residents in other Russian regions,

“whereas a growing number of disappeared residents of the North Caucasus republics have apparently been abducted in other Russian regions; whereas the whereabouts of Ali Dzhaniev, Yusup Dobriev, Yunus Dobriev and Magomed Adzhiev have remained unknown since around midnight on 28 December 2009 in St. Petersburg, and whereas the whereabouts of five people, Zelimkhan Akhmetovich Chibiev, Magomed Khaybulaevich Israpilov, Dzhamal Ziyamidovich Magomedov, Akil Dzhavatkhonovich Abdullaev and Dovar Nazimovich Asadov, three of whom are North Caucasus residents, have remained

⁷⁹ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

⁸⁰ Amnesty International, Annual Report 2010, Russian Federation, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010

⁸¹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁸² The European Parliament, European Parliament resolution of 21 October 2010 on the situation of human rights in the North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov, 21 October 2010, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0390+0+DOC+XML+V0//EN&language=EN>, accessed 26 October 2010

⁸³ The European Parliament, European Parliament resolution of 21 October 2010 on the situation of human rights in the North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov, 21 October 2010, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0390+0+DOC+XML+V0//EN&language=EN>, accessed 26 October 2010

unknown since the night of 24-25 September 2010, when they went to the Historic Mosque in Moscow.”⁸⁴

According to the October 2010 *European Parliament* resolution thousands of people remain internally displaced, affecting access to jobs and services,

“whereas there are still some 80 000 internally displaced people in the North Caucasus more than 18 years after they were forced to flee their homes following a series of wars that broke out between Ingushetia and North Ossetia in 1992 and in Chechnya in 1994 and 1999; whereas these persons have difficulties in finding accommodation, in extending their residence permits, which limits their access to social services, in renewing internal passports and in obtaining ‘forced migrant’ status, which they need to gain access to jobs, social services and benefits.”⁸⁵

Legislation Online, part of the OSCE Office for Democratic Institutions and Human Rights, reports that,

“The Law of the Russian Federation on Forcibly Displaced Persons of 1993 determines the legal status of forcibly displaced persons in the Russian Federation and sets out of their legal, economic and social guarantees and protection and the rights and interests of citizens of the Russian Federation and permanent residents who are forcibly displaced.”⁸⁶

In June 2009 the *Council of Europe Parliamentary Assembly* reported that the Russian Federation does

“not always fully comply with the Guiding Principles on Internal Displacement either in relation to the definition of IDPs or with regards to the durable solutions supported. In the Russian Federation, only 35.4 percent of IDPs (registered by UNHCR) have IDP status in accordance with the legislation, presumably due to a government policy to decrease the number of IDPs in order to reduce burden associated with assistance and also declare the end of the conflict and stabilisation. The status, however, provides little practical assistance to lead them to return or integration.”⁸⁷

In June 2009 the *Council of Europe Parliamentary Assembly* further stated that a lack of identification papers and permits has prevented IDPs from accessing adequate support and services,

“Durable solutions for IDPs continue to be hindered throughout the Russian Federation by the lack of adequate housing and employment opportunities as well as by limited and discriminatory access to services, benefits, pensions, documents and assistance. Much of it is due to the continued requirement of residence permit (“propiska”), internal passports or employment records, which the displaced are often not in the position to provide. Some 40,000 displaced pensioners are reportedly receiving only a minimum pension because no

⁸⁴ The European Parliament, European Parliament resolution of 21 October 2010 on the situation of human rights in the North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov, 21 October 2010, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0390+0+DOC+XML+V0//EN&language=EN>, accessed 26 October 2010

⁸⁵ The European Parliament, European Parliament resolution of 21 October 2010 on the situation of human rights in the North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov, 21 October 2010, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0390+0+DOC+XML+V0//EN&language=EN>, accessed 26 October 2010

⁸⁶ Legislation Online, Russian Federation: Internally Displaced Persons (IDPs), undated, <http://www.legislationonline.org/topics/country/7/topic/10/subtopic/45>, accessed 4 April 2011

⁸⁷ Council of Europe, Parliamentary Assembly, Europe's forgotten people: Protecting the human rights of long-term displaced persons, 8 June 2009, <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc09/EDOC11942.htm>, accessed 4 April 2011

mechanism has been put in place to address the issue of workbooks lost during flight and burned archives.”⁸⁸

The October 2010 *European Parliament* resolution,

“Urges the Russian federal authorities to ensure that long-term solutions for internally displaced persons (IDPs) are translated into action; calls for enhanced national government action to support the UNHCR operations to continue housing programmes for IDPs and to facilitate measures to improve IDPs’ access to services and benefits; stresses that ongoing monitoring of IDPs is needed to ensure that their rights are not further violated; urges the Russian Government to formally recognise the concept of IDPs and to adapt its legislation accordingly.”⁸⁹

In August 2010 *Ria Novosti* reported that President Medvedev ordered the clearance of all mines in the republic of Chechnya,

“Russia fought two wars against separatists in Chechnya in the 1990s and early 2000s and some 14,000 hectares of the republic’s territory remain mined to this day.

Medvedev raised the issue of the mine clearance process during his meeting with Chechen President Ramzan Kadyrov.

[]

Kadyrov said peaceful citizens were still being killed far too often from mine explosions across the republic.

In November last year law enforcement officers defused eight booby-trap mines on the border between Chechnya and the volatile republic of Dagestan.”⁹⁰

The Institute for War and Peace Reporting (IWPR) and *Radio Free Europe/Radio Liberty* reported in 2005 that large parts of Chechnya are contaminated with oil and radiation pollutants which impact on the quality of land water and air and may affect health.⁹¹

a. Chechen Republic

In a November 2008 national report submitted to the United Nations General Assembly (Universal Periodic Review) the *Russian Federation* reported that,

“There has been a substantial improvement in the observance of fundamental human rights in the Chechen Republic, in particular the rights to life and to personal inviolability.

[] State bodies and law enforcement agencies, together with Chechen civil society, are actively working to prevent abductions and unauthorized incursions into citizens’ homes.

⁸⁸ Council of Europe, Parliamentary Assembly, *Europe’s forgotten people: Protecting the human rights of long-term displaced persons*, 8 June 2009, <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc09/EDOC11942.htm>, accessed 4 April 2011

⁸⁹ The European Parliament, *European Parliament resolution of 21 October 2010 on the situation of human rights in the North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov*, 21 October 2010, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0390+0+DOC+XML+V0//EN&language=EN>, accessed 26 October 2010

⁹⁰ *Ria Novosti*, *Russia’s Medvedev orders total mine clearance in Chechnya*, 17 August 2010, <http://en.rian.ru/russia/20100817/160235389.html>, accessed 4 April 2010

⁹¹ IWPR, *Chechnya ecological woes*, 21 February 2005, <http://iwpr.net/report-news/chechnya-ecological-woes>, accessed 4 April 2011; *Radio Free Europe*, *Concerns over radioactive pollution in Chechnya*, 16 December 2005, <http://www.rferl.org/content/article/1063928.html>, accessed 4 April 2011

[] In February 2006, the Chechen parliament named an Ombudsperson for human rights in the Chechen Republic who operates in accordance with the republic's laws.

[] Following a number of rulings by the European Court of Human Rights on complaints lodged against the Russian Federation by citizens who suffered as a result of the settlement of the crisis in the Chechen Republic, the Russian authorities have taken comprehensive steps (both general and individual) to comply with those rulings."⁹²

In July 2010 *Amnesty International* stated that they continued to receive reports of human rights violations,

"While the so-called counter-terrorism operation in Chechnya was declared to be over in April 2009, Amnesty International continues to document grave human rights abuses in the region committed by state and non-state actors, including enforced disappearances, abductions, acts of torture, including rape, and extrajudicial executions and the targeting of civilians by armed groups. The region is also characterized by an almost complete impunity for human rights violation, coupled with reprisals against those who seek justice for the human rights violations they have been subjected to, including before the European Court of Human Rights. Lawyers, human rights defenders and journalists who have spoken out against human rights abuses and against impunity have also faced persecution. Today, there is an increasing fear and reluctance of victims of human rights violations and their families to seek justice or even to report violations. Women have been both the direct and indirect victims in the armed conflict in Chechnya and its aftermath and have suffered abuses of their rights by military and law enforcement officials as well as by non-state actors. In the overwhelming majority of such cases no one has been brought to justice."⁹³

According to *Human Rights Watch*, a pattern of collective punishment against persons suspected of links with rebel groups, which started in June 2008, continued into 2009, with at least 30 cases of homes deliberately burned, "apparently by Chechen law enforcement personnel."⁹⁴ *Human Rights Watch* further states that Chechen President Kadyrov publicly stated that relatives of insurgents "should expect to be punished unless they convince their relatives among the insurgents to surrender."⁹⁵

The *USDOS* and *Human Rights Watch* report that relatives of suspected rebels have been kidnapped and threatened.⁹⁶

The *USDOS* reports that on 19 June 2009, Maskhud Abdullayev, the 22-year-old son of Chechen rebel leader Supyan Abdullayev, disappeared in Moscow after his deportation from Egypt by the Egyptian authorities.⁹⁷

Human Rights Watch reports that the father of a suspected rebel fighter was kidnapped and interrogated about his son,

"[...] on April 12 this year [2010], Khizir Chichkanov (born 1963) was thrown into a car by unknown servicemen in the town of Sernovodsk. Chichkhanov's kidnappers put a bag over his head and drove him to a forest where prior to releasing him they interrogated him for

⁹² United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

⁹³ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

⁹⁴ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

⁹⁵ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

⁹⁶ Human Rights Watch, Human Rights in Russia Hearing, 6 May 2010, <http://www.hrw.org/en/news/2010/05/06/human-rights-russia-hearing-may-6-2010>, accessed 15 September 2010; US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁹⁷ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

several hours asking questions about his son, an alleged rebel fighter. They demanded that he make his son surrender and threatened him with severe repercussions if he failed to do so.”⁹⁸

Freedom House reports that in 2009 Chechen President Ramzan Kadyrov’s success in suppressing rebel activity has been accompanied by numerous reports of extrajudicial killings and collective punishment.⁹⁹

In 2009 *Freedom House* stated in its report on The World’s Most Repressive Societies that Chechnya was ‘not free’ with regard to political rights and civil liberties.¹⁰⁰

The *USDOS* reports that between the April 2009 government announcement of an end to counter-terror operations, and November 2009, 147 persons, including 31 civilians, 49 law enforcement officers, and 67 militants were killed in Chechnya.¹⁰¹

Caucasian Knot, stated on 4 August 2010 that,

“From the start of this year, the law enforcement bodies of the Chechen Republic have liquidated 51 militants; and 128 suspected members of the armed underground and their helpers were detained. These figures were announced on August 3 at the meeting in Grozny of President of Chechnya with the leaders of the Ministry of Internal Affairs (MIA) of the republic. Local observers believe that the figures presented by power agents can be overestimated”.¹⁰²

The *USDOS* further reports that in 2009, federal security forces and insurgents continued to use antipersonnel mines in Chechnya.¹⁰³ The *Jamestown Foundation*, a US organisation which documents terrorism in the world, reports that on 9 August 2010, two workers cleaning a building in Grozny’s Staropormyslovsky district were killed when a mine detonated; the *Jamestown Foundation* states that official statistics put the number of civilians killed by accidental explosions of munitions during the two military campaigns in Chechnya at more than 700.¹⁰⁴

According to the *USDOS*, on 26 July 2009, a suicide bomber killed six persons, including four police officers and wounded 10 others at a concert hall in Grozny.¹⁰⁵ The *Jamestown Foundation* states that on 29 August 2010, Chechen President Kadyrov’s home village Tsentoroi was attacked by insurgents, resulting in an unknown number of casualties.¹⁰⁶

According to the *USDOS*, the Memorial Human Rights Center, a Russian NGO which monitors human rights violations in Russia and the North Caucasus, reported that in 2009, there were 90 kidnappings in Chechnya.¹⁰⁷

⁹⁸ Human Rights Watch, Human Rights in Russia Hearing, 6 May 2010, <http://www.hrw.org/en/news/2010/05/06/human-rights-russia-hearing-may-6-2010>, accessed 15 September 2010

⁹⁹ Freedom House, World Report 2010, Russia, 2010, <http://www.freedomhouse.org/template.cfm?page=363&year=2010&country=7904>, accessed 20 September 2010

¹⁰⁰ Freedom House, Worst of the Worst; The World’s Most Repressive Societies, 2009, <http://www.freedomhouse.org/uploads/WoW09/WOW%202009.pdf>, accessed 4 April 2011

¹⁰¹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁰² Caucasian Knot, Chechen MIA: 51 militants liquidated this year, 4 August 2010, <http://www.eng.kavkaz-uzel.ru/articles/14047/>, accessed 15 September 2010

¹⁰³ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁰⁴ Jamestown Foundation, Insurgency-Related Violence Reported Across the North Caucasus, 13 August 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36751&tx_ttnews%5BbackPid%5D=423&no_cache=1, accessed 15 September 2010

¹⁰⁵ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁰⁶ Jamestown Foundation, Attack on Kadyrov’s Home Village Damages Chechnya’s Image of Stability, 16 September 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36873&tx_ttnews%5BbackPid%5D=423&no_cache=1, accessed 21 September 2010

¹⁰⁷ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

Human Rights Watch reports that during the summer of 2009 three civil society activists were abducted and killed in Chechnya.¹⁰⁸ According to *Human Rights Watch* and *Amnesty International*, on 15 July, leading human rights defender Natalia Estemirova, from the Memorial Human Rights Center, who investigated abuses by Chechen law enforcement and security agencies, was abducted in Grozny, the Chechen capital and her body was found later the same day. On 10 August, Zarema Sadulayeva and her husband Alik Dzhabrailov, from the humanitarian organization Save the Generation, were abducted from their office in Grozny and found murdered the following day.¹⁰⁹

Human Rights Watch states,

“Local law enforcement and security personnel are implicated in the abduction and murder of Sadulayeva and Dzhabrailov, and their involvement in Estemirova's murder cannot be excluded.”¹¹⁰

The *USDOS* reports that Natalia Estemirova had received a direct threat from Chechen president Kadyrov.¹¹¹

In April 2010 Russian human rights NGO *Memorial Human Rights Center (Memorial)* reported that on 31 October 2009 a staff member of the Danish Refugee Council was abducted,

“Zarema Gaysanova, member of the Dutch Refugee council, was taken by the unknown police officers of the Chechen Republic from her own house during the special operation on October 31, 2009. According to official information Ramzan Kadyrov headed the operation. After that Zarema Gaysanova disappeared.”¹¹²

Amnesty International states that on 31 October 2009, “aid worker Zarema Gaisanova was taken from her home in Grozny. Prosecutors told her mother that she was alive but that they did not have access to her. Chechen TV reported that Chechen President Ramzan Kadyrov had led an operation targeting fighters in a neighbour's home.”¹¹³

Memorial report that Gaysanova's case was brought before the European Court of Human Rights and state that investigation of the case has been subject to interference from the Chechen Ministry of Internal Affairs and officers of the Investigative Committee of the Russian Public Prosecutor's office,

“Gaysanova's mother applied to the European Court of Human Rights. The Court requested from the Russian government the materials of the criminal case. HRC *Memorial* which represents the applicant got access to these materials. Having become familiar with them, we can state that the investigation of the case is being sabotaged by the bodies of the Chechen Ministry of Internal Affairs and by the officers of the Investigative Committee under the Russian Public Prosecutor's office, as well. There are obvious marks of forgery in some of the documents.”¹¹⁴

¹⁰⁸ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

¹⁰⁹ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010; Amnesty International, Annual Report 2010, Russian Federation, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010

¹¹⁰ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

¹¹¹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹¹² Memorial, HRC Memorial has got access to the materials of the case of the Zarema Gaysanova's abduction: sabotage and falsification are obvious, 16 April 2010, <http://www.memo.ru/eng/news/2010/04/19/1904101.htm>, accessed 4 April 2011

¹¹³ Amnesty International, Annual Report 2010, Russian Federation, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010

¹¹⁴ Memorial, HRC Memorial has got access to the materials of the case of the Zarema Gaysanova's abduction: sabotage and falsification are obvious, 16 April 2010, <http://www.memo.ru/eng/news/2010/04/19/1904101.htm>, accessed 4 April 2011

According to *Human Rights Watch*, on 7 February 2010, three members of the Joint Mobile Group of Russian Non Governmental Organizations, a coalition established after the killing of Natalia Estemirova, were detained by police, held in custody overnight and interrogated in Shali, a town in southern Chechnya; *Human Rights Watch* states that the head of Shali police, Magomed Daudov, reportedly personally arranged the detention, that their video recorder and dictaphone were damaged and information deleted from them.¹¹⁵

Amnesty International reports that “[f]amilies of internally displaced people faced eviction from temporary accommodation without adequate alternative housing or compensation.”¹¹⁶

The *USDOS* reports that security forces in Chechnya are alleged to maintain secret prisons in Tsentoroi, Gudermes, and other locations, including in the federal Ministry of Internal Affairs' Second Operational Investigative Bureau offices in Grozny, and that the authorities refuse access to detainees by the International Committee of the Red Cross.¹¹⁷

Human Rights Watch reports that the European Court of Human Rights (ECHR) has held Russia responsible for serious human rights violations in Chechnya in more than 100 rulings, following which Russia paid compensation and legal fees but failed to ensure effective investigations, hold perpetrators accountable, or implement policy and legal reforms to prevent further violations from reoccurring.¹¹⁸ According to *Amnesty International*, those submitting cases to the ECHR “faced intimidation and harassment.”¹¹⁹

Ria Novosti and the *BBC* report that on 19 October 2010 6 people were killed and 17 injured when a group of militants stormed the parliament in Grozny.¹²⁰ *Ria Novosti* report that the dead include two police officers and a parliamentary administrative manager.¹²¹

On 21 October 2010 the *European Parliament* issued a resolution on the human rights situation in the North Caucasus stating that,

“whereas there is a generalised climate of fear in Chechnya, notwithstanding the undeniable successes in the area of reconstruction and the distinct improvement in the region's infrastructure; whereas the human rights situation and the functioning of the justice system and democratic institutions continue to give cause for the gravest concern.”¹²²

b. Dagestan

According to *Human Rights Watch*,

“[i]n Dagestan, the number of abductions, extra-judicial executions, and enforced disappearances in connection with counter-insurgency operations has been on the rise

¹¹⁵ Human Rights Watch, Human Rights in Russia Hearing, 6 May 2010, <http://www.hrw.org/en/news/2010/05/06/human-rights-russia-hearing-may-6-2010>

¹¹⁶ Amnesty International, Annual Report 2010, Russian Federation, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010

¹¹⁷ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹¹⁸ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

¹¹⁹ Amnesty International, Annual Report 2010, Russian Federation, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010

¹¹⁹ Freedom House, World Report 2010, Russia, <http://www.freedomhouse.org/template.cfm?page=363&year=2010&country=7904>, accessed 20 September

¹²⁰ *Ria Novosti*, Six dead in attack on chechen parliament – Kadyrov, 19 October 2010, <http://en.rian.ru/russia/20101019/161008196.html>, accessed 26 October 2010. *BBC*, Attacks on Chechen parliament leaves six dead, 19 October 2010, <http://www.bbc.co.uk/news/world-europe-11571673>, accessed 26 October 2010

¹²¹ *Ria Novosti*, Six dead in attack on chechen parliament – Kadyrov, 19 October 2010, <http://en.rian.ru/russia/20101019/161008196.html>, accessed 26 October 2010

¹²² The European Parliament, European Parliament resolution of 21 October 2010 on the situation of human rights in the North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov, 21 October 2010, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0390+0+DOC+XML+V0//EN&language=EN>, accessed 26 October 2010

since 2009. Often the targets of these operations are Salafis, individuals who are strictly observant Muslims.”¹²³

Memorial report that on 5 June 2009, Adilgerey Magomedtagirov, the Minister of Interior of Dagestan since 1998, was killed in Makhachkala, the capital of the republic.¹²⁴ According to *Memorial*, there are two theories as to who is responsible for his killing,

“in the aftermath of the assassination two leads were equally seriously considered by the investigators. According to one, the assassination was orchestrated by the fundamentalist Islamist underground. The second opinion linked the assassination to the struggle between various clans for power in the republic.”¹²⁵

Memorial further reports that clans and criminal groups pose a threat to security in Dagestan,

“we believe that a still greater threat to the security in Dagestan are the widespread clan mentality and the power struggle between clans and criminal groups. They represent, however, not some kind of chaotic criminal groups, criminal clans penetrate all levels of authority, law enforcement and security agencies. The status of an individual in the society is largely determined by his or her connections with those in power. This system gives rise to the scale of corruption which can be regarded as unprecedented even for the North Caucasus. It deprives the republic’s citizens of all hope for a dignified life, also sowing discord and tension among the ethnic groups populating it. Another inevitable consequence of such situation are political assassinations.”¹²⁶

According to the *USDOS*, the Russian NGO MASHR reported 31 disappearances in Dagestan in 2009.¹²⁷

Human Rights Watch reports that in 2009 at least 18 persons were abducted in Dagestan, and that the bodies of 11 of them bore marks of shotguns or wounds indicating violence, three were released or escaped, and four were still missing.¹²⁸

With reference to these 18 individuals *Human Rights Watch* states that,

“In some cases, the individuals’ Islamic practices made them vulnerable to being branded “extremists” by the authorities, and in others the authorities suspected them of some connection with the insurgency.”¹²⁹

Amnesty International states,

“In August [2009] Artur Butaev, Islam Askerov and Arsen Butaev were abducted and allegedly beaten and illtreated while being interrogated in an unknown building. Islam Askerov and Arsen Butaev managed to escape and went into hiding. Three days later the remains of Artur Butaev and two other men, Gadzhi Gudaliev and Amiraslan Islamov, were found in a burned-out car near Makhachkala.”¹³⁰

¹²³ Human Rights Watch, Human Rights in Russia Hearing, 6 May 2010, <http://www.hrw.org/en/news/2010/05/06/human-rights-russia-hearing-may-6-2010>

¹²⁴ Memorial, Bulletin, Situation in the North Caucasus conflict zone: analysis from the human rights perspective, Spring 2009, <http://www.memo.ru/eng/news/2009/10/08/0810095.doc>, accessed 19 September 2010

¹²⁵ Memorial, Bulletin, Situation in the North Caucasus conflict zone: analysis from the human rights perspective, Spring 2009, <http://www.memo.ru/eng/news/2009/10/08/0810095.doc>, accessed 19 September 2010

¹²⁶ Memorial, Bulletin, Situation in the North Caucasus conflict zone: analysis from the human rights perspective, Spring 2009, <http://www.memo.ru/eng/news/2009/10/08/0810095.doc>, accessed 19 September 2010

¹²⁷ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹²⁸ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

¹²⁹ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

¹³⁰ Amnesty International, Annual Report 2010, Russian Federation, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010

The *USDOS* states that on 26 August 2009, riot police broke up a demonstration of about 100 persons protesting at abductions by law enforcement officials in Makhachkala, the capital of Dagestan, and beat and detained several protesters.¹³¹

Memorial reports that the Dagestani authorities announced on 11 September 2009 the killings of four persons in skirmishes with the security forces; *Memorial* states that the four persons had been abducted and disappeared days earlier.¹³²

Human Rights Watch states that during the last week of 2009, it

“documented the abduction and disappearance of Magomed Rashidov from the village of Gubden, which is known as home to a large community of strict Muslims. Rashidov was dragged from bed at night and thrown into a car by unknown armed personnel. His mother, Umukusum, tried to intervene with the kidnappers and was hit in the face. Rashidov's two sisters and his sister in law were also ill-treated by the servicemen, who stole some of the family's gold and jewelry. Though Magomed's father, Andurashid Rashidov, immediately informed the police authorities of his son's abduction and described the perpetrators' vehicle, the family is not aware of any tangible efforts to stop the car. To date, Magomed Rashidov's fate and whereabouts remain unknown.”¹³³

The *USDOS* reports the announcement of a counterterrorist campaign in Dagestan in August 2009, after an attack on the central police barracks in Nazran.¹³⁴

According to the *Jamestown Foundation*, the participation of young people in suicide bombings shows “the weakness of regional authorities, whose appeal to young people is much lower than that of the rebels.”¹³⁵

The *USDOS* reports allegations by human rights groups that “death squads had formed in Dagestan, abducting and torturing persons, especially young men, regardless of whether they had engaged in any threatening activity, and holding them in extralegal detention centers”, and that the local authorities created them.¹³⁶

According to *Human Rights Watch* and *Amnesty International*, human rights activists and independent journalists are targeted for killing and intimidation in Dagestan.¹³⁷

Human Rights Watch reports that Nariman Mamedyarov, who had been abducted, detained and tortured by the local authorities a year before, was abducted again in September 2009 and found shot dead.¹³⁸ According to *Human Rights Watch* the authorities claimed that he died in fighting

¹³¹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹³² *Memorial*, Dagestan: After Disappearances, Only Death, 2 October 2009, <http://www.memo.ru/eng/news/2009/10/08/0810096.htm>, accessed 20 September 2010

¹³³ Human Rights Watch, Human Rights in Russia Hearing, 6 May 2010, <http://www.hrw.org/en/news/2010/05/06/human-rights-russia-hearing-may-6-2010>, accessed 16 September 2010

¹³⁴ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹³⁵ *Jamestown Foundation*, Suicide Bombers Further Destabilize Dagestan, 10 September 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36807&tx_ttnews%5BbackPid%5D=24&cHash=8081539892, accessed 15 September 2010

¹³⁶ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹³⁷ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010; Amnesty International, Annual Report 2010, Russian Federation, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010

¹³⁸ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

with law enforcement officials.¹³⁹ On 11 August 2009, Abdumalik Akhmedilov, a newspaper editor critical of law enforcement officials' political repression, was found shot dead in his car.¹⁴⁰

Human Rights Watch reports that on 20 August 2009, the office of the Mothers of Dagestan for Human Rights (MDHR), an independent organisation that documents abusive counterterrorism practices, was burned in an arson attack.¹⁴¹

Amnesty International states in its annual report for the year 2009 that,

"The office of the NGO Mothers of Dagestan for Human Rights was destroyed in a suspected arson attack in August. In the same month leaflets were distributed in Makhachkala, Dagestan's capital, calling for a blood feud against Svetlana Isaeva and Gulnara Rustamova, members of the NGO, and against other Dagestani human rights activists and journalists. They were accused of being members of illegal armed groups. The criminal investigation into the threats, opened in October, was ineffective. No measures were taken by the authorities to protect members of the NGO."¹⁴²

Human Rights Watch further reports that on 17 June 2010, female human rights lawyer Sapiyat Magomedova was beaten up by police officers at the Khasavyurt police department as she was seeking access to a detainee; the beating left her unconscious.¹⁴³

The *Jamestown Foundation* reports on 13 August 2010 that, according to statistics by the Russian media, since the start of 2010 armed groups and militants in Dagestan have killed 82 law-enforcement officers and injured 131; 60 militants were killed and 66 militants and suspected militants were detained; and 11 civilians were killed and 57 injured in violence.¹⁴⁴

According to *Human Rights Watch*, the year 2010 has so far been marked by new insurgency attacks and new abductions in Dagestan; it reports two explosions in the town of Kizlyar, which killed 11 people and injured dozens on 31 March 2010.¹⁴⁵

Caucasian Knot reports several suicide attacks in Dagestan in 2010; it states that,

"In the morning on January 6, in Makhachkala, the capital of Dagestan, a suicide bomber in a car tried to ram the gate of city GIBDD (Russian analogue of the STSI - State Traffic Safety Inspectorate) battalion, where at that moment militiamen lined up in the yard before going to service. But at the last moment, just before entering the yard, the bomber was stopped by a special fire group. Militiamen crushed his car with their own van and blew up together with him. The blast killed five militiamen; one more was heavily wounded and later died at the Republic's orthopaedic and traumatology centre. 19 more persons, including civilians, were injured.

In the morning on March 31, in Kizlyar (Dagestan) a twin terror act was committed. The first explosion was triggered on the route of a militia patrol car; the second one was triggered 20 minutes later and was aimed against the militiamen and medics who had arrived to the

¹³⁹ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

¹⁴⁰ Amnesty International, Annual Report 2010, Russian Federation, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010; Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

¹⁴¹ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

¹⁴² Amnesty International, Annual Report 2010, Russian Federation, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010

¹⁴³ Human Rights Watch, Russia: Investigate Beating of Human Rights Lawyer, 21 June 2010, <http://www.hrw.org/en/news/2010/06/21/russia-investigate-beating-human-rights-lawyer>, accessed 16 September 2010

¹⁴⁴ Jamestown Foundation, Violence Reported Across the North Caucasus, 13 August 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36756&tx_ttnews%5BbackPid%5D=423&no_cache=1, accessed 15 September 2010

¹⁴⁵ Human Rights Watch, Human Rights in Russia Hearing, 6 May 2010, <http://www.hrw.org/en/news/2010/05/06/human-rights-russia-hearing-may-6-2010>, accessed 16 September 2010

venue of the first incident. In total 12 persons were killed, and 27 more were injured. Both explosions were committed by suicide bombers. Inspectors believe that a local resident named Daud Dzhabrailov was one of the terrorists. [...]

On April 29, according to the MIA of Dagestan, a suicide bomber in a car committed a self-blast near a militia post in the Kazbek District of the republic. The blast killed two persons, and seven were injured. Later, the number of victims went up to 17.¹⁴⁶

The *Jamestown Foundation* reports in July 2010 that the security situation is deteriorating in Dagestan due to actions by both rebel groups and the Russian security forces

“All across Dagestan, leaflets are being disseminated warning shop owners that if they keep selling alcohol they face imminent retribution by the republic’s militants. This kind of ideological pressure is encouraged by a majority of Dagestan’s population. But it also has its reverse side –the rebels are seeking to be viewed as a force capable of striking at any time and in any situation. That means that their authority is becoming so influential in the eyes of the local population that it is starting to deeply irritate Russian authorities. Fighting against alcohol is part of the activities of Islamist jamaats not only in Dagestan but in adjacent territories as well, and it is considered another form of protest and rebellion against Moscow. [...]

The Russian authorities have claimed that everyone liquidated in Dagestan recently “was linked to the Moscow terrorist acts.” Through these pronouncements the government is trying to amplify the significance of its special operations in Dagestan. The truth, however, is that none of the individuals killed in the special operations had, or could have, any relation to the Moscow blasts, simply because those terrorist acts were committed by people who could move across Russia freely and did not have to hide in the forest as fugitives.”¹⁴⁷

According to the *Jamestown Foundation*, on 12 June 2010, one firefighter was killed and five persons wounded in a bomb blast in Kaspiisk; on 13 June, two policemen were killed and another wounded in Derbent at a police checkpoint, a policeman was killed and two passersby wounded in the city of Khasavyurt when an unidentified attacker opened fire, and three people were wounded by a hand grenade thrown into a grocery store in Makhachkala; on 15 June, a policeman was killed in Makhachkala; on 16 June four policemen and six militants were killed in a shootout in the village of Staryi Kostek in Khasavyurt district, four militants were killed in a shootout with Russian security forces outside Derbent town, and the head of an employment centre was shot and killed in Kizilyurt; and on 18 June 2010, a captain of a military unit was killed by unidentified attackers firing automatic weapons.¹⁴⁸

The *Jamestown Foundation* also reports that August 2010 was a particularly violent month in Dagestan: on 1 August, a senior investigator with the investigation department of Dagestan’s interior ministry was shot dead in his apartment in Makhachkala; On 2 August, Magomed Salamov, a campaigner against religious extremism was shot and killed in an ambush outside a cemetery on the outskirts of Gubden; on 3 August, two members of the Russian interior ministry’s mobile detachment were shot and killed in an attack in Khasavyurt and the deputy head of the district branch of the interior ministry’s anti-extremism centre was killed in Kizlyar;¹⁴⁹ on 6 August, six policemen were wounded in an attack on a police post by gunmen; on 11 August, the former head

¹⁴⁶ Caucasian Knot, Twelve suicide explosions in 10 months in Northern Caucasus, 20 October 2010, <http://www.eng.kavkaz-uzel.ru/articles/14899/>, accessed 23 October 2010

¹⁴⁷ Jamestown Foundation, Dagestan’s Security Situation is Becoming Hopeless, 7 July 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36587&tx_ttnews%5BbackPid%5D=423&no_cache=1, accessed 16 September 2010

¹⁴⁸ Jamestown Foundation, No Let-Up in Attacks in Dagestan and Kabardino-Balkaria, 6 July 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36573&tx_ttnews%5BbackPid%5D=423&no_cache=1, accessed 16 September 2010

¹⁴⁹ Jamestown Foundation, Violence Reported Across the North Caucasus, 13 August 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36756&tx_ttnews%5BbackPid%5D=423&no_cache=1, accessed 15 September 2010

of the Islamic education department of Dagestan's Spiritual Board of Muslims was shot and killed; on 12 August, the imam of a local mosque in Khuchada, his wife and children were killed in an arson attack.¹⁵⁰ Insecurity continued with the killing on 21 August of the leader of the armed group Sharia Jamaat, Emir Seyfullah, by Russian special operation forces; the attempted killing of Bekmurza Bekmurzaev, Dagestan's minister for ethnic policy, information and external relations; a suicide bombing on 5 September 2010 on a military base near Buinaksk, which killed five soldiers and injured 39; the bombing of a freight train on 6 September, resulting in the derailment of six cars; the bombing of a car and an explosion at the Irganaisk hydroelectric power plant.¹⁵¹

The *Jamestown Foundation* also reports an incident in Dagestan which may be linked to a blood feud: on 30 August 2010, three people were killed and five others hospitalized in a fight between residents of the villages of Gergebil and Kikuni in Gergebilsky district, involving some 200 persons on each side.¹⁵²

c. Ingushetia

Human Rights Watch reports that rebel groups' attacks on civilians, public officials and members of the security forces increased in summer 2009 in Ingushetia, and that government forces continue to commit extrajudicial executions, abductions and unlawful detentions and torture during counterinsurgency operations.¹⁵³

According to the *USDOS*, the Russian human rights organisation MASHR reported 234 disappearances in Ingushetiya in 2009.¹⁵⁴

The *USDOS* further reports that in July 2009, men wearing camouflage uniforms and carrying machine guns, and stating that they were police officers, abducted 26-year-old Batyr Albakov from his home in Ingushetiya near the Chechen border; days later, the police reported that Albakov had been killed "in a shootout with authorities."¹⁵⁵ *USDOS* reports that when Albakov's body was returned to his family it showed signs of torture.¹⁵⁶

According to *Amnesty International*, armed groups indiscriminately killed civilians in 2009, including suicide attacks, and traders were reported to be shot by members of armed groups for selling alcohol.¹⁵⁷ The Russian NGO MASHR reported that 304 individuals were killed in Ingushetia in 2009; those killed included civilians, members of the security forces, insurgents and suspected insurgents.¹⁵⁸

¹⁵⁰ Jamestown Foundation, *Insurgency-Related Violence Reported Across the North Caucasus*, 13 August 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36751&tx_ttnews%5BbackPid%5D=423&no_cache=1, accessed 15 September 2010

¹⁵¹ Jamestown Foundation, *Suicide Bombers Further Destabilize Dagestan*, 10 September 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36807&tx_ttnews%5BbackPid%5D=24&cHash=8081539892, accessed 15 September 2010

¹⁵² Jamestown Foundation, *Insurgency-Related Violence Reported Across the North Caucasus*, 13 August 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36751&tx_ttnews%5BbackPid%5D=423&no_cache=1, accessed 15 September 2010

¹⁵³ Human Rights Watch, *World Report 2010, Russia: Events of 2009*, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

¹⁵⁴ US Department of State, *2009 Country Report on Human Rights Practices: Russia*, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁵⁵ US Department of State, *2009 Country Report on Human Rights Practices: Russia*, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁵⁶ US Department of State, *2009 Country Report on Human Rights Practices: Russia*, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁵⁷ Amnesty International, *Annual Report 2010, Russian Federation*, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010

¹⁵⁸ MASHR, *The list of killed in 2009 on territory of Republic of Ingushetiya*, <http://www.eng.mashr.org/docs/killed-list2009.php>, accessed 21 October 2010

Freedom House states that some of the most notable violence in 2009 includes an assassination attempt which seriously injured Ingushetia's President in June and the murder of an Ingush opposition figure in October.¹⁵⁹

Human Rights Watch reports that President Yunus-Bek Yevkurov had committed to respect legal obligations during counterinsurgency operations, had held many meetings with local human rights defenders and relatives of victims of enforced disappearances and had created a human rights council.¹⁶⁰ *Amnesty International* states that the assassination attempt on the President, "seen as a moderating influence in the most unstable of the Russian Caucasian republics, raised fears about an escalation of violence."¹⁶¹

Human Rights Watch, *Amnesty International* and the *USDOS* further report that prominent opposition and human rights activist Maksharip Aushev, a former owner of the website Ingushetiya.org, was murdered in October 2009 as his car was sprayed with bullets by unknown attackers while he was travelling in neighbouring Kabardino-Balkaria.¹⁶² According to *Amnesty International*, in December 2009 his mother and brother-in-law were killed when their car, in which his widow and other relatives were also travelling, was blown up.¹⁶³ The *USDOS* reports that in December 2009 other members of his extended family went missing in St. Petersburg.¹⁶⁴ The *USDOS* also states that in August 2009, Rosa Malsagova, the owner and editor of the website Ingushetiya.org, left her job and sought political asylum in France with her three sons, claiming threats from Ingush militants.¹⁶⁵

Memorial reports that on 10 June 2009, Aza Gazgireyeva, the deputy chair of Ingushetia's Supreme Court, was shot dead in Nazran, while she was travelling in her official car.¹⁶⁶ The *USDOS* reports the killings on 10 July 2009 of Magomed Gadaborshev, head of the Ingush Republic's criminal investigation department and on 12 July of Isapil Ozdoeyev, head of a city-level Ministry of Internal Affairs department in Nazran, and that of construction minister Ruslan Amerkhanov on 12 August.¹⁶⁷

The *USDOS* further states that a suicide bomber killed 25 persons on 17 August 2009 and wounded 280, including 11 children, at an Ingush police station in a heavily populated part of Nazran; and that another suicide car bomb attack on 1 September 2009 in Makhachkala, killed one person and wounded 14 others, including civilians.¹⁶⁸

The *USDOS* reports that in mid-August 2009, 20 persons were killed in sporadic clashes between militants and authorities, including an attack in Buinaksk by gunmen on 13 August which killed four police officers in Dagestan, and seven women in a sauna.¹⁶⁹

Caucasian Knot reports the following suicide attacks in Ingushetia in 2010,

¹⁵⁹ Freedom House, World Report 2010, Russia, <http://www.freedomhouse.org/template.cfm?page=363&year=2010&country=7904>, accessed 20 September 2010

¹⁶⁰ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

¹⁶¹ Amnesty International, Annual Report 2010, Russian Federation, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010

¹⁶² Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010; US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010; Amnesty International, Annual Report 2010, Russian Federation, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010

¹⁶³ Amnesty International, Annual Report 2010, Russian Federation, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010

¹⁶⁴ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁶⁵ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁶⁶ Memorial, Bulletin, Situation in the North Caucasus conflict zone: analysis from the human rights perspective, Spring 2009, <http://www.memo.ru/eng/news/2009/10/08/0810095.doc>, accessed 19 September

¹⁶⁷ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁶⁸ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁶⁹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

"In the morning on April 5, two explosions happened in Ingushetia, in the city of Karabulak. As a result of the first one, when a suicide bomber blew himself up, two militiamen were lost; two more were wounded and hospitalized. The second bomb was triggered remotely; it was planted in a car parked near the GOVD (City Interior Department). The explosion wounded an employee of the prosecutor's office."¹⁷⁰

According to the *Jamestown Foundation*, the capture of the leader of the Ingush Jamaat, Emir Magas, also known as Ahmed Yevloev or Ali Taziev on 9 June 2010 by the Russian security forces is a rare blow to the activities of rebel groups in the North Caucasus.¹⁷¹ The *Jamestown Foundation* further reports that Magas is suspected of involvement in many crimes, including the assault on a school in Beslan in September 2004 in North Ossetia and the attempted assassination of Ingushetia's President, Yunus-bek Yevkurov in June 2009.¹⁷²

According to *Memorial*, blood feuds became a "grave and urgent problem" in Ingushetia, intertwined with relatives of terrorist suspects killed by the security forces wanting to take revenge. Ingushetia's President Yunus-Bek Yevkurov supported reconciliation efforts of local elders in blood feuds.¹⁷³

The *USDOS* states that throughout 2009, the security forces conducted "security sweeps and passport checks at temporary settlements in Ingushetiya housing internally displaced persons (IDPs) from Chechnya".¹⁷⁴

d. Karbadino-Balkaria

The *USDOS* reports that on 29 August 2009, following the death of three militants in a firefight outside Nalchik, a "temporary counterterrorist regime" in Kabardino-Balkaria was lifted.¹⁷⁵ The *USDOS* also reports that the republic of Kabardino-Balkaria formally prohibits Wahhabism.¹⁷⁶

Caucasian Knot reports in July 2010 that,

"In recent months, the situation in Kabardino-Balkaria has noticeably aggravated. By estimates of the "Caucasian Knot", only in the period from June 1 to July 20 at least 17 explosions and 8 bombardments of power agencies were committed in the territory of Kabardino-Balkaria, as a result of which 6 power agents were killed and 10 more were wounded. At the same time, MIA employees liquidated one militant and detained five more. Besides, less than during two months 13 explosives were neutralized. In the course of armed opposition in the republic two civilians were lost and five more were wounded."¹⁷⁷

The *Jamestown Foundation* states that,

¹⁷⁰ Caucasian Knot, Twelve suicide explosions in 10 months in Northern Caucasus, 20 October 2010, <http://www.eng.kavkaz-uzel.ru/articles/14899/>, accessed 23 October 2010

¹⁷¹ Jamestown Foundation, Moscow's Biggest Victory over the North Caucasus Rebels Since Fall 2000, 6 July 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36574&tx_ttnews%5BbackPid%5D=423&no_cache=1

¹⁷² Jamestown Foundation, Moscow's Biggest Victory over the North Caucasus Rebels Since Fall 2000, 6 July 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36574&tx_ttnews%5BbackPid%5D=423&no_cache=1

¹⁷³ Memorial, Bulletin, Situation in the North Caucasus conflict zone: analysis from the human rights perspective, Spring 2009, <http://www.memo.ru/eng/news/2009/10/08/0810095.doc>, accessed 19 September

¹⁷⁴ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁷⁵ US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010

¹⁷⁶ US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010

¹⁷⁷ Caucasian Knot, 17 explosions were triggered in Kabardino-Balkaria during 50 days, 21 July 2010, <http://www.eng.kavkaz-uzel.ru/articles/13909/>, accessed 23 October 2010

"Both the republic's president Arsen Kanokov and the Russian president's envoy to the North Caucasus, Aleksandr Khloponin, have explained the rapid destabilization that has hit Kabardino-Balkaria especially hard in 2010 due to an ongoing power struggle. Kanokov's first five-year presidential term is expiring in September 2010 and, according to him, some people are eager to show to the Kremlin that he is not in control of the situation in the republic. [...]

Valery Kardanov, a Kabardin businessman who made a fortune on oil supplies and headed the regional subsidiary of Rosneft, was seen as Kanokov's main rival. Kardanov allegedly supported hunger strikes by republican ethnic minority Balkars in Moscow and Yessentuki, where Khloponin has his headquarters, in July and August. But even the Balkar movement did not die out after Kanokov was reappointed. In fact, on August 31 Balkar representatives decided to call for a major rally by their people to proclaim secession from Kabardino-Balkaria and the establishment of a separate Balkar republic. [...]

Meanwhile, Kabardino-Balkaria is gradually replicating the vicious cycle of violence that has appeared in the other restive parts of the North Caucasus. The scope and magnitude of insurgent attacks is increasing as law enforcement officials react to the insurgency by behaving more brutally, with less reliance on the law. This in turn leads to a further downward spiral of violence as the affected parts of the population react to the pressure. In Kabardino-Balkaria, the number of complaints by local residents about unlawful actions by the police has increased."¹⁷⁸

Several sources report that the Ingush human rights activist Maksharip Aushev was killed in October 2009 in his car by unknown gunmen in Kabardino-Balkaria.¹⁷⁹ [See section B.1. Security Situation in North Caucasus, c. Ingushetia].

According to *Caucasian Knot*, on 1 May 2010, a bomb exploded at a hippodrome in Nalchik, injuring 21 persons, including Khachim Shogenov, ex-head of the Kabardino-Balkaria's Ministry of Internal Affairs.¹⁸⁰ The *Jamestown Foundation* reports that one person was killed in this attack.¹⁸¹

The *Jamestown Foundation* reports many security incidents in Kabardino-Balkaria in June 2010, including the following: on 11 June, a policeman was killed in Nalchik; on 14 June, two explosive devices went off in Nalchik but no one was injured, and the bodies of two men were discovered in a car; on 15 June, unidentified attackers shot and killed a police sergeant in the village of Verkhnyaya Zhentala in Cherkesk district, and a radio-controlled explosive device detonated in the garage of a Russian security officer in Nalchik.¹⁸²

According to the *Jamestown Foundation*, the re-appointment of the republic's president Arsen Kanokov in August 2010 has failed to improve security.¹⁸³ The *Jamestown Foundation* reports that on 6 August, unidentified gunmen shot two policemen in Kabardino-Balkaria's Baksan district.

¹⁷⁸ Jamestown Foundation, Security in Kabardino-Balkaria Fails to Improve After Reappointment of President, 16 September 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36867&tx_ttnews%5BbackPid%5D=423&no_cache=1, accessed 20 September 2010

¹⁷⁹ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010; US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010; Amnesty International, Annual Report 2010, Russian Federation, http://report2010.amnesty.org/sites/default/files/AIR2010_AZ_EN.pdf#page=216, accessed 26 August 2010

¹⁸⁰ Caucasian Knot, Explosion in Nalchik wounded over 20 persons, 1 May 2010, <http://www.eng.kavkaz-uzel.ru/articles/13337/>, accessed 23 October 2010

¹⁸¹ Jamestown Foundation, Nalchik bomb attack endangers the stability of Kabardino-Balkaria, 6 May 2010, [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=36351](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=36351), accessed 4 April 2011

¹⁸² Jamestown Foundation, No Let-Up in Attacks in Dagestan and Kabardino-Balkaria, 6 July 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36573&tx_ttnews%5BbackPid%5D=423&no_cache=1

¹⁸³ Jamestown Foundation, Security in Kabardino-Balkaria Fails to Improve After Reappointment of President, 16 September 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36867&tx_ttnews%5BbackPid%5D=423&no_cache=1, accessed 20 September 2010

Further on 10 August, the chief inspector of the Dagestani Interior Ministry's staff was killed in an attack on a group of tourists at a health resort in Kabardino-Balkaria.¹⁸⁴

e. North Ossetia-Alania

The *BBC* states that North Ossetia, one of the smallest regions of the Russian Federation, has been affected by a spillover of violence from neighbouring regions in the North Caucasus. The September 2004 attack and siege on a school in the town of Beslan, resulted in 330 people killed, more than half of them children.¹⁸⁵ The *BBC* reports that the authorities' response to the attack, blamed by the authorities on terrorists linked to Chechen separatists, but condemned by the then Chechen rebel leader, was not properly investigated according to campaign groups.¹⁸⁶

The *BBC* reports that North Ossetia was also affected by the 2008 conflict between Russian and Georgian forces in South Ossetia, a neighbouring region which declared independence from Georgia in 1991: thousands of South Ossetians fled to North Ossetia in the 1990s.¹⁸⁷

According to *Caucasian Knot*, a suicide bomber killed two militiamen and wounded three others on 17 August 2010 at a check point in the North-Ossetian-Ingush border.¹⁸⁸

The *Jamestown Foundation* reports that on 9 September 2010, a suicide bomber attacked the central market place in Vladikavkaz, the capital of North Ossetia, killing 17 people and injuring 173, and that "it is highly likely that the Ingush insurgency was behind the attack."¹⁸⁹

Radio Free Europe reports that on 25 September 2010, the Mayor Of Vladikavkaz, the capital of North Ossetia, was shot dead by a suspected sniper.¹⁹⁰

2. Security Situation in the rest of the Russian Federation

Freedom House reports that a bombing in a train between Moscow and St. Petersburg killed over 25 people in November 2009.¹⁹¹

On 29 March 2010 two female suicide bombers killed at least 40 and injured more than 100 people in the Moscow metro during rush hour; according to the UK newspaper *The Sunday Times*, the first blast occurred at the Lubyanka station, close to the Kremlin in central Moscow at around 8am, killing 24 people, and the second blast happened 40 minutes later at Park Kultury station, near Gorky Park, killing around 12 people.¹⁹²

Human Rights Watch reports that following the blast, some Russian newspapers started to publish the names of 22 Dagestani women they considered potential recruits for suicide bombings,

¹⁸⁴ Jamestown Foundation, Insurgency-Related Violence Reported Across the North Caucasus, 13 August 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36751&tx_ttnews%5BbackPid%5D=423&no_cache=1, accessed 15 September 2010

¹⁸⁵ BBC News, Country profile, Regions and territories: North Ossetia, 20 January 2010, http://news.bbc.co.uk/1/hi/world/europe/country_profiles/3621698.stm, accessed 28 August 2010

¹⁸⁶ BBC News, Country profile, Regions and territories: North Ossetia, 20 January 2010, http://news.bbc.co.uk/1/hi/world/europe/country_profiles/3621698.stm, accessed 28 August 2010

¹⁸⁷ BBC News, Country profile, Regions and territories: North Ossetia, 20 January 2010, http://news.bbc.co.uk/1/hi/world/europe/country_profiles/3621698.stm, accessed 28 August 2010

¹⁸⁸ Caucasian Knot, Suicide bomber kills two militiamen in North Ossetia, 17 August 2010, <http://www.eng.kavkaz-uzel.ru/articles/14145/>, accessed 23 October 2010

¹⁸⁹ Jamestown Foundation, Moscow's North Caucasus Modernization Plans Fall into Limbo Following Series of Suicide Bombings, 16 September 2010, http://www.jamestown.org/programs/ncw/single/?tx_ttnews%5Btt_news%5D=36869&tx_ttnews%5BbackPid%5D=423&no_cache=1, accessed 21 September 2010

¹⁹⁰ Radio Free Europe, Mayor Of North Ossetia's Vladikavkaz Shot Dead, 25 September 2010, http://www.rferl.org/content/Mayor_Of_North_Ossetias_Vladikavkaz_Shot_Death/1353141.html, accessed 25 September 2010

¹⁹¹ Freedom House, World Report 2010, Russia, <http://www.freedomhouse.org/template.cfm?page=363&year=2010&country=7904>, accessed 20 September 2010

¹⁹² The Sunday Times, Women suicide bombers 'kill 38' in Moscow Metro attacks, 29 March 2010, <http://www.timesonline.co.uk/tol/news/world/europe/article7079821.ece>, accessed 15 September 2010

including a human rights activist and the widow of a man tortured by the Russian security forces, and that some of these women were subsequently threatened.¹⁹³

Russian daily newspaper *The Moscow Times* reports that in Stavropol, a city which borders the North Caucasus, a bomb was detonated in front of a theatre hall on 26 May 2010, killing seven people, including a 12 year old girl, and injuring more than 40 others; the bomb exploded just before a concert and was apparently detonated by remote control.¹⁹⁴

According to the *Jamestown Foundation*,

“Several people were reportedly being investigated for possible involvement in the bombing, and the head of the Stavropol Krai branch of the Federal Security Service (FSB), Yevgeny Nazarov, said the perpetrators could have been either Islamic militants, Russian nationalists, or people involved in a business dispute between the owners of the Palace of Culture and a café next door. The Russian presidential envoy the North Caucasus Federal District, Aleksandr Khloponin, implied that the violence was related to a business conflict, stating yesterday that the North Caucasus was experiencing “redistributions of property under the guise of ethnic conflicts and terrorism”¹⁹⁵

¹⁹³ Human Rights Watch, *The Black Widows of Dagestan: Media Hype and Genuine Harm*, 18 June 2010,

<http://www.hrw.org/en/news/2010/06/18/black-widows-dagestan-media-hype-and-genuine-harm>, accessed 15 September 2010

¹⁹⁴ The Moscow Times, *Seven dead in Stavropol theatre bombing*, 27 May 2010, <http://www.mn.ru/russia/20100527/187845048.html>, accessed 15 September 2010

¹⁹⁵ The Jamestown Foundation, *Stavropol Bombing – A Case of Russian Nationalists Targeting Chechens?*, 28 May 2010, [http://www.jamestown.org/programs/edm/single/?tx_ttnews\[tt_news\]=36437&tx_ttnews\[backPid\]=27&cHash=ed32381c39](http://www.jamestown.org/programs/edm/single/?tx_ttnews[tt_news]=36437&tx_ttnews[backPid]=27&cHash=ed32381c39), accessed 4 October 2010

C. Security Services/Military Service

1. Security Services

a. Federal Security Service (FSB)

The *BBC* reports that the official focus of the Federal Security Service (FSB) is on fighting domestic terrorism, however the *BBC* further reports “critics believe it has been used to intimidate legal opposition to the Kremlin.”¹⁹⁶

In July 2010 news sources reported that a new law passed by Russia’s parliament on 19 July and signed by into law by President Medvedev on 29 July 2010 gave the FSB increased powers including giving official warnings to people suspected of creating conditions for crime, and the provision for fines or jail sentences of up to 15 days for people who obstructed the work of the FSB.¹⁹⁷

UK daily newspaper *The Independent* reported that,

“A new law which gives Russian security services sweeping powers to question people about crimes that have not yet been committed is being criticised by human rights activists as a dangerous return to the era of the KGB.

The bill, passed yesterday by the upper house of Russia’s parliament, allows the FSB, the successor to the notorious Soviet-era spy agency, to issue warnings to people suspected of planning crimes. Another provision in the bill allows for fines or short jail sentences to be imposed on anyone who obstructs the work of FSB agents.”¹⁹⁸

Russian news source *RT* reports that,

“The new FSB bill allows the heads of the agency’s bodies or their deputies to issue warnings to citizens on actions that could lead to committing crimes, the preliminary investigation of which refers legally to the competence of the FSB.

If “sufficient and confirmed” information is obtained, FSB bodies will submit letters to a corresponding state agency or to the management of a company requiring a mandatory clearance of the reasons and conditions allowing the fulfillment of the threats to the security of the state. Disregard for an FSB officer’s legitimate order by officials carries a fine or an administrative arrest of up to 15 days. But the provision does not concern private individuals. The Duma made corresponding amendments in the Law on the Federal Security Service and in the Code of Administrative Offences.”¹⁹⁹

¹⁹⁶ BBC new powers for Russia’s FSB alarm rights activists, 29 July 2010, <http://www.bbc.co.uk/news/world-europe-10801029>, accessed 26 October 2010

¹⁹⁷ RT, Medvedev expands FSB powers, 27 August 2010, <http://rt.com/Politics/2010-07-29/duma-fsb-bill-powers.html>, accessed 26 October 2010. The Independent, New Russian law revives sweeping KGB powers, 20 July 2010, <http://www.independent.co.uk/news/world/europe/new-russian-law-revives-sweeping-kgb-powers-2030371.html>, accessed 26 October 2010. Radio Free Europe/Radio Liberty, Medvedev signs law to broaden powers for security service, 29 July 2010, http://www.rferl.org/content/Medvedev_Signs_Law_On_Broader_FSB_Powers/2113054.html, accessed 26 October 2010. The Guardian, Russ to introduce ‘draconian’ minority report style law, 29 July 2010, <http://www.guardian.co.uk/world/2010/jul/29/russia-minority-report-law-fsb>, accessed 26 October 2010. Radio Netherlands, New Kremlin bill puts FSB “above the law”, 29 July 2010, <http://www.rnw.nl/international-justice/article/new-kremlin-bill-puts-fsb-above-law>, accessed 26 October 2010. BBC new powers for Russia’s FSB alarm rights activists, 29 July 2010, <http://www.bbc.co.uk/news/world-europe-10801029>, accessed 26 October 2010

¹⁹⁸ The Independent, New Russian law revives sweeping KGB powers, 20 July 2010, <http://www.independent.co.uk/news/world/europe/new-russian-law-revives-sweeping-kgb-powers-2030371.html>, accessed 26 October 2010

¹⁹⁹ RT, Medvedev expands FSB powers, 27 August 2010, <http://rt.com/Politics/2010-07-29/duma-fsb-bill-powers.html>, accessed 26 October 2010

The *BBC* reports that,

"The KGB's successor can now officially warn citizens against "creating the conditions" for crimes.

Anyone obstructing an FSB officer or refusing to obey a legal request made by an FSB officer faces either a fine or up to 15 days' detention."²⁰⁰

Radio Free Europe/Radio Liberty reports that,

"Russian President Dmitry Medvedev has signed into law a bill handing increased authority to the Federal Security Service (FSB) to issue warnings to people it believes present a criminal threat.

The controversial bill, which passed its third parliamentary reading on July 19, empowers the FSB to issue official warnings to people judged to be laying the groundwork for a criminal act "against the country's security."

The law also establishes fines and detentions of up to 15 days for people seen as hindering the work of an FSB employee."²⁰¹

Several sources report that human rights groups are concerned about the law's provisions.²⁰²

RT reports that,

"“There is no indication of a fight against or prevention of terrorism in it, and it is of no benefit to anyone,” Interfax quoted Yabloko party leader Sergey Mitrokhin as saying. The liberal party is not represented in the parliament.

"No social groups will benefit, except the governing oligarchic elite, which is clinging to power and to the wealth which power brings," Mitrokhin said.

Leonid Gozman, the co-chairman of the Right Cause party believes the bill will give the FSB the official go-ahead to put pressure on citizens. "We take make a big step way from democracy toward a police state," he noted.

The president needs to maintain "a balance of forces at the top," Gozman said. However, he told Interfax the legislation "to some extent, contradicts what [Medvedev] has been saying and doing over the past few months."

The Memorial human rights group asked the president on July 15 to veto the bill. The group described the legislation as "partly pointless and partly dangerous to public freedom."

The *BBC* reported that,

"Of particular concern was the section of the new law granting the FSB the right to "warn officially an individual about the inadmissibility of actions that create the conditions for the commission of crimes".

²⁰⁰ BBC new powers for Russia's FSB alarm rights activists, 29 July 2010, <http://www.bbc.co.uk/news/world-europe-10801029>, accessed 26 October 2010

²⁰¹ Radio Free Europe/Radio Liberty, Medvedev signs law to broaden powers for security service, 29 July 2010, http://www.rferl.org/content/Medvedev_Signs_Law_On_Broader_FSB_Powers/2113054.html, accessed 26 October 2010

²⁰² The Independent, New Russian law revives sweeping KGB powers, 20 July 2010, <http://www.independent.co.uk/news/world/europe/new-russian-law-revives-sweeping-kgb-powers-2030371.html>, accessed 26 October 2010. Radio Free Europe/Radio Liberty, Medvedev signs law to broaden powers for security service, 29 July 2010, http://www.rferl.org/content/Medvedev_Signs_Law_On_Broader_FSB_Powers/2113054.html, accessed 26 October 2010. BBC new powers for Russia's FSB alarm rights activists, 29 July 2010, <http://www.bbc.co.uk/news/world-europe-10801029>, accessed 26 October 2010

Urging Mr Medvedev to veto the bill, the Memorial human rights organisation said the power of the FSB had "long ago gone beyond reasonable bounds", and that it was asking for powers more rightly held by prosecutors.

Memorial accused the FSB of seeking "preventative" powers like those used by the KGB to persecute dissidents."²⁰³

According to *The Independent*,

"the fear is that the law will be wielded as an instrument to threaten anyone who is in opposition to the Kremlin, as well as to journalists investigating sensitive stories.

The human rights organisation Memorial said that the law was "partly pointless and partly dangerous for social freedoms". It said the bill was reminiscent of KGB "prevention" techniques which did not prevent actual crimes but instead were used as an excuse to crack down on political opposition to the Soviet regime."²⁰⁴

Radio Netherlands reports that,

"The most dangerous aspect about the new law is its vague phrasing," says Masha Lipman from the Carnegie Moscow Centre. "It says something about the responsibility of the citizens for creating conditions conducive to a crime. What these conditions are remains unclear."

This law expands even further the lack of accountability that already exists in Russia, Lipman says. "It is easy for the government to justify such a law when there is no political competition and no mechanisms for accountability. FSB will not face any obstacles because it enjoys the personal support of Vladimir Putin, who is himself a former KGB agent."²⁰⁵

Radio Free Europe/Radio Liberty reports that the legislation may be used to warn people considering participating in unsanctioned protests of the illegality of their actions,

"The Kremlin says the legislation will contribute to the fight against extremism and help people steer clear of behavior they may not even realize is illegal, such as participating in unsanctioned protest rallies. []

Rights defenders, however, say the legislation will put the KGB successor agency above the law and hand it Soviet-style powers to intimidate journalists and political opponents at will."²⁰⁶

Further *The Independent* reports concerns about how the legislation may impact on journalists,

"Andrei Soldatov, a journalist and expert on Russia's security services, said he was worried about the impact of the new legislation. "Previously the FSB needed a legal reason to talk to journalists; now they don't need this – they can just say that they are making enquiries as a preventative measure," he said. "It could be especially dangerous in the regions, where

²⁰³ BBC new powers for Russia's FSB alarm rights activists, 29 July 2010, <http://www.bbc.co.uk/news/world-europe-10801029>, accessed 26 October 2010

²⁰⁴ The Independent, New Russian law revives sweeping KGB powers, 20 July 2010, <http://www.independent.co.uk/news/world/europe/new-russian-law-revives-sweeping-kgb-powers-2030371.html>, accessed 26 October 2010

²⁰⁵ Radio Netherlands, New Kremlin bill puts FSB "above the law", 29 July 2010, <http://www.rnw.nl/international-justice/article/new-kremlin-bill-puts-fsb-above-law>, accessed 26 October 2010

²⁰⁶ Radio Free Europe/Radio Liberty, Medvedev signs law to broaden powers for security service, 29 July 2010, http://www.rferl.org/content/Medvedev_Signs_Law_On_Broader_FSB_Powers/2113054.html, accessed 26 October 2010

journalists are still very much controlled by the local administrations. This could make things very hard for local journalists and human rights activists."²⁰⁷

Radio Netherlands reports that a spokesperson for the Carnegie Moscow Centre states that in Russia policies in practice may not be as tough as the legislation which generates them,

"At the same time Lipman says we shouldn't put undue emphasis on the new bill. "It is not uncommon in Russia that the legislation looks tougher than the actual policies", she says, "This law is intended more as a weapon of intimidation rather than something that will be put into practise."

However, she adds, the law should make political activists more cautious. "The trend of the current government is to minimize the risks of an escalation [of political resistance] at an early stage rather than let it go out of hand".

"Although there is no large scale resistance now, the government is forced to take unpopular measures due to the effects of the economic crisis", she continues, "maybe this law will be more applicable in the future, when the government is more likely to face threats of political activism due to such measures."²⁰⁸

RT reports Aleksandr Bortnikov, the head of Russia's Federal Security Service, as stating

"The point of the amendments is to warn a citizen while one is at the stage of preparation for the crime. The law describes in detail the mechanism of the control of the legality of the actions of officials who issue a warning," he said, writes Interfax.

Bortnikov underlined that the warning does not lead to any loss of rights of a citizen. Any person who believes that the FSB warning was groundless can contest the decision at the court, he added."²⁰⁹

b. Foreign Intelligence Service (SVR)²¹⁰

In 2002 *Russia Today* reported that the External Intelligence Agency was better known by its acronym SVR (Sluzhba Vneshnei Razvedke).²¹¹

The *BBC* reports that the SVR is an incarnation of the former KGB and describes itself as a "modern special service employing talented, ambitious people devoted to the Motherland and their military duty."²¹²

Russia Today and *The Guardian* report that the SVR was created in 1991.²¹³ *Russia Today* reported that "The status of the SVR is defined in the RF Law on external intelligence as of July 8, 1992 and the Statute on the SVR endorsed by the President."²¹⁴

²⁰⁷ The Independent, New Russian law revives sweeping KGB powers, 20 July 2010, <http://www.independent.co.uk/news/world/europe/new-russian-law-revives-sweeping-kgb-powers-2030371.html>, accessed 26 October 2010

²⁰⁸ Radio Netherlands, New Kremlin bill puts FSB "above the law", 29 July 2010, <http://www.rnw.nl/international-justice/article/new-kremlin-bill-puts-fsb-above-law>, accessed 26 October 2010

²⁰⁹ RT, Broadening FSB powers won't harm citizen's rights – chief, edited 24 August 2010, <http://rt.com/Politics/2010-08-11/bortnikov-fsb-powers-law.html>, accessed 26 October 2010

²¹⁰ <http://svr.gov.ru/>, accessed 26 October 2010

²¹¹ Russia Today, Security, External Intelligence Service (SVR), 18 September 2002, http://russiatoday.strana.ru/en/security/defence/sp_ser/1358.html, accessed 26 October 2010

²¹² BBC, Profile Russia SVR intelligence agency, 29 June 2010, <http://www.bbc.co.uk/news/10447308>, accessed 26 October 2010

²¹³ Russia Today, Security, External Intelligence Service (SVR), 18 September 2002, http://russiatoday.strana.ru/en/security/defence/sp_ser/1358.html, accessed 26 October 2010. The Guardian, Russian spy ring: The lure of the SVR, 30 June 2010, <http://www.guardian.co.uk/world/2010/jun/30/russian-spy-ring-svr>, accessed 26 October 2010

²¹⁴ Russia Today, Security, External Intelligence Service (SVR), 18 September 2002, http://russiatoday.strana.ru/en/security/defence/sp_ser/1358.html, accessed 26 October 2010

The *BBC* reports that its headquarters are based outside Moscow and that it is estimated to have 13,000 staff. According to the *BBC* the SVR works in parallel with Russian Military Intelligence (GRU).²¹⁵

Russia Today stated in 2002 that,

“The SVR conducts its intelligence work in order to provide the President of the Russian Federation, the Federal Assembly and the Government with information they need to adopt decisions in the political, economic, military-strategic, scientific technical and ecological fields; to ensure conditions that promote the successful fulfillment of the policy of the Russian Federation (RF) in the sphere of security; to contribute to the economic development, scientific-technical progress of the country and military-technical means to ensure the security of the RF.”²¹⁶

In 2002 *Russia Today* reported on the structure of the SVR,

“Structure of the SVR:

Department of Analysis and Information
Department of External Counterintelligence
Department of Operative Technical Equipment
Department of Economic Intelligence
Computer and Information Department”²¹⁷

c. The Militia

The police in Russia are referred to as Militia or Militsiya.²¹⁸

Russian news organisation, *Russia Beyond the Headlines*, reports that

“The Russian militsiya is actually two different bodies: the first (civil security militia) is tasked with protecting the population and property, while the second (criminal militia) has the job of finding criminals and fighting criminality.”²¹⁹

The Voice of Russia reports that a police reform Bill is currently being debated by parliament, for the “first time in the country’s recent history” the draft legislation is available on the internet for citizens to view and comment on.²²⁰

On 29 October 2010 *RT* reported that President Medvedev submitted a draft law on police reform to the State Duma and that the bill will replace the present law on police which was adopted in 1991.²²¹ *RT* reports that the Interior Minister stated that the legislation would compile all the rights and responsibilities of police officers “whose activities are currently regulated by hundreds of additional laws and bylaws.”²²²

²¹⁵ BBC, Profile Russia SVR intelligence agency, 29 June 2010, <http://www.bbc.co.uk/news/10447308>, accessed 26 October 2010

²¹⁶ Russia Today, Security, External Intelligence Service (SVR), 18 September 2002, http://russiatoday.strana.ru/en/security/defence/sp_ser/1358.html, accessed 26 October 2010

²¹⁷ Russia Today, Security, External Intelligence Service (SVR), 18 September 2002, http://russiatoday.strana.ru/en/security/defence/sp_ser/1358.html, accessed 26 October 2010

²¹⁸ RT, Reform will turn Russian militia into police, 19 February 2010, <http://rt.com/Politics/2010-01-22/roar-reform-russian-police.html>, accessed 26 October 2010

²¹⁹ Russia Beyond the Headlines, Dmitri Medvedev wants to police the militia with the internet, 12 August 2010, http://rbth.ru/articles/2010/08/12/dmitri_medvedev_wants_to_police_the_militia_with_the_internet04875.html, accessed 26 October 2010

²²⁰ The Voice of Russia, Russia to choose between “Militia” and “Police”, 9 September 2010, <http://english.ruvr.ru/2010/09/09/19533430.html>, accessed 26 October 2010

²²¹ RT, Russian parliament joins work on police reform, edited on 29 October 2010, <http://rt.com/Politics/2010-10-28/medvedev-law-police-parliament.html>, accessed 1 November

²²² RT, Russian parliament joins work on police reform, edited on 29 October 2010, <http://rt.com/Politics/2010-10-28/medvedev-law-police-parliament.html>, accessed 1 November

The RT reports that

“The document envisages that the Russian militia would be renamed police. If adopted, the new law will also oblige police officers who are on duty in public places to wear badges.”²²³

An interview between ITAR-TASS and Deputy Minister of the Interior Sergey Bulavin published on the *Russian Federation Ministry of the Interior* website records,

“[ITAR-TASS]

- The draft law contains a lot of disputable items which have already evoked criticism of human rights defenders such as the application of electric shockers and dogs, unhindered access to houses and apartments, personal inspections...

[Deputy Minister of the Interior]

- Yes, these are among the most intensely discussed matters. When some people are dissatisfied with something this is understandable, because pleasing everybody is impossible. At the same time I would like to emphasize that police are a law enforcement body authorized to apply state enforcement measures including the physical force, special means and fire arms. The police are not what people should like or dislike, before everything else it should efficiently carry out their duties of protecting the lives, health, rights and freedoms of citizens, counteracting the criminality, protecting the public order, the property and providing the public safety. For a law-abiding citizen police are an ally and a partner.

The developers' initial intention was to protect the rights of citizens and organizations as much as possible, to make these measures applicable only in special cases, regulating the factors of such application in detail.”²²⁴

The RT reports that in April 2009 a policeman beat a journalist in a detoxification centre, the journalist later died in hospital,²²⁵

“policeman Aleksey Mitaev, explained his actions were due to psychological stress. Mikhail Vinogradov, the director of the Moscow Center for Legal and Psychological Assistance in Extreme Situations, told *Noviye Izvestia* daily that a great number of people with unhinged minds work in law enforcement agencies.

The lack of psychological control over policemen and protectionism “helps alcoholics, people with unbalanced minds and even psychopaths to get into the service,” Vinogradov said.”²²⁶

In February 2010 the RT reported that there had been a spate of violent crimes committed by police, including the killing of civilians by the chief of the police department of Tsaritsyno district in April 2009.²²⁷

²²³ RT, Russian parliament joins work on police reform, edited on 29 October 2010, <http://rt.com/Politics/2010-10-28/medvedev-law-police-parliament.html>, accessed 1 November

²²⁴ Ministry of the Interior of the Russian Federation, Interest of citizens in draft law “About police” is huge. Interview of deputy Minister of Interior Sergey Bulavin to ITAR-TASS, 13 August 2010, <http://eng.mvd.ru/press/interview/5273/>, accessed 26 October 2010

²²⁵ RT, Journalist assaulted by police man dies in hospital, 22 January 2010, http://rt.com/Top_News/2010-01-20/journalist-assaulted-policeman-dies.html, accessed 26 October 2010

²²⁶ RT, Reform will turn Russian militia into police, 19 February 2010, <http://rt.com/Politics/2010-01-22/roar-reform-russian-police.html>, accessed 26 October 2010

²²⁷ RT, Massacre in Moscow supermarket, first published 28 April 2009, http://rt.com/Top_News/2009-04-28/Massacre_in_Moscow_supermarket.html, accessed 26 October 2010

"The Russian police system has come under intense public scrutiny in recent months after a spate of violent crimes committed by policemen. The most notable was the massacre at a Moscow supermarket last spring, when Major Denis Yevsyukov, the chief of a police department, shot dead two people and wounded another six."²²⁸

Russia Beyond the Headlines reports that Denis Yevsyukov was sentenced to life in prison in February 2010.²²⁹

Russia Beyond the Headlines further reports that the police in Russia have "serious image problems,"

"That killing spree only deepened the Russian public's perception of the police force as a violent entity, increasingly inclined to taking *vzyatki* (bribes) instead of protecting citizens. According to an investigation in February of this year, 67% of Russians "fear" law enforcement and 77% do not feel protected in the face of the arbitrary nature of police power."²³⁰

RT reports concern from experts that there should be greater control over police officers who have access to weapons,

"Experts say that in general, control over police officers who have access to weapons, should be intensified many times over.

"Firstly, there should be control over the mental state of those who are carrying weapons," says psychiatrist Mikhail Vinogradov.

"Secondly, it's crucial to have annual medical examinations, including both psychologists and psychiatrists. Such mental states always have a background. Slowly anger, irritation and depression, get stored for a long time, and then we have an explosion."²³¹

In an interview about police reforms with ITAR-TASS, published on the *Ministry of the Interior* website, Deputy Minister of the Interior Sergey Bulavin states that.

"The requirements to the personal and professional qualities of police employees have also become tougher. All newcomers shall undergo a psychical and physiological examination, a test for alcohol, drug addiction and other toxic dependences as well as tests to check their moral and psychological, office capacities and other qualities. Operating employees will undergo regular psychological tests and re-qualification procedures.

It is essentially important that candidates for service burdened with drug, alcohol addiction or other dependences as well as mentally unbalanced people have no chances to enter the service."²³²

In February 2010 RT reported that

"the heads of Russia's leading media sent an open letter to the interior minister demanding "protection for journalists and society against police arbitrariness" after policemen detained

²²⁸ RT, Police reform: controversial performance evaluation system ditched, 19 February 2010, http://rt.com/Top_News/2010-01-21/reform-controversial-evaluation-ditched.html, accessed 26 October 2010

²²⁹ *Russia Beyond the Headlines*, Dmitri Medvedev wants to police the militia with the internet, 12 August 2010, http://rbth.ru/articles/2010/08/12/dmitri_medvedev_wants_to_police_the_militia_with_the_internet04875.html, accessed 26 October 2010

²³⁰ RT, Police reform: controversial performance evaluation system ditched, 19 February 2010, http://rt.com/Top_News/2010-01-21/reform-controversial-evaluation-ditched.html, accessed 26 October 2010

²³¹ RT, Massacre in Moscow supermarket, first published 28 April 2009, http://rt.com/Top_News/2009-04-28/Massacre_in_Moscow_supermarket.html, accessed 26 October 2010

²³² Ministry of the Interior of the Russian Federation, Interest of citizens in draft law "About police" is huge. Interview of deputy Minister of Interior Sergey Bulavin to ITAR-TASS, 13 August 2010, <http://eng.mvd.ru/press/interview/5273/>, accessed 26 October 2010

Andrey Stenin, a photographer for RIA Novosti news agency, for covering an anti-government rally. He was fined for 500 roubles (about \$17) by a court. This incident may set a precedent for prosecuting journalists “while they perform their professional duty,” the letter said.”²³³

MP Adalbi Shkhagoshev, who was formerly a member of the police, told *RT* that reforms were needed to lower the “general level of corruption in the entire law enforcement system.”²³⁴

Further Adalbi Shkhagoshev is reported as stating,

“Everybody understands that the quality of police work is very poor now and that a reform is needed immediately; this is the key factor. There is such understanding among officers, the authorities, the experts, and in the community. The success of the reform depends on what form the new law takes.

Simple as it may sound, what happened to the police is explained by the fact that the Internal Affairs Ministry, along with the entire society, was going through a transition from socialism to a different kind of society. This transition period is where we are now.

All moral bearings and socialist principles vanished in one moment, and nothing came to replace them. Officers' salaries turned into nothing. That time was when we lost 80 to 90 per cent of real professionals in operative work, the backbone and pride of the police, those who really worked and solved crimes. Most of them went into private businesses, while the police force was left without personnel. At the same time, the top of the MVD turned into a mechanism through which bigger and bigger corruption schemes were being implemented. The late 1980s and '90s were the time when the Ministry stopped protecting the law and people's rights: there was just nobody to protect them, and the state had neither the will nor the power to break the tendency. No one in the country cared about the MVD, as the entire country was trying to rebuild itself on the go. I can say that officers themselves didn't believe that anybody in the state would ever dare to start this reform. The very fact that it has begun is a good thing. Let's see how it works out.”²³⁵

d. Special Militia Force Brigade (OMON)

The *Ministry of the Interior of the Russian Federation* states that the Special Militia Force Brigade is also known by its Russian acronym OMON, and is an equivalent organisation to the US SWAT. OMON was created in Moscow on October 23, 1987.²³⁶ In 2007 the *Ministry of the Interior* reported that there were 119 OMON brigades in Russia.²³⁷

The *Ministry of the Interior* reports OMON's function and structure as,

“The Special Militia Force Brigade of the Main Department of the Interior in Moscow is a standalone special force brigade under the Ministry of the Interior. Its purpose is to ensure public order and safety during mass events, protect people's lives and assets during emergencies, natural calamities or epidemics, and prevent illegal activities of groups and riot mobs. It is involved in fighting armed criminals and criminal gangs jointly with other law enforcement services, military units of the interior troops of the MOI, agencies of the Federal Security Service (FSB), the Federal Border Guard Service, and other military units

²³³ RT, Reform will turn Russian militia into police, 19 February 2010, <http://rt.com/Politics/2010-01-22/roar-reform-russian-police.html>, accessed 26 October 2010

²³⁴ RT, People's trust in police dropped twenty-fold in 20 years, 21 September 2010, <http://rt.com/Politics/2010-09-21/shkhagoshev-police-reform-law.html>, accessed 26 October 2010

²³⁵ RT, People's trust in police dropped twenty-fold in 20 years, 21 September 2010, <http://rt.com/Politics/2010-09-21/shkhagoshev-police-reform-law.html>, accessed 26 October 2010

²³⁶ Ministry of the Interior of the Russian Federation, Press release of the Special Militia Force Brigade of the Main Department of the Interior in Moscow, 31 January 2007, <http://eng.mvd.ru/press/release/5071/>, accessed 26 October 2010

²³⁷ Ministry of the Interior of the Russian Federation, Press release of the Special Militia Force Brigade of the Main Department of the Interior in Moscow, 31 January 2007, <http://eng.mvd.ru/press/release/5071/>, accessed 26 October 2010

and agencies committed to neutralizing the threat of terrorist, sabotage, and espionage groups.

OMON troops serve on a contract basis and are selected by competition from among individuals who are physically, professionally, and psychologically capable of performing the highly demanding tasks of the special militia force. All middle and senior officers of the force have higher or specialized postsecondary education. OMON troops undergo a far more rigorous training than most other law enforcers to enable them to successfully accomplish their objectives. They can handle rioting mobs, apprehend criminals, and are skilled in combat tactics.

The brigade consists of the brigade headquarters, operation battalions, a motorized battalion, a company of combat and specialized vehicles, specialized departments, and a logistics division.”²³⁸

The *Ministry of Interior* report that OMON has been involved in counterterrorism activities in the North Caucasus, other missions include,

“from August 1999 until this day OMON troops have been involved in combat missions as part of counterterrorist operations in the North Caucasus.

Protection of key facilities, liberation of hostages, disarmament of illegal armed groups, detection and apprehension of criminals on the federal wanted list, escorting convoys of military and humanitarian cargo, defusing munitions and explosives - this is a far from complete list of missions undertaken by the special militia force. Joint commando units have carried out special missions in the republics of Dagestan, Karachay-Cherkessia, Ingushetia, North Ossetia, and in numerous settlements in the Chechen Republic. In August and September 2000, Brigade troops joined other special units of the uniformed services in special operations carried out in mountainous areas of the Chechen Republic. This was the first case of OMON troops carrying out missions at altitudes exceeding 2,000 meters.

Brigade troops regularly take part in joint operations with other militia units, assisting them in crackdowns and arrests of offenders and criminals.”²³⁹

In February 2010 *Radio Free Europe/Radio Liberty* reports that OMON officers in Moscow have complained of corruption within the force,

“an elite battalion of OMON riot police in Moscow has appealed to President Dmitry Medvedev, complaining of rampant abuse among police commanders.

The letter was published by the independent “Novoye vremya” magazine.

The officers complain that battalion commander Sergei Yevtikov has demanded that each officer arrest no less than three demonstrators at opposition rallies or face loss of bonuses and awards. They say that there is a standing order to detain Eduard Limonov, head of the banned National Bolshevik Party, as soon as he is spotted.”²⁴⁰

²³⁸ Ministry of the Interior of the Russian Federation, Press release of the Special Militia Force Brigade of the Main Department of the Interior in Moscow, 31 January 2007, <http://eng.mvdrf.ru/press/release/5071/>, accessed 26 October 2010

²³⁹ Ministry of the Interior of the Russian Federation, Press release of the Special Militia Force Brigade of the Main Department of the Interior in Moscow, 31 January 2007, <http://eng.mvdrf.ru/press/release/5071/>, accessed 26 October 2010

²⁴⁰ Radio Free Europe/Radio Liberty, Riot police complain of corruption as demonstration rock Russia, 1 February 2010, http://www.rferl.org/content/Riot_Police_Complain_Of_Corruption_As_Demonstrations_Rock_Russia/1945465.html, accessed 26 October 2010

Radio Free Europe/Radio Liberty reports that a letter of complaint from the OMON battalion alleges numerous acts of corruption including aiding prostitution and protecting businesses of alleged criminals,

"The letter by the Moscow OMON battalion complains of widespread corruption and abuse of office. Officers have quotas for the number of people they are to detain per shift and are docked pay if they fail to fulfill the plan, the letter states.

The officers also complain that they are forced to protect elite cottages outside of Moscow and the businesses of alleged criminals who are protected by senior Interior Ministry officials. Officers also complain that the police protect the prostitution business in exchange for money and sexual favors.

The letter also states that OMON troops are regularly assembled and told by officers that protest actions such as the Marches of Dissent, neo-Nazi demonstrations, and gay-pride parades are sponsored by foreign intelligence agencies."²⁴¹

A former OMON officer told *Radio Free Europe/Radio Liberty* that officers pre-write reports accusing individuals of crimes before their arrest,

"There is usually an order, and I don't know where it comes from, to take certain people away [during opposition rallies]," Taran said. "So [OMON members] detain them, throw them into buses, and bring them to police stations. There are prewritten reports -- for instance, charging them with crossing the street illegally -- so [policemen] just fill in their names and make up these absurd reports."²⁴²

According to *Radio Free Europe/Radio Liberty* a spokeswoman for the Moscow police said the letter "'bears a clearly libelous character" and said several of the signatories were dismissed from OMON late last year."²⁴³

Radio Free Europe/Radio Liberty reports that a former police major who posted a video appealing against police corruption was jailed in early 2010,

"Late last year, Novorossiisk police Major Aleksei Dymovsky made headlines by posting a video appeal about police corruption on YouTube. He was jailed earlier this month on fraud and abuse-of-office charges. The handling of the Dymovsky matter has raised doubts about President Medvedev's announced intention to reform the Interior Ministry and combat police abuses."²⁴⁴

RT, The Moscow News and *Radio Free Europe/Radio Liberty* have reported on allegations that OMON have used slave labour.²⁴⁵ *RT* reports that an article published by *New Times* reports that foreign workers were exploited through forced labour,

²⁴¹ Radio Free Europe/Radio Liberty, Riot police complain of corruption as demonstration rock Russia, 1 February 2010, http://www.rferl.org/content/Riot_Police_Complain_Of_Corruption_As_Demonstrations_Rock_Russia/1945465.html, accessed 26 October 2010

²⁴² Radio Free Europe/Radio Liberty, Riot police complain of corruption as demonstration rock Russia, 1 February 2010, http://www.rferl.org/content/Riot_Police_Complain_Of_Corruption_As_Demonstrations_Rock_Russia/1945465.html, accessed 26 October 2010

²⁴³ Radio Free Europe/Radio Liberty, Riot police complain of corruption as demonstration rock Russia, 1 February 2010, http://www.rferl.org/content/Riot_Police_Complain_Of_Corruption_As_Demonstrations_Rock_Russia/1945465.html, accessed 26 October 2010

²⁴⁴ Radio Free Europe/Radio Liberty, Riot police complain of corruption as demonstration rock Russia, 1 February 2010, http://www.rferl.org/content/Riot_Police_Complain_Of_Corruption_As_Demonstrations_Rock_Russia/1945465.html, accessed 26 October 2010

²⁴⁵ RT, Article "vilifies" Russian special forces – Interior Ministry spokesman, edited on 24 February 2010, http://rt.com/Top_News/2010-02-23/omon-russia-article-scandal.html, 26 October 2010. The Moscow News, Russian riot police under fire again, 12 October 2010, <http://themoscownews.com/russia/20101012/188118392.html?referfrommn>, accessed 26 October 2010. Radio Free Europe/Radio Liberty, Russian police raid office of opposition magazine, 2 September 2010, http://www.rferl.org/content/Police_Raid_Offices_Of_Russian_Opposition_Weekly/2146432.html, accessed 26 October 2010

"According to the article, headlined "Zubr on the hunt," the Russian special forces unit "Zubr" – Russian for "Bison" – forced guest laborers to work on the houses of police bosses and make repairs at the unit's facilities.

The New Times alleged forced laborers worked for free at the unit's facilities, allowing the unit to sign off funding as if it was going to contractors.

The article cited Larisa Krepkova, who served six years as a dog specialist for the "Zubr," as saying that guest workers were treated as "slaves" and beaten if they attempted to run away.

She said she also saw guest laborers working at a holiday home belonging to First Deputy Interior Minister Colonel General Mikhail Sukhodolsky."²⁴⁶

RT reports that the Interior Ministry responded by stating that the New Times article was intent on "vilifying" Russian forces and that the articles allegations have been investigated and no evidence was found to corroborate the articles claims,

*"Lieutenant General Vladimir Gorshukov, head of the center for special police units, claimed: "These are private statements of ex-member of the forces who had problems with discipline and wasn't in line with demands placed on sub-units, and as a result she was dismissed.""*²⁴⁷

RT and online newspaper *The Moscow News* reports that OMON has filed a lawsuit against the New Times for libel.²⁴⁸

The Moscow News reports in October 2010 that a diary documenting corruption within OMON, believed to have been written by a police lieutenant, was passed to the New Times

"OMON officers forced to work 20-hour shifts and arrest at least three people a day were ordered to guard businessmen and gangsters who paid off their bosses, according to February's original New Times article.

The force responded with a libel action and stormed the publication's offices last month, prompting a furious response from editor Yevgeniya Albatz.

The diary, published on Monday, adds extra weight to the New Times' claims as it details a roster of the illegal extra hours the magazine originally brought to the public eye in "Slaves of the OMON".²⁴⁹

In September 2010 *Radio Free Europe/Radio Liberty* reported that police had raided The New Times offices,

"Armed policemen, including masked special-forces officers, have raided the Moscow office of the "The New Times," one of Russia's few opposition-minded media outlets.

During the raid, on September 2, Russian police Colonel Stanislav Pashkovsky pressed the magazine's editor in chief, Yevgenia Albats, to hand over recordings of interviews and other

²⁴⁶ RT, Article "vilifies" Russian special forces – Interior Ministry spokesman, edited on 24 February 2010, http://rt.com/Top_News/2010-02-23/omon-russia-article-scandal.html, 26 October 2010

²⁴⁷ RT, Article "vilifies" Russian special forces – Interior Ministry spokesman, edited on 24 February 2010, http://rt.com/Top_News/2010-02-23/omon-russia-article-scandal.html, 26 October 2010

²⁴⁸ RT, Article "vilifies" Russian special forces – Interior Ministry spokesman, edited on 24 February 2010, http://rt.com/Top_News/2010-02-23/omon-russia-article-scandal.html, 26 October 2010. The Moscow News, Russian riot police under fire again, 12 October 2010, <http://themoscownews.com/russia/20101012/188118392.html?referfrommn>, accessed 26 October 2010

²⁴⁹ The Moscow News, Russian riot police under fire again, 12 October 2010, <http://themoscownews.com/russia/20101012/188118392.html?referfrommn>, accessed 26 October 2010

material used in a February report on alleged abuse of power by the country's feared OMON riot police.”²⁵⁰

According to *Radio Free Europe/Radio Liberty*, The New Times editor reported that their ‘Slaves of OMON’ article also documented allegations that officers were given permission to commit abuses when breaking up protests,

“‘It was an article about the violations taking place inside Moscow's OMON - how they are given instructions on how to break up Marches of Dissent, how it is explained to them that supporters of the Russian opposition are the enemies of Russia.’”²⁵¹

2. Military service

According to the US CIA the Russian Federation has the following military branches,

“Ground Forces (Sukhoputnyye Voyskia, SV), Navy (Voyenno-Morskoy Flot, VMF), Air Forces (Voyenno-Vozdushniye Sily, VVS); Airborne Troops (VDV), Strategic Rocket Forces (Raketnyye Voyska Strategicheskogo Naznacheniya, RVSN), and Space Troops (Kosmicheskiye Voyska, KV) are independent “combat arms,” not subordinate to any of the three branches; Russian Ground Forces include the following combat arms: motorized-rifle troops, tank troops, missile and artillery troops, air defense of ground troops (2010).”²⁵²

On 5 February 2010 President Medvedev approved, “The Military Doctrine of the Russian Federation”, an update to the 2000 doctrine.²⁵³

Section XI of The Criminal Code of the Russian Federation, adopted in 1996, outlines 21 articles regarding ‘Crimes Against Military Service’ including,

“Article 331. Concept of Crimes Against Military Service

1. Crimes against the established order of military service, covered by the present chapter and committed by servicemen who have been drafted or enlisted under a contract in the Armed Forces of the Russian Federation in troops and military formations of the Russian Federation, and also by reservists during training assemblies, shall be deemed to be crimes against military service.

2. In keeping with the Articles of this Chapter, criminal responsibility shall be borne by military engineers who have been enrolled in military-construction squads (units) of the Ministry of Defence of the Russian Federation, other ministries, and government departments of the Russian Federation.

3. Criminal responsibility for crimes against military service, committed in wartime or in a military situation, shall be determined by the wartime laws of the Russian Federation.

Article 332. Failure to Execute an Order

²⁵⁰ Radio Free Europe/Radio Liberty, Russian police raid office of opposition magazine, 2 September 2010, http://www.rferl.org/content/Police_Raid_Offices_Of_Russian_Opposition_Weekly/2146432.html, accessed 26 October 2010

²⁵¹ Radio Free Europe/Radio Liberty, Russian police raid office of opposition magazine, 2 September 2010, http://www.rferl.org/content/Police_Raid_Offices_Of_Russian_Opposition_Weekly/2146432.html, accessed 26 October 2010

²⁵² U.S. Central Intelligence Agency, The World Factbook, 27 October 2010, <https://www.cia.gov/library/publications/the-world-factbook/geos/rs.html>, 1 November 2010

²⁵³ For an un-official translation see World Politics Review, 2010 Russian Military Doctrine, <http://www.worldpoliticsreview.com/documents/show/133>, accessed 18 October 2010. Ria Novosti, Factbox: Russia's new military doctrine, 5 February 2010, <http://en.rian.ru/russia/20100205/157786616.html>, accessed 21 August 2010. NATO; Research Review, The Military Doctrine of the Russian Federation 2010, <http://www.ndc.nato.int/download/downloads.php?icode=170>, accessed 18 October 2010. Radio free Europe/Radio Liberty, What's new in Russias new military doctrine, 27 February 2010, http://www.rferl.org/content/Whats_New_In_Russias_New_Military_Doctrine/1970150.html, accessed 23 August 2010

1. Failure to execute a superior's lawful order by a subordinate, if it has caused substantial harm to the interests of military service, shall be punishable by restriction in military service for a term of up to two years or by arrest, for a term of six months, or by custody in a disciplinary military unit for a term of up to two years.

2. The same deed, committed by a group of persons, a group of persons in a preliminary conspiracy, or by an organized group, and also entailing severe consequences, shall be punishable by deprivation of liberty for a term of up to five years.

3. Failure to execute an order, due to a careless or dishonest attitude to military service, if it has involved serious consequences, shall be punishable by restriction in military service for a term of up to one year, or by arrest for a term of three to six months, or by custody in a disciplinary military unit for a term of up to two years.

Article 333. Resistance to a Superior or Compulsion of Another to Violate His Duties of Military Service

1. Resistance to a superior, and also to another person who discharges the duties of military service, or compulsion of him to violate these duties, attended by violence or by threats to use it, shall be punishable by restraint in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to five years.

2. The same deeds committed:

a) by a group of persons, a group in a preliminary conspiracy, or by an organized group;

b) with the use of arms;

c) with the infliction of grave injury or injury of average gravity to human health, or of other serious consequences, shall be punishable by deprivation of liberty for a term of three to eight years.

Article 334. Violent Actions Against a Superior

1. Beating of, or any other violence against a superior, committed during the discharge of the superior's duties of military service, or in connection with the execution of these duties, shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to five years.

2. The same deeds committed:

a) by a group of persons, a group of persons in a preliminary conspiracy, or by an organized group;

b) with the use of weapons;

c) with the infliction of grave injury or injury of average gravity, or other serious consequences shall be punishable by deprivation of liberty for a term of three to eight years.

Article 336. Insult of a Serviceman

1. Insult by one serviceman of another serviceman during the discharge of their duties of military service, or in connection with the discharge of these duties, shall be punishable by restriction in military service for a term of up to six months, or by custody in a disciplinary military unit for the same term.

2. Insult by a subordinate of his superior, and also insult by a superior of his subordinate during the discharge of their duties of military service, and in connection with the discharge of these duties, shall be punishable by restriction in military service for a term of up to one year, or by custody in a disciplinary military unit for the same term.

Article 337. Unauthorized Abandonment of a Military Unit or a Place of Military Service

1. Unauthorized abandonment of a military unit or a place of military service, and likewise failure to appear for service without valid reasons in case of discharge from a unit, appointment, or transfer, and also in case of absence for a business trip, annual leave, or from a medical establishment for a term of more than two days, and not more than ten days, if this deed has been committed by a serviceman undergoing military service after being drafted, shall be punishable by arrest for a term of up to six months, or by custody in a disciplinary military unit for a term of up to one year.

2. The same deeds committed by a serviceman who is serving punishment in a disciplinary military unit, shall be punishable by deprivation of liberty for a term of up to two years.

3. Unauthorized abandonment of a military unit or a place of military service, and likewise failure to appear for service on the due date without valid reasons for more than ten days, but not for more than one month, if this deed has been committed by a serviceman undergoing military service after being drafted, or under contract, shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to three years.

4. Deeds stipulated in the third part of this Article, and having a duration of over one month, shall be punishable by deprivation of liberty for a term of up to five years.

Note: A servicemen who has committed deeds stipulated in this Article may relieved from criminal responsibility, if unauthorized abandonment of his military unit has been necessitated by exceptional circumstances.

Article 338. Desertion

1. Desertion, that is, the unauthorized abandonment of a military unit or a place of military service for the purpose of evading military service, and likewise failure to appear for service for the same purposes, shall be punishable by deprivation of liberty for a term of up to seven years.

2. Desertion with arms entrusted in the military service, and likewise desertion committed by a group of persons in a preliminary conspiracy, or by an organized group, shall be punishable by deprivation of liberty for a term of three to ten years.

Note: A serviceman who has for the first time committed desertion, as stipulated by the first part of this Article, may be released from criminal responsibility, if desertion has been necessitated by exceptional circumstances.

Article 339. Evasion of Military Service Duties by Pretending to Be Ill, or by Any Other Method

1. Evasion by a serviceman of his military service duties, by pretending to be ill or by inflicting injury on himself (maiming himself), or by forging documents, or by some other fraud, shall be punishable by restriction in military service for a term of up to one year, or by arrest for a term of up to six months, or by custody in a disciplinary military unit for a term of up to one year.

2. The same act, committed for the purpose of obtaining a full release from the discharge of military service duties, shall be punishable by deprivation of liberty for a term of up to seven years.

Article 343. Violation of the Rules for the Service of Protecting Public Order and Safeguarding Public Security

1. Violation of the rules of service by a person who is a member of a military detail protecting public order and safeguarding public security, if this deed has inflicted harm to the rights and lawful interests of individuals, shall be punishable by restriction in military service for a term of up to two years, or by arrest for a term of up to six months, or by custody in a disciplinary military unit for a term of up to two years, or by deprivation of liberty for a term of up to two years.

2. The same deed, which has involved serious consequences, shall be punishable by deprivation of a liberty for a term up to five years.”²⁵⁴

a. Draft laws

Article 59 of the Russian Constitution, adopted in 1993, states

1. Defence of the Fatherland shall be a duty and obligation of citizens of the Russian Federation.

2. A citizen shall carry out military service according to the federal law.

3. A citizen of the Russian Federation shall have the right to replace military service by alternative civilian service in case his convictions or religious belief contradict military service and also in other cases envisaged by the federal law.”²⁵⁵

Article 60 of the Russian Constitution, adopted in 1993, states,

“A citizen of the Russian Federation may exercise his or her rights and duties in full from the age of 18.”²⁵⁶

In their 2008 Global Report, NGO *The Coalition to Stop the Use of Child Soldiers* reports that,

“Conscription remained a universal obligation for men aged 18–27, and for women with a military proficiency qualification.”²⁵⁷

²⁵⁴ The Criminal Code of the Russian Federation, No.63-FZ of June 13, 1996 (with Amendments and Addenda of May 27, June 25, 1998, February 9, 15, March 18, July 9, 1999, March 9, 20, June 19, August 7, November 17, December 29, 2001, March 4, 14, May 7, June 25, July 24, 25, October 31, 2002, March 11, April 8, July 4, 7, December 8, 2003, July 21, 26, December 28, 2004) Adopted by the State Duma on May 24, 1996. Adopted by the Federation Council on June 5, 1996, available from <http://www.legislationline.org/download/action/download/id/1697/file/0cc1acff8241216090943e97d5b4.htm/preview>, accessed 21 August 2010

²⁵⁵ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

²⁵⁶ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

²⁵⁷ The Coalition to Stop the Use of Child Soldiers, Global Report 2008, <http://www.childsoldiersglobalreport.org/content/russian-federation>, accessed 21 August 2010

The Coalition to Stop the Use of Child Soldiers report that

“Boys aged 15 or 16 had to undergo basic military training in their final year at school. Some orphans and other children deprived of parental care were “adopted” by military units, lived in military barracks and received military training in school. Boys and girls studying at Military Educational Institutes from the age of 16 were regarded as being on military service.”²⁵⁸

The Coalition to Stop the Use of Child Soldiers reports that under articles 8 and 22 of the Law on Military Obligations and Military Service, active military service begins at 18.²⁵⁹

The Coalition to Stop the Use of Child Soldiers reports that in 2006 the Russian government introduced an amendment to the Law on Military Obligations and Military Service, reducing the length of conscripted service; the Federal Law Amending Certain Legal Acts of the Russian Federation Pursuant to Shorten Duration of Military Service by Conscription, No. 104-FZ, 6 July 2006.²⁶⁰

“In 2007 the length of service was cut from 24 months to 18, and to one year for conscripts with a higher education. In 2008 all conscripts, regardless of educational background, would do one year’s service. The law cancelled occupational deferrals and repealed provisions for the drafting of reservists”²⁶¹

In June 2010 *Radio Free Europe/Radio Liberty* reported that “Young men between 18 and 27 years of age are obliged to serve for 12 months in the Russian Army.”²⁶²

The Coalition to Stop the Use of Child Soldiers stated that entry into state run military education institutes was

“automatic for applicants who were orphans or children otherwise deprived of parental care. Cadet School was regarded as beneficial for these children because it guaranteed them a social context and later a job. There appeared to be no procedure for finding out if a child genuinely wanted to attend Cadet School or for an informed adult to represent his best interests. There was also no legal means for reversing the decision to attend Cadet School or the undertaking to do vocational military work on graduation. Cadet Schools offered a very limited curriculum, hard physical drill, little relaxation and military discipline from an early age.”²⁶³

In 2002 *Human Rights Watch* reported on the use of detention by police to recruit men of subscription age whom the authorities had not been able to serve summons, and the use of accelerated conscription orders.²⁶⁴ *The Coalition to Stop the Use of Child Soldiers* further reported

²⁵⁸ The Coalition to Stop the Use of Child Soldiers, Global Report 2008, <http://www.childsoldiersglobalreport.org/content/russian-federation>, accessed 21 August 2010

²⁵⁹ The Coalition to Stop the Use of Child Soldiers, Global Report 2008, <http://www.childsoldiersglobalreport.org/content/russian-federation>, accessed 21 August 2010

²⁶⁰ The Coalition to Stop the Use of Child Soldiers, Global Report 2008, <http://www.childsoldiersglobalreport.org/content/russian-federation>, accessed 21 August 2010. Law on Military Obligations and Military Service, No. 53-FZ – Russian, <http://base.garant.ru/178405>, accessed 21 October 2010. Federal Law Amending Certain Legal Acts of the Russian Federation Pursuant to Shorten Duration of Military Service by Conscription, No. 104-FZ, 6 July 2006, <http://base.garant.ru/189723/>, accessed 21 October 2010

²⁶¹ The Coalition to Stop the Use of Child Soldiers, Global Report 2008, <http://www.childsoldiersglobalreport.org/content/russian-federation>, accessed 21 August 2010

²⁶² RFERL, Zhirinovskys Party Proposes Conscription Buyout In Russia, 7 June 2010, http://www.rferl.org/content/Zhirinovskys_Party_Proposes_Conscription_Buyout_In_Russia/2064607.html, accessed 23 August 2010. Ria Novosti, Russia to keep conscription until 2030, 1 August 2008, <http://en.rian.ru/russia/20080801/115463931.html>, accessed 23 August 2010

²⁶³ The Coalition to Stop the Use of Child Soldiers, Global Report 2008, <http://www.childsoldiersglobalreport.org/content/russian-federation>, accessed 21 August 2010

²⁶⁴ HRW, Background on Conscription in Russia, 2002, available from http://www.hrw.org/reports/2002/russia/russia1102-01.htm#P88_14034

Note: Law on the Conscription Obligation and Military Service of March 28, 1998 (hereinafter-the law on military service). Decision of the Government of the Russian Federation "On the Confirmation of the Regulation regarding Conscription for Military Service of Citizens of the Russian Federation" (hereinafter-the regulation on conscription) of June 1, 1999, No. 587

on the use of police to escort men of conscription age, quoting a report from a 2006 Moscow Human Rights Institute Survey,

“In July 2006 the Deputy Defence Minister said in relation to the last call-up: “Instead of the traditional celebration of the military draft as an honourable constitutional duty, Russian men had to be forcibly escorted to the barracks by police.””²⁶⁵

A 2003 *Agence France Presse* article reported on the impact of the passing of legislation to allow for an alternative to military service:

“Conscientious objectors in Russia will be able to carry out alternative, non-military service, perhaps working in hospitals and orphanages, starting in January, but only a few thousand people are expected to sign up for it, officials said Wednesday.

“From 3,000 to 5,000 people may be sent to alternative civil service in autumn next year,” General Viktor Kozhushko, a senior official from the general staff’s mobilisation department, told the Interfax news agency.

He said the new law on civil service will come into force on January 1, 2004, after which conscripts will be able to apply for it.”²⁶⁶

In 2008 Russian news agency *Ria Novosti* reported that a draft military doctrine “The new face of the Russian Armed Forces until 2030” stated that military draft will be maintained until 2030, while gradually increasing the number of contract personnel.²⁶⁷

In 2009, according to the *USDOS*, the administration of the draft of military conscripts into Russian military services was further modified,

“Military authorities continued active implementation of First Deputy Prime Minister Sergey Ivanov’s initiative to assign parent committees to military units and to form commissions that administer the military draft. By the end of 2007, parent committees were assigned to 142 military units and 12 military commissariats.”²⁶⁸

In October 2009 the *UN Human Rights Committee* notes with regard to the administration of the programme for alternative service by the Russian authorities,

“While welcoming the reduction, in 2008, of the prescribed length of civilian service for conscientious objectors from 42 months to 21 months, the Committee notes with concern that it is still 1.75 times longer than military service, and that the State party maintains the position that the discrimination suffered by conscientious objectors is due to such alternative service amounting to “preferential treatment” []. The Committee notes with regret that the conditions for alternative service are punitive in nature, including the requirement to perform such services outside places of permanent residence, the receipt of low salaries, which are below the subsistence level for those who are assigned to work in social organizations, and the restrictions in freedom of movement for the persons concerned.”²⁶⁹

²⁶⁵ The Coalition to Stop the Use of Child Soldiers, Global Report 2008, <http://www.childsoldiersglobalreport.org/content/russian-federation>, accessed 21 August 2010

²⁶⁶ AFP, Few Russians to sign up for alternative military service, 23 July 2003, <http://www.cdi.org/russia/266-8.cfm>, accessed 21 August 2010

²⁶⁷ Ria Novosti, Russia to keep conscription until 2030, 1 August 2008, <http://en.rian.ru/russia/20080801/115463931.html>, accessed 23 August 2010

²⁶⁸ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

²⁶⁹ UN Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant - Concluding observations of the Human Rights Committee - Russian Federation, 12-30 October 2009, p.10, available at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CCPR/C/RUS/CO/6&Lang=E>

The Coalition to Stop the Use of Child Soldiers reported in 2008 that “Conscientious objectors had to apply for alternative service at the earliest stage of the conscription process, when they were only 16 or 17. Later requests were inadmissible.”²⁷⁰

b. Hazing and other forms of discrimination and ill-treatment during military services

In its 2008 national report submitted to the United Nations General Assembly the *Russian Federation* stated

“Enjoyment of rights by members of the military still encounters serious problems; these include bullying, abuse of power and other issues. The provision of allowances and housing for servicemen remains problematic. There has, however, been a downward trend in crimes related to breaches of the rules of conduct among servicemen of the same rank: 3,786 such crimes were registered in 2005, while in 2006 there were 3,598, and in 2007, 2,401.”²⁷¹

Hazing is also known as “dedovshchina,” *Radio Free Europe/Radio Liberty* reports this as meaning, “the rule of grandfathers.”²⁷² *Radio Free Europe/Radio Liberty* reports that hazing is

“a military initiation process that new recruits are subjected to. It entails new enlistees to submit to more experienced soldiers and military officers.

As part of the system recruits are generally harassed, forced to do menial jobs, and often tortured by their superiors.”²⁷³

In 2007 the *UN Committee Against Torture* expressed concern regarding

“(a) Continuing reports of hazing in the military (*dedovshchina*) as well as of torture and other cruel, inhuman or degrading treatment or punishment in the armed forces, conducted by or with the consent, acquiescence or approval of officers or other personnel, notwithstanding the State party’s reported intention to develop an action plan to prevent hazing in the armed forces;

(b) Documented reports that victims who lodge complaints are subjected to further reprisals and abuse and that there is no system of protection for witnesses of such acts;

(c) Hundreds of reports that investigations are inadequate or absent, and that despite thousands of officers charged with such offences, that there is widespread impunity.”²⁷⁴

In 2008 *The Coalition to Stop the Use of Child Soldiers* reported that, “Reports of hazing in the armed forces were commonplace from almost every military district.”²⁷⁵

In 2009, according to the *USDOS*, reports of the mistreatment of conscript soldiers were widespread,

²⁷⁰ The Coalition to Stop the Use of Child Soldiers, Global Report 2008, <http://www.childsoldiersglobalreport.org/content/russian-federation>, accessed 21 August 2010

²⁷¹ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

²⁷² Radio Free Europe/Radio Liberty, Hazing on the increase in the Russian military, 23 July 2010, http://www.rferl.org/content/Hazing_On_The_Increase_In_The_Russian_Military_/2107707.html, accessed 1 November 2010

²⁷³ Radio Free Europe/Radio Liberty, Hazing on the increase in the Russian military, 23 July 2010, http://www.rferl.org/content/Hazing_On_The_Increase_In_The_Russian_Military_/2107707.html, accessed 1 November 2010

²⁷⁴ UN Committee against Torture, Consideration of fourth periodic report submitted by Russian Federation, Conclusions and Recommendations, UN Doc. CAT/C/RUS/CO/4, 6 February 2007, <http://www2.ohchr.org/english/bodies/cat/cats37.htm>, accessed 21 August 2010

²⁷⁵ The Coalition to Stop the Use of Child Soldiers, Global Report 2008, <http://www.childsoldiersglobalreport.org/content/russian-federation>, accessed 21 August 2010

"During the year regional committees of the NGO Committee for Soldiers' Mothers (CSM) reported receiving 9,523 complaints of hazing mistreatment of servicemen from 20 regions of the country, approximately the same number as in 2008.

The complaints mostly concerned beatings, but also included sexual abuse, torture, and enslavement. Soldiers often did not report hazing to unit officers or military prosecutors due to fear of reprisals, since in some cases officers allegedly tolerated or even encouraged hazing as a means of controlling their units.

During the year, one in four hazing offenses was committed by an officer who tried to conceal the offense. Such cases were usually investigated only following pressure from family members, NGOs, or the media. In May Ombudsman Lukin presented a report to the State Duma detailing widespread hazing in the military."²⁷⁶

In July 2010 *Radio Free Europe/Radio Liberty* reported a 50% increase in hazing incidents in the first five months compared to the previous year,

"Additionally, the prosecutor's office said on July 21 that since the beginning of 2009, 1,170 recruits have been registered as having been abused or mistreated by another service member. Four deaths have been reported. It said 90 percent of the attacks were committed by other recruits"²⁷⁷

In 2007 there were reports of soldiers raping and forcing conscripts to work as male prostitutes.²⁷⁸

Russian news source *Pravda* reported in 2007 that according to the UN International Panel for Struggle against Sexual Exploitation the Russian army was "plagued" with male prostitution,

"Servicemen may become male prostitutes in the Russian army for various reasons. There are young men who voluntarily offer sexual favors to their homosexual clients; others are forced into prostitution against their own will. Newcomers, especially those who finished higher schools before joining the army, suffer from sexual harassment more often than others. Brave soldiers try to protect their honor and rights, although there is no one to help them: commanders and military officials may often be involved in the sex business too."²⁷⁹

UK daily newspaper, *The Guardian* reported in 2007 that

"According to the rights group Union of the Committees of Soldiers' Mothers of Russia, conscripts at an army base in St Petersburg were compelled to perform sexual services for influential middle-aged clients, among whom was a former general in the FSB intelligence agency."²⁸⁰

The Guardian further reported that

"Clients were said to arrive at night outside the military base, next to the Hermitage museum, and the soldiers would be forced to get into clients' cars.

²⁷⁶ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

²⁷⁷ Radio Free Europe/Radio Liberty, Hazing on the increase in the Russian military, 23 July 2010, http://www.rferl.org/content/Hazing_On_The_Increase_In_The_Russian_Military_/2107707.html

²⁷⁸ Guardian, Russian army sold recruits for sex, rights group claims, 14 February 2007, <http://www.guardian.co.uk/world/2007/feb/14/russia.lukeharding>, accessed 4 October 2010. Pravda, Russian army plagued with sex slavery and male prostitution, 15 February 2007, http://english.pravda.ru/society/stories/15-02-2007/87441-army_prostitute-0/, accessed 4 October 2010. BBC, Russian soldiers used for sex, 13 February 2007, <http://news.bbc.co.uk/1/hi/world/europe/6356707.stm>, accessed 4 October 2010

²⁷⁹ Pravda, Russian army plagued with sex slavery and male prostitution, 15 February 2007, http://english.pravda.ru/society/stories/15-02-2007/87441-army_prostitute-0/, accessed 4 October 2010

²⁸⁰ Guardian, Russian army sold recruits for sex, rights group claims, 14 February 2007, <http://www.guardian.co.uk/world/2007/feb/14/russia.lukeharding>, accessed 4 October 2010

One conscript, who had raised the alarm, told Russia's *Gazeta* newspaper yesterday that older soldiers humiliated the others. "Sometimes they made us mop the floors all night ... The officers would beat us on the arms and legs. We were sent out to the park to earn money ... I was tortured with electric shocks." Another conscript added: "At least 10 out of 35 of us would not spend the nights at the military base."

[]

Russian media reports claim soldiers at the St Petersburg unit passed a "client list" on to successors, and conscripts were paid about 1,000 roubles (£20) for sex.²⁸¹

The *BBC* and *The Guardian* report that in the previous year (2006) a conscript at the St Petersburg unit was tortured so badly by his superiors that he had to have his genitals and legs amputated.²⁸²

Pravda reported in 2007 that soldiers have been raped by other soldiers and blackmailed into prostitution, in one case a young soldier identified as Ilya received a letter from his girlfriend,

"“The sergeant told me that day that I would no longer need girls. He and three other men forced me to go behind the barracks to the abandoned construction site. They made me kneel there, tied me up to a lamppost and hit me several times in the groin. The pain was so strong that I lost the will to fight them back. They made me open my mouth and raped me. I don't remember how long it continued. When I came to my senses I didn't want to live. I was seriously thinking about committing suicide. I was shocked that the rapists were visiting me regularly afterwards bringing fruit and vodka for me. When it ended they made me a prostitute,” Ilya said.”²⁸³

Pravda reported that some of the soldiers who have been abused attempt suicide,

"There were many incidents when soldiers prefer bid farewell to their lives being unable to cope with humiliation. However, military officials mostly say that such stories occur because of the unbalanced state of mind of the soldiers.”²⁸⁴

Pravda describes three different groups of male soldier prostitutes; 'street boys', 'the secluded' and 'the affiliated'

"Pimps in uniform aim at bringing a person down and humiliating him. If they succeed, they make a soldier become either a passive or an active male prostitute (an active one is more expensive). Prostitute soldiers are divided into three groups in Russia: the secluded, the street boys and the affiliated.

Street boys are the most common and cheapest male prostitutes in the Russian army. They can be found in many places of Moscow during weekends. When on a leave warrant, the street boys wander about the capital looking for clients and offering sex services to them. They can be basically found in the center of Moscow: on Tverskaya Street, on the square in front of the Pushkinsky Cinema and in the Alexandrov Garden near the Red Square. Sometimes they can be found on railway stations too. They try to guess the sexual orientation of a potential client and approach him asking for a cigarette or a little money. Sometimes they ask to use a cell phone to make one single call home. Just a little attention to such a soldier is enough to make him start seducing the client. The conversation mostly ends with a quick oral action in a toilet nearby.

²⁸¹ Guardian, Russian army sold recruits for sex, rights group claims, 14 February 2007, <http://www.guardian.co.uk/world/2007/feb/14/russia.lukeharding>, accessed 4 October 2010

²⁸² Guardian, Russian army sold recruits for sex, rights group claims, 14 February 2007, <http://www.guardian.co.uk/world/2007/feb/14/russia.lukeharding>, accessed 4 October 2010. BBC, Russian soldiers used for sex, 13 February 2007, <http://news.bbc.co.uk/1/hi/world/europe/6356707.stm>, accessed 4 October 2010

²⁸³ Pravda, Russian army plagued with sex slavery and male prostitution, 15 February 2007, http://english.pravda.ru/society/stories/15-02-2007/87441-army_prostitute-0/, accessed 4 October 2010

²⁸⁴ Pravda, Russian army plagued with sex slavery and male prostitution, 15 February 2007, http://english.pravda.ru/society/stories/15-02-2007/87441-army_prostitute-0/, accessed 4 October 2010

"The street boys don't ask for much money. The majority of them come to Moscow from Russia's provinces. They are ready to do anything for a bowl of soup or a cigarette," a client (he asked to call him Igor) said. "When they return to the military unit, they share their earnings with bullies, who in their turn share with officers," the man said.

Pleshka is the most notorious place in the Moscow homosexual environment. Gays can be spotted there all day long, although gay prostitutes and their pimps appear in the evening time. Some of them put on military uniform and pretend to be soldiers. Such a "professional" asks for \$300, although a genuine military man on Pleshka charges only 20-30 dollars.

The so-called affiliated army prostitutes make the biggest earnings in comparison with the two of the above-mentioned groups. They "serve" in their own military units waiting for clients in the barracks."²⁸⁵

According to an October 2009 report by *Radio Free Europe/Radio Liberty*, four mothers took action in Chelyabinsk to prevent their sons from being subjected to violence while serving as conscripts,

"At a press conference in the western Russian city of Chelyabinsk, four women said that they had to kidnap their sons from their military unit in order to "save them from a beating," []

The young men were drafted into the Russian Army this summer and spent only three days in their military unit in eastern Siberia. They decided to flee the unit after being beaten by senior soldiers. The four soldiers were not at the press conference and their mothers refused to discuss their whereabouts, saying that they are undergoing medical check-ups.

The Military Prosecutor's Office is demanding that the young conscripts return to their military unit, insisting that no beating ever took place. Cases of desertion have been filed against the soldiers."²⁸⁶

In 2009, according to the *USDOS*, hazing contributed directly to the deaths of soldiers in certain instances,

"The Ministry of Defense reported 14 deaths as a direct result of hazing during the year. As in past years, human rights observers noted that few of the persons accused in such incidents were prosecuted or otherwise held accountable. However, in September the NGO Committee of Soldiers' Mothers reported that the Office of the Military Prosecutor had improved its prosecution record during the year."²⁸⁷

In October 2009 *Radio Free Europe* reported on the death of a soldier due to mistreatment in eastern city of Khabarovsk,

"A young soldier was found dead in a military unit near Khabarovsk in Russia's Far East []

He was found hanged on October 10 with bruises and scratches on his body. Military investigator Vladimir Lymar of the Far East Military District told journalists that two senior soldiers, who were expected to be discharged from the army on October 20, were arrested as suspects."²⁸⁸

²⁸⁵ Pravda, Russian army plagued with sex slavery and male prostitution, 15 February 2007, http://english.pravda.ru/society/stories/15-02-2007/87441-army_prostitute-0/, accessed 4 October 2010

²⁸⁶ Radio Free Europe / Radio Liberty, Russian Soldiers' Mothers Kidnap Sons To Prevent Beating, 10 October 2009, http://www.rferl.org/content/Russian_Soldiers_Mothers_Kidnap_Sons_To_Prevent_Beating/1848476.html, accessed 23 August 2010

²⁸⁷ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

²⁸⁸ Radio Free Europe / Radio Liberty, Russian Conscript Found Hanged In Khabarovsk, 13 October 2009, http://www.rferl.org/content/Russian_Conscript_Found_Hanged_In_Khabarovsk/1850468.html, accessed 17 August 2010

A *Moscow Times* report in December 2009 states, "Following complaints of ritual harassment, eight army officers from the Leningrad military district have been discharged."²⁸⁹

A report by *Radio Free Europe* in June 2009 notes the death of an army conscript in Vyborg, near the city of St. Petersburg,

"A Russian Army conscript has committed suicide in a military hospital in the city of Vyborg []

The soldier was from the military unit in the town of Kamenka, near St. Petersburg, from which a group of newly drafted recruits deserted last week.

Yelena Popova, the NGO Soldiers' Mothers Committee spokeswoman, told RFE/RL that the situation in several military units in Kamenka is worrisome, with young soldiers referred to her organization many times complaining of "non-regulation" behavior and humiliating treatment of junior officers. She added that they are living in horrendous conditions and according to barbaric laws."²⁹⁰

According to a June 2009 report by *Radio Free Europe/Radio Liberty*,

"The Committee of Soldiers' Mothers, a prominent Russian NGO, informed journalists on June 12 that the group consists of five to seven new soldiers from Kostroma and Vologda Oblasts. []

Representatives of the NGO said that a newly drafted recruit from the same unit last month complained to them about the humiliating treatment of new members of the military unit."²⁹¹

A report from the *Jamestown Foundation* in October 2009 notes that the Russian defence ministry believes that a reduction in the length of military service performed by conscripts will reduce the instances of hazing:

"The defense ministry is convinced that after reducing the term of service to twelve months that *dedovshchina* or institutionalized bullying within the armed forces is now in decline, and offers statistics to support this assertion. []

In the first eight months of 2009 compared to the same period last year, there were 13 percent fewer cases related to bullying and an 11.5 percent drop involving violence. According to the chief military prosecutor's office the share of crimes against young conscripts in the army "is not too high," accounting for 15 percent of all recorded crimes."²⁹²

In August 2009 the *BBC* reported that serving in the Russian military may expose conscripts to brutal treatment and, in extreme cases, risk life,

"The life of those who serve can be nasty, brutish, and short - even in peacetime. In 2008, 471 Russian soldiers died in non-combat incidents. Suicide accounted for almost half of the deaths. []

Masha Lipman, an expert on Russian society and the regions at the Carnegie Moscow Centre, highlights bullying - or "hazing" - as a frequent factor.

²⁸⁹ The Moscow Times, 8 Military Officers Fired Over Hazing Complaints, 11 December 2009, <http://www.themoscowtimes.com/news/article/8-military-officers-fired-over-hazing-complaints/391264.html>, accessed 21 August 2010

²⁹⁰ Radio Free Europe / Radio Liberty, Conscript Commits Suicide In Russian Military Unit, 15 June 2009, http://www.rferl.org/content/Conscript_Commits_Suicide_In_Military_Unit_Near_St_Petersburg/1754857.html, accessed 23 August 2010

²⁹¹ Radio Free Europe / Radio Liberty, New Recruits Flee Russian Army Unit, 13 June 2009, http://www.rferl.org/content/New_Recruits_Flee_Russian_Army_Unit/1753380.html, accessed 21 August 2010

²⁹² The Jamestown Foundation, Bi-Annual Draft Begins in the Russian Military, 6 October 2009, http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=35582, accessed 21 August 2010

"The worst problem of all in this conscription army is the threat to human life, as a result first and foremost of brutal hazing, which every year results in numerous deaths, suicides, and mutilations," she said."²⁹³

Radio Free Europe/Radio Liberty reported in a January 2010 article on the misuse of conscript soldiers in the Leningrad Region,

"A Russian military officer at a unit in Leningrad Oblast has been charged with abuse of power for ordering soldiers to work at his summer cottage []
Colonel Andrei Berdyaev, the deputy commander of the unit in Russia's northwestern Leningrad Oblast, is officially accused of the illegal use of soldiers' labor in constructing his summer house. []

Representatives of the local nongovernmental organization Soldiers' Mothers of St. Petersburg said it is common for "soldiers to be used as slaves by [military] officers in the construction of their personal houses."²⁹⁴

In January 2010 the *BBC*, reporting on comments made by Russian Military Prosecutor General Sergei Fridinsky, stated,

"The Russian army is infamous for the beatings given to new soldiers - some of which have resulted in death or severe injury. Mr Fridinsky admitted that cases of hazing had actually gone up in 2009 despite the army's best attempts to curb the practice."²⁹⁵

In February 2010 *The Saint Petersburg Times* reports on the non-combat-related deaths in the northwestern district and notes,

"Fifty-eight young men died as a result of non-combat-related causes in the military detachments of the northwestern district in 2009, Igor Lebed, chief military prosecutor of the Leningrad Military District, said Thursday. Nationwide, the figure totaled 273 deaths, according to the country's Defense Ministry. Suicides account for more than half of non-combat deaths in the armed forces. []

The Defense Ministry estimated that on average, up to 500 recruits die from non-combat-related causes every year in Russia. But human rights groups contest official statistics and claim the actual number is at least twice as high. Worse still, human rights groups insist hazing cases are often reported as accidental deaths.

The St. Petersburg Soldiers' Mothers human rights organization said recruits are driven to suicide by hazing, violence and physical abuse. Some of the letters kept at the organization's headquarters were written by recruits who later committed suicide. []

"Every month, deserters and their relatives flock to us with absolutely chilling stories of torture, forced prostitution and slave labor," said Ella Polyakova, head of Soldiers' Mothers. Investigations into suicides and alleged abuses typically lead nowhere. Obtaining evidence from a closed structure like the Russian army, which has its own military prosecution system, has proven difficult."²⁹⁶

In February 2010 *Radio Free Europe* reported on the conviction of a soldier for the mistreatment of conscripts in the Leningrad Region,

²⁹³ BBC News, Problems beset Russia army reform, 17 August 2009, <http://news.bbc.co.uk/2/hi/europe/8204941.stm>, accessed 13 August 2010

²⁹⁴ Radio Free Europe / Radio Liberty, Russian Army Officer Charged For Forcing Soldiers To Work, 20 January 2010, http://www.rferl.org/content/Russian_Army_Officer_Charged_For_Forcing_Soldiers_To_Work/1934960.html, accessed 13 August 2010

²⁹⁵ BBC News, Russia army corruption cost \$100m in 2009, 26 January 2010, <http://news.bbc.co.uk/2/hi/europe/8481450.stm>, accessed 21 August 2010

²⁹⁶ The St. Petersburg Times, Non-Combat Deaths Plague Russian Army, 26 February 2010, http://www.sptimes.ru/index.php?action_id=2&story_id=30874, accessed 12 August 2010

"A military court in Russia's Leningrad Oblast sentenced a sergeant today from the Kamenka military base for beating young conscripts, RFE/RL's Russian Service reports. He was given a three-year suspended sentence.

An investigation into reports that new recruits were being beaten by several sergeants at Kamenka was launched last year.

Two sergeants have been sentenced in the last two months. One received a suspended sentence of 3 1/2 years, while the other was sentenced to four years in jail.

Ella Polyakova, the chairwoman of the nongovernmental organization Soldiers' Mothers of St. Petersburg, told RFE/RL that the sentences are too mild. []

"Those 16 young soldiers were severely beaten; one of them lost his gall bladder. Nobody protected them; the verdicts show that the investigations were weak and superficial."²⁹⁷

A May 2010 article published by *Radio Free Europe* reports on the death of a young conscript from West Siberia while serving in a military unit,

"... the Baikal human rights center in West Siberia issued a statement by the parents of a young conscript who died just five days after he was drafted into the Russian Army. Albert Kiyamov was a young physicist who was called up for military service after he completed his Ph.D dissertation in the city of Ulyanovsk earlier this month. The commanders of Kiyamov's military unit say he fell out of a window and died. Kiyamov's parents say they do not believe that and have demanded a full and transparent investigation into their son's death."²⁹⁸

RIA Novosti reported in June 2010 that, "Conscripts complain of bullying, malnutrition and poor living conditions. Many officers are reported to be suffering from psychiatric illnesses."²⁹⁹

A *RIA Novosti* report in July 2010 states that physical and mental abuse of conscripts in the military increased in early 2010:

"Barrack-room bullying has grown significantly in Russia's army despite efforts to stamp out mistreatment of young conscripts. A report in *Vedomosti* said there was a 150 per cent hike in conscripts reporting physical and mental abuse from Jan. to May 2010. In total 1,167 recruits were subjected to attacks, the newspaper claimed. There are said to be around 20,000 convicted criminals currently serving in the Russian military."³⁰⁰

In testimony given before the US Congress in June 2009, a scholar from the *Carnegie Endowment for International Peace* commented on incidents related to faith-based discrimination in the Russian military: "There were a few instances of hate crimes, murders committed in the Russian armed forces based on religious intolerance."³⁰¹

In 2009, according to the *USDOS*, provisions made for religious worship in the military were unequal,

²⁹⁷ Radio Free Europe / Radio Liberty, Russian Military Court Sentences Sergeant For Hazing, 4 February 2010, http://www.rferl.org/content/Russian_Military_Court_Sentences_Sergeant_For_Hazing/1948930.html, accessed 25 August 2010

²⁹⁸ Radio Free Europe / Radio Liberty, Activists Concerned Over Treatment Of Conscripts In Russian Army, 31 May 2010, http://www.rferl.org/content/Activists_Concerned_Over_Treatment_Of_Conscripts_In_Russian_Army/2058169.html, accessed 24 August 2010

²⁹⁹ *RIA Novosti*, Russian military to consist of university graduates – Minister, 18 June 2010, <http://en.rian.ru/russia/20100618/159479019.html>, accessed 25 August 2010

³⁰⁰ *RIA Novosti*, Hazing on the Rise in Russian Army, 27 July 2010, http://en.rian.ru/military_news/20100727/159963922.html, accessed 21 August 2010

³⁰¹ Carnegie Endowment, Dagestan: A New Flashpoint in Russia's North Caucasus, 16 June 2009, <http://carnegieendowment.org/files/06016%5Fbriefing%5Falexe%2Epdf>, accessed 17 August 2010

“Authorities permitted Orthodox chapels and priests on army bases and gave Protestant groups limited access to military facilities. Authorities largely prohibited Islamic services in the military and generally did not give Muslim conscripts time for daily prayers or alternatives to pork-based meals. Some Muslim recruits serving in the army reported that their fellow servicemen insulted and abused them on the basis of their religion.”³⁰²

Regarding discrimination in the military, an August 2009 report by *The Moscow Times* states,

“According to military prosecutors, the Nasha Versiya reporter says, more than 20 percent of all military crimes now take place in units with significant numbers of soldiers and sailors from the Caucasus. Uncertain how to respond, “commanders of all ranks are throwing up their hands because they don’t know how to combat manifestations of interethnic hostility.”³⁰³

c. Treatment of draft evaders/deserters and conscientious objectors

A 2009 journal article in the academic periodical *‘Religion, State and Society’* notes that some regions oppose the implementation of alternative service to military conscription and reject applications from conscientious objectors,

“The alternative service law came into force on 1 January 2004. Even before this date, however, local authorities had started implementing it. While some of the more liberal regions had decided to introduce a genuine civil service alternative, other more conservative regions instead seemed determined to find a way to reject applications from COs who insisted on exercising their constitutional right...”³⁰⁴

A report of the *United Nations Human Rights Committee* in October 2009 states,

“While welcoming the reduction, in 2008, of the prescribed length of civilian service for conscientious objectors from 42 months to 21 months, the Committee notes with concern that it is still 1.75 times longer than military service, and that the State party maintains the position that the discrimination suffered by conscientious objectors is due to such alternative service amounting to “preferential treatment” []

The Committee notes with regret that the conditions for alternative service are punitive in nature, including the requirement to perform such services outside places of permanent residence, the receipt of low salaries, which are below the subsistence level for those who are assigned to work in social organizations, and the restrictions in freedom of movement for the persons concerned.”³⁰⁵

In April 2010 *RIA Novosti* reported that corrupt methods are employed by those wishing to avoid serving as a conscript for fear of mistreatment,

“All Russian men between the ages of 18 and 27 are obliged by law to undertake one year of military service, but reports of military hazing and harsh conditions encourage people to

³⁰² US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

³⁰³ The Moscow Times, North Caucasian Draftees Undermining Russian Military, 31 August 2009, <http://www.themoscowtimes.com/columns/article/north-caucasian-draftees-undermining-russian-military/381634.html>, accessed 25 August 2010

³⁰⁴ Flemming S. Hansen, The Moscow Patriarchate and the Right to Conscientious Objection, *Religion, State and Society*, Volume 37, Issue 4 December 2009, p. 405, DOI: 10.1080/09637490903315427, accessed 28 August 2010

³⁰⁵ United Nations Human Rights Committee, Concluding observations of the Human Rights Committee: RUSSIAN FEDERATION 2009, November 2009, p.10, <http://www2.ohchr.org/english/bodies/hrc/docs/co/CCPR.C.RUS.CO.6.pdf>, accessed 03 September 2010

evade conscription by bribing military officials and doctors for medical exemption certificates.”³⁰⁶

In 2010 *Radio Free Europe/Radio Liberty* reported that a Russian doctor has been arrested and an army official has been sentenced for taking bribes from potential conscripts.³⁰⁷

In June 2010 *Radio Free Europe/Radio Liberty* reported of young men, “Many of them try to avoid military service by paying bribes to local military commission officials.”³⁰⁸ *Radio Free Europe/Radio Liberty* further reported a proposed law allowing a payment to be made by potential recruits as an alternative to performing military service.³⁰⁹

A July 2010 article by *The Moscow Times* reports on efforts made by those who wish to avoid serving in the military,

“About 200,000 young men eligible for draft are avoiding it by ignoring draft notices or switching residences for the duration of the draft campaign, Vasily Smirnov, head of the General Staff’s organization and mobilization department, said Monday.”³¹⁰

A February 2010 article in *The Moscow Times*, reporting on a publication of the Russian health and social development ministry, notes,

“While the concept paper suggests that only 13.5 percent of draft-age males are psychologically ill, Tatyana Dmitriyeva, a leading Russian psychiatrist, says that almost 40 percent of that cohort are unfit for military service because of mental problems.”³¹¹

d. Forced recruitment

In 2009, according to the *USDOS*, both the human rights ombudsman and the NGO Committee for Soldiers’ Mothers (CSM) stated that there was a growing problem with young civilian men being forced to sign contracts to serve in the military forces,

“The human rights ombudsman, as well as the CSM, also stated that there was a growing problem with young civilian men being forced to sign contracts to serve in the military forces. The St. Petersburg branch of CSM noted an increase in reports of illegal impressments in August 2008, reportedly in connection to the conflict with Georgia.

On June 3, Interfax reported that the practice was continuing, with Moscow police allegedly raiding several residences in and around Moscow State University and forcibly taking young male students to the draft office and coercing them to sign up for military service. There were approximately 15 complaints of such practices by the security services during

³⁰⁶ RIA Novosti, Russian conscripts to have five-day working week, 21 April 2010, <http://en.rian.ru/russia/20100421/158679988.html>, accessed 24 August 2010

³⁰⁷ Radio Free Europe/Radio Liberty, Zhirinovsky’s Party Proposes Conscription Buyout In Russia, 7 June 2010, http://www.rferl.org/content/Zhirinovskys_Party_Proposes_Conscription_Buyout_In_Russia/2064607.html, accessed 18 October 2010. Radio Free Europe/Radio Liberty, Russian doctors arrested for taking bribes from army recruits, 8 May 2010, http://www.rferl.org/content/Russian_Doctors_Arrested_For_Taking_Bribes_From_Army_Recruits/2036131.html, accessed 18 October 2010. Radio Free Europe/Radio Liberty, Former Russian Army Officer Arrested for Bribe Taking, 16 March 2010, http://www.rferl.org/content/Former_Russian_Army_Officer_Sentenced_For_BribeTaking/1985520.html, accessed 18 October 2010

³⁰⁸ Radio Free Europe/Radio Liberty, Zhirinovsky’s Party Proposes Conscription Buyout In Russia, 7 June 2010, http://www.rferl.org/content/Zhirinovskys_Party_Proposes_Conscription_Buyout_In_Russia/2064607.html, accessed 18 October 2010

³⁰⁹ Radio Free Europe/Radio Liberty, Zhirinovsky’s Party Proposes Conscription Buyout In Russia, 7 June 2010, http://www.rferl.org/content/Zhirinovskys_Party_Proposes_Conscription_Buyout_In_Russia/2064607.html, accessed 18 October 2010

³¹⁰ The Moscow Times, 200,000 Dodge Draft, 27 July 2010, <http://www.themoscowtimes.com/news/article/200000-dodge-draft/411121.html>, accessed 25 August 2010

³¹¹ The Moscow Times, Nearly 80% of Draft-Age Russians Unhealthy, Sources Say, 16 February 2010, <http://www.themoscowtimes.com/columns/article/nearly-80-of-draft-age-russians-unhealthy-sources-say/399892.html>, accessed 25 August 2010

the year. The CSM estimated that 30 percent of conscripts were forced into service in violation of their rights."³¹²

According to a December 2009 report by *Radio Free Europe/Radio Liberty* there were reports in St. Petersburg of military recruitment offices forcibly recruiting young conscripts,

"Rights activists in St. Petersburg say there have been numerous rights violations during the Russian Army's recruitment process this year []

A representative of the organization Soldiers' Mothers of St. Petersburg told RFE/RL that they have received a large number of phone calls from people complaining that local military recruitment offices "are literally hunting for young men on the streets, in supermarkets, and the subway to forcibly enlist them into the army."³¹³

Radio Free Europe/Radio Liberty also reported on allegations of forced recruitment in May 2010 in Moscow,

"Rights activists in Russia have raised fresh concerns over the treatment of conscripts in the army, RFE/RL's Russian Service reports. Sergei Sorokin of the Moscow Helsinki Group told RFE/RL that a graduate of Moscow State University's (MGU) postgraduate program was forcibly inducted into the army today. Sorokin said MGU graduate Roman Palvelyev, 25, came to Moscow's Cheremushki district military commission office to obtain a copy of its ruling on his case. Sorokin said Palvelyev was forced to go to the draft center and that his mother was not permitted to see him."³¹⁴

³¹² US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

³¹³ Radio Free Europe / Radio Liberty, Activists In St. Petersburg Say Men Being Forced Into Army, 22 December 2009, http://www.rferl.org/content/Activists_In_St_Peterburg_Say_Men_Being_Forced_Into_Army/1910265.html, accessed 25 August 2010

³¹⁴ Radio Free Europe / Radio Liberty, Activists Concerned Over Treatment Of Conscripts In Russian Army, 31 May 2010, http://www.rferl.org/content/Activists_Concerned_Over_Treatment_Of_Conscripts_In_Russian_Army/2058169.html, accessed 25 August 2010

D.Freedom of Expression, Opinion, Assembly and Association

1. Domestic legal framework

Article 29 of the Russian Constitution, adopted in 1993, states,

1. Everyone shall be guaranteed the freedom of ideas and speech.
2. The propaganda or agitation instigating social, racial, national or religious hatred and strife shall not be allowed. The propaganda of social, racial, national, religious or linguistic supremacy shall be banned.
3. No one may be forced to express his views and convictions or to reject them.
4. Everyone shall have the right to freely look for, receive, transmit, produce and distribute information by any legal way. The list of data comprising state secrets shall be determined by a federal law.
5. The freedom of mass communication shall be guaranteed. Censorship shall be banned.³¹⁵

Articles 30 and 31 articulate the constitutional protections afforded by the Russian Constitution in terms of rights to freedom of assembly and freedom of association:

Article 30 states,

1. Everyone shall have the right to association, including the right to create trade unions for the protection of his or her interests. The freedom of activity of public association shall be guaranteed.
2. No one may be compelled to join any association and remain in it.³¹⁶

Article 31 states,

“Citizens of the Russian Federation shall have the right to assemble peacefully, without weapons, hold rallies, meetings and demonstrations, marches and pickets.”³¹⁷

With regard to Freedom of Association, in its 2008 national report submitted to the United Nations General Assembly the *Russian Federation* stated that,

“Federal laws have been adopted to govern the right of association and to set out the main State guarantees of that right; these include the Non-Profit Organizations Act, the Voluntary Organizations Act, the Trade Unions (Rights and Guarantees of Activities) Act, the Political Parties Act, the Charitable Activities and Organizations Act and the Freedom of Conscience and Religious Organizations Act.

[] Under Russian law, the right of association is subject to restrictions. For example, a person whose actions have been found to be extremist by enforceable court decision may not be a founder, member or participant in a non-profit organization.

³¹⁵ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

³¹⁶ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

³¹⁷ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

[] The right of association is enjoyed not only by Russian citizens. The law establishes that foreign citizens and stateless persons legally present in the country have the same rights as Russian citizens to be founders, members and participants in non-profit organizations, except where otherwise specified by federal laws and the international treaties to which the Federation is a party. Thus, foreign citizens and stateless persons are not allowed to be members of political parties.³¹⁸

With regard to Freedom of Assembly in its 2008 national report submitted to the UN General Assembly the *Russian Federation* stated,

“Under Russian law, the country’s citizens have the right, unarmed, to gather peacefully, to hold assemblies, meetings, demonstrations and marches and to organize picket lines.

[] The right to hold public events is enshrined in the Constitution and is a major form of participation by citizens and their associations in the affairs of the State.

[] Under the federal Assemblies, Meetings, Demonstrations, Marches and Picketing Act, when public events of this kind are organized, all that is required is notification of the event in the interests of maintaining public order: the organizers must send the local authorities notice that the event will be held.”³¹⁹

The *USDOS* report issued in March 2010 covering events of 2009 notes that, despite the existence of constitutional protections to freedom of assembly, the right to mobilise and protest is restricted,

“The law provides for freedom of assembly, but local authorities increasingly restricted this right in practice. Permits are required for most types of public meetings, demonstrations, or marches and must be requested between five and 10 days before the event. Local elected and administrative officials selectively denied some groups permission to assemble or offered alternate venues that were inconveniently located.

[]
On December 28, the State Duma passed a law increasing the severity of punishment for anyone found guilty of illegally interfering with the flow of traffic. The law increased the fine from 2,500 rubles (\$82.70) to 100,000 rubles (\$3,307) or two years in prison. Human rights activists saw this as a move to restrict freedom of assembly.”³²⁰

According to *Amnesty International*, in 2009, political and human rights protesters found their activities restricted,

“The right to freedom of assembly was restricted for members of the political opposition and for human rights activists. Several people were sentenced to police detention solely for attempting to exercise their right to freedom of assembly.

The Moscow authorities repeatedly denied requests to hold demonstrations in support of the right to freedom of assembly, and arrested and fined dozens of people who attempted to demonstrate publicly.”³²¹

According to the *USDOS* in 2009, the right to freedom of expression was restricted by the Russian authorities,

³¹⁸ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

³¹⁹ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

³²⁰ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

³²¹ Amnesty International, Amnesty International Report 2010, p.271, http://thereport.amnesty.org/sites/default/files/AIR2010_EN.pdf, accessed 23 August

"The constitution provides for freedom of speech and of the press; however, in practice government pressure on the media persisted, resulting in numerous infringements of these rights.

While the government frequently respected citizens' rights to freedom of speech, it increasingly restricted this right, particularly with regard to issues such as the conduct of federal forces in Chechnya, human rights, corruption, and criticism of the government."³²²

In 2009, *Amnesty International* reports that human rights defenders, lawyers and journalists risked abuse and even death,

"Human rights defenders, lawyers and journalists were threatened and physically attacked; some were killed. A climate of impunity for these crimes prevailed, with police failing to investigate effectively."³²³

The *UN Human Rights Committee* notes in an October 2009 report that the Russian government has used extremism laws to inhibit the activities of those critical of the authorities, noting,

"In light of numerous reports that the extremism laws are being used to target organizations and individuals critical of the Government, the Committee regrets that the definition of "extremist activity" in the Federal Law on Combating Extremist Activity remains vague, allowing for arbitrariness in its application, and that the 2006 amendment to this law has made certain forms of defamation of public officials an act of extremism. The Committee also notes with concern that some provisions of article 1 of the Federal Law on Combating Extremist Activity include acts that are not sanctioned in the Criminal Code and are only punishable under the Code of Administrative Offences, such as mass dissemination of extremist materials, the application of which may not be subject to judicial review."³²⁴

In its 2009 Annual Report the *UK Foreign Office* stated that with regard to human rights practices,

"In some areas, such as attacks on human rights defenders and journalists, there has been a sharp deterioration."³²⁵

Human Rights Watch states in its 2010 report that the risk faced by activists and journalists working in the North Caucasus was particularly severe,

"2009 saw an increase in violence and threats against human rights defenders, civic activists, and independent journalists in Russia, particularly those working on the North Caucasus. These attacks—along with restrictive laws, harassment of independent groups, and hostile official attitudes—worsened the already negative environment for civil society."³²⁶

In 2010 *Freedom House* reported that the government had 'tight' control of the media, civil society, religious and academic freedom,

"The executive branch maintained its tight controls on the media, civil society, and the other branches of government in 2009, and took additional steps to rein in religious and academic freedom. []

³²² US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

³²³ Amnesty International, Amnesty International Report 2010, p.269, http://thereport.amnesty.org/sites/default/files/AIR2010_EN.pdf, accessed 23 August

³²⁴ UN Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant - Concluding observations of the Human Rights Committee - Russian Federation, 12-30 October 2009, p.11, available at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CCPR/C/RUS/CO/6&Lang=E>

³²⁵ United Kingdom Foreign and Commonwealth Office, Annual Report on Human Rights 2009, <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>, accessed 21 August 2010

³²⁶ Human Rights Watch, World Report 2010, p.429, <http://www.hrw.org/world-report-2010>, accessed 25 August 2010

"Although the constitution provides for freedom of speech, the authorities continue to put pressure on the dwindling number of critical media outlets. [] Only a handful of radio stations and publications with limited audiences offer a wide range of viewpoints. Discussion on the internet is free, but the government devotes extensive resources to manipulating the information and analysis available there."³²⁷

2. Treatment of members and supporters of opposition political parties

Demonstrators protesting as part of the Strategy 31 campaign, named after Article 31 of the Russian Constitution which provides for the freedom of assembly, have held unsanctioned rallies on the 31st of the month since 2009.³²⁸

In February 2010 *Radio Free Europe/Radio Liberty* reported that,

"Russia faces a wave of protests by opposition activists seeking to defend the right to assemble peaceably, which is guaranteed by Article 31 of the Russian Constitution. They have vowed to hold nationwide demonstrations on the 31st of every applicable month to highlight their complaints. A wave of unsanctioned protests on January 31 led to dozens of activists in numerous cities being detained by police."³²⁹

In October 2010 *Radio Free Europe/Radio Liberty* stated that,

"The campaign was launched last year by Limonov, a leader of the Other Russia opposition coalition. Other opposition groups and rights activists joined later.

All previous 11 attempts to hold a Strategy 31 gathering on Triumph Square were thwarted by city authorities, with police using force to disperse would-be participants."³³⁰

In October 2010 *Radio Free Europe/Radio Liberty* stated that an agreement had been reached between demonstration organizers and the authorities to hold talks about the possibility of holding sanctioned rallies,

"An agreement to discuss the conditions for an approved protest for some 800 people was reached at a meeting on October 25 between representatives from the mayor's office and an organizer of the demonstration, Moscow Helsinki Group Chairwoman Lyudmila Alekseyeva.

Another organizer of the Strategy 31 campaign, opposition activist Eduard Limonov, told RFE/RL that he, Alekseyeva, and a leader of the Left Front movement, Konstantin Kosyakin, would meet to discuss the offer from the mayor's office."³³¹

³²⁷ Freedom House, "Freedom in the World - Russia (2010)", January 2010, http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2010&country=7904&pf, accessed 5 September 2010

³²⁸ Radio Free Europe/Radio Liberty, Riot police complain of corruption as demonstrations rock Russia, 1 February 2010, http://www.rferl.org/content/Riot_Police_Complain_Of_Corruption_As_Demonstrations_Rock_Russia/1945465.html, accessed 26 October 2010; Radio Free Europe/Radio Liberty, Moscow officials to discuss approving 'Strategy 31' protest, 26 October 2010, http://www.rferl.org/content/Moscow_Officials_To_Discuss_Approving_Strategy_31_Protest/2201489.html, accessed 26 October 2010; The Guardian, The Russian protesters who won't give up, 30 August 2010, <http://www.guardian.co.uk/world/2010/aug/30/russian-protesters-31ers>, accessed 3 September 2010

³²⁹ Radio Free Europe/Radio Liberty, Riot police complain of corruption as demonstrations rock Russia, 1 February 2010, http://www.rferl.org/content/Riot_Police_Complain_Of_Corruption_As_Demonstrations_Rock_Russia/1945465.html, accessed 26 October 2010

³³⁰ Radio Free Europe/Radio Liberty, Moscow officials to discuss approving 'Strategy 31' protest, 26 October 2010, http://www.rferl.org/content/Moscow_Officials_To_Discuss_Approving_Strategy_31_Protest/2201489.html, accessed 26 October 2010

³³¹ Radio Free Europe/Radio Liberty, Moscow officials to discuss approving 'Strategy 31' protest, 26 October 2010, http://www.rferl.org/content/Moscow_Officials_To_Discuss_Approving_Strategy_31_Protest/2201489.html, accessed 26 October 2010

According to *Radio Free Europe/Radio Liberty* in November 2009, police in Moscow detained protesters demonstrating against the imprisonment of an opposition politician,

"Moscow police have detained several supporters of Eduard Limonov, the jailed leader of the opposition Other Russia coalition, RFE/RL's Russian Service reports. The demonstrators demanded on November 16 the immediate release of Limonov, who is serving a 10-day jail term for organizing an unsanctioned rally on October 31.

Boris Nemtsov and Vladimir Milov, who are leaders of the opposition movement Solidarity, as well as United Civil Front representative Aleksandr Ryklin, are among those who were detained at the protest in front of the jail where Limonov is being held. Protesters said that the sentence against Limonov was imposed for political reasons because of his activism."³³²

In February 2010 the *International Federation for Human Rights* (FIDH) reported the arrest of protestors in Moscow following a rally, noting,

"On January 31, 2010, around 100 protesters, including several prominent human rights defenders, including Mr. Oleg Orlov, Chairman of the Executive Board at the Memorial Human Rights Centre, Mr. Lev Ponomarev, Director of the Movement for Human Rights, and Mr. Yuri Dzhibladze, President of the Centre for Development of Democracy and Human Rights, were arrested in Triumphalnaia Square, Moscow, while participating in a rally organised to reclaim the respect of the right to freedom of peaceful assembly, and subsequently released on the same day."³³³

In February 2010 the NGO *Norwegian Helsinki Committee* also commented on these events, stating,

"On the last day of January around 600 activists gathered on the Triumphal Square in Moscow, among them Moscow Helsinki Group head Lyudmila Alexeyeva and well known activists Oleg Orlov and Lev Ponomarev in order to support their constitutional rights.

Similar protests in support of freedom of assembly were arranged in 18 regions of Russian Federation. In Kaliningrad around 12 000 were gathered. The event in Moscow was disrupted by the internal military forces and the notorious OMON police forces and around 100 persons were arrested, among them Oleg Orlov.

On December 31, the leader of Moscow Helsinki group Lyudmila Alexeyeva was detained during a similar event. Last Sundays' event was held without permission from Moscow City authorities even though an application was duly submitted. All previous rallies have been unsanctioned, as well."³³⁴

Radio Free Europe/Radio Liberty stated that former deputy Boris Nemtsov was amongst those detained on 31 January 2010,

"In Moscow, OMON troops detained about two dozen demonstrators, including former Deputy Prime Minister Boris Nemtsov, who described the arrests for RFE/RL's Russian Service.

"Those who were standing around us, a colonel called Viktor Aleksandrovich, acted completely pleasantly and agreed that the authorities are doing everything so that in the end there will be a revolution," Nemtsov said. "They are acting stupidly. The remaining

³³² Radio Free Europe / Radio Liberty, Moscow Police Detain Limonov Supporters At Rally, 17 November 2009, http://www.rferl.org/content/Moscow_Police_Detain_Limonov_Supporters_At_Rally/1880829.html, accessed 2 September 2010

³³³ FIDH, No space for freedom of peaceful assembly, 5 February 2010, <http://www.fidh.org/No-space-for-freedom-of-peaceful-assembly>, accessed 17 August 2010

³³⁴ Norwegian Helsinki Committee, Demonstrations in 18 regions in Russia, 2 February 2010, http://www.nhc.no/php/index.php?module=article&view=925&MMN_position=157:116:128, accessed 25 August 2010

police acted like animals -- they grabbed us, spun us around, shouted, screamed, pushed, and pressed up tight against Lyudmila Mikhailovna [Alekseyeva, the 82-year-old head of the Moscow Helsinki Group].”³³⁵

A *Radio Free Europe/Radio Liberty* reported in March 2010 notes that constitutional rights demonstrators were detained by the police in Vladivostok,

“Police in Russia's far eastern city of Vladivostok have detained at least 20 protesters who were demonstrating for their constitutional rights, [].

RFE/RL reports that the protesters were distributing leaflets with the text of Article 31 and holding placards saying "Freedom of Speech, Freedom of Elections!" and "For Your Freedom And Ours!"³³⁶

Radio Free Europe/Radio Liberty further reported that in June 2010 activists in St. Petersburg were detained for distributing leaflets,

“Police in St. Petersburg have arrested five opposition activists while they were distributing brochures criticizing Russian Prime Minister Vladimir Putin, RFE/RL's Russian Service reports. The five are activists of the United Civil Front. Some 100,000 copies of the brochure, “Putin. Results.10 Years,” were impounded by police in St. Petersburg on June 16.”³³⁷

In August 2010 an article appearing in US daily newspaper *The Wall Street Journal* reports that the opposition leader Boris Nemtsov was detained and prevented from participating in a rally in Moscow,

“Last Saturday opposition leader Boris Nemtsov, a former deputy prime minister and a likely future presidential candidate, was walking toward Triumphalnaya Square on his way to a pro-democracy rally.

As soon as he approached the square, and before he could even say anything, Mr. Nemtsov was surrounded by armed policemen who grabbed him by both arms, hurled him in a paddy wagon and drove to the nearby Tverskoy precinct.

There, in a room adorned by portraits of Stalin's secret police chiefs Lavrentiy Beria and Nikolai Yezhov, he was charged with "impeding police duties," a misdemeanor that carries a 15-day prison sentence.”³³⁸

A *Radio Free Europe/Radio Liberty* report in February 2010 comments on the barring of two opposition parties from elections in Sverdlovsk,

“Sverdlovsk regional election commission Chairman Vladimir Mostavshchikov told RFE/RL that Yabloko, one of the rejected parties, submitted 5,473 signatures in support of its application but 3,035 were deemed either "inauthentic" or "invalid," far more than the 10 percent threshold for invalid signatures that is allowed.

³³⁵ Radio Free Europe/Radio Liberty, Riot police complain of corruption as demonstrations rock Russia, 1 February 2010, http://www.rferl.org/content/Riot_Police_Complain_Of_Corruption_As_Demonstrations_Rock_Russia/1945465.html, accessed 26 October 2010

³³⁶ Radio Free Europe / Radio Liberty, Vladivostok Police Detain Demonstrators, 31 March 2010, http://www.rferl.org/content/Vladivostok_Police_Detain_Demonstrators/1999210.html, accessed 8 September 2010

³³⁷ Radio Free Europe / Radio Liberty, Police Arrest Activists For Distributing Brochures About Putin, 18 June 2010, http://www.rferl.org/content/Police_Arrest_Activists_For_Distributing_Brochures_About_Putin_/2075626.html, accessed 28 August 2010

³³⁸ The Wall Street Journal Europe, Putin's Desperate Crackdown, 5 August 2010, <http://online.wsj.com/article/SB10001424052748704017904575409353115593156.html?mod=googlewsj>, accessed 12 August 2010

Maksim Petlin, Yabloko's branch leader in the West Siberian region, told RFE/RL he is convinced the commission received orders from "someone above" to reject Yabloko's candidate list."³³⁹

In August 2010 UK daily newspaper *The Independent* reported on events at a rally in central Moscow in which the police took measures to prevent the protest from taking place,

"Organisers of yesterday's meeting had planned a protest concert by Yuri Shevchuk, one of Russia's best-known rock musicians, who confronted Mr Putin about democratic freedoms this year during a televised meeting.

But police surrounded the square and refused to allow any equipment in, forcing the singer to sing without a microphone through a barely functioning loudspeaker, from a makeshift stage."³⁴⁰

In August 2010 UK daily newspaper *The Guardian* commented on the treatment of protesters involved in monthly protests in Moscow,

"On the 31st of the month, a group of noisy protesters gather in downtown Moscow's Triumfalnaya Square. They shout slogans against Vladimir Putin and his regime. The 31ers, as they are known, are seeking to defend Russia's much-abused constitution and in particular article 31 – meant to guarantee freedom of assembly. []

The authorities have turned down all applications to stage the "Strategy-31" gatherings. And in time-honoured Russian fashion, mayor Yuri Luzhkov has sent in the goons, with riot police deployed on every occasion to arrest protesters and chuck them in the back of police vans."³⁴¹

In August 2010 *The Guardian* reports, "Russian prime minister Vladimir Putin today angrily dismissed protests against his regime as "provocations" and said anyone who took part in unsanctioned street rallies against the Kremlin should expect a "whack on the bounce".³⁴²

Radio Free Europe/Radio Liberty reports that

"On August 31, police in Moscow and St. Petersburg detained at least 130 protesters, including opposition leaders Boris Nemtsov and Eduard Limonov.

Laima Andrikiene, the deputy chairwoman of the European Parliament's subcommittee on human rights, attended the Moscow protest and later told RFE/RL's Russian Service that she was shocked by the number and behavior of police officers on the scene."³⁴³

3. Treatment of members of civil society, NGO workers, humanitarian workers and human rights defenders

In its 2010 World Report *Human Rights Watch* states that the Russian authorities used legislation governing the activity of NGOs to limit their campaigns,

³³⁹ Radio Free Europe / Radio Liberty, Two Opposition Parties In Sverdlovsk Barred From Elections, 10 February 2010, http://www.rferl.org/content/Two_Opposition_Parties_In_Sverdlovsk_Barred_From_Elections/1954488.html, accessed 15 September 2010

³⁴⁰ The Independent, Rock-star critic takes new swipe at Putin, 23 August 2010, <http://www.independent.co.uk/news/world/europe/rockstar-critic-takes-new-swipe-at-putin-2059366.html>, accessed 27 August 2010

³⁴¹ The Guardian, The Russian protesters who won't give up, 30 August 2010, <http://www.guardian.co.uk/world/2010/aug/30/russian-protesters-31ers>, accessed 3 September 2010

³⁴² The Guardian, Vladimir Putin says 'unsanctioned' protesters can expect police brutality, 30 August 2010, <http://www.guardian.co.uk/world/2010/aug/30/vladimir-putin-protesters-police-brutality>, accessed 2 September 2010

³⁴³ Radio Free Europe/Radio Liberty, Russian police raid office of opposition magazine, 2 September 2010, http://www.rferl.org/content/Police_Raid_Offices_Of_Russian_Opposition_Weekly/2146432.html, accessed 26 October 2010

"In 2009 President Medvedev made several statements underscoring the importance of democracy and human rights in Russia and acknowledging areas where change is needed. Notably, Medvedev appointed a working group to propose reforms to the restrictive 2006 law on NGOs.

[]

Most restrictive aspects of the 2006 law and its implementing regulations remain, however, which subject Russian and foreign NGOs to excessive, unwarranted government scrutiny and interference. The authorities also use tax inspections, inspections for fire code or labor code compliance, police raids, and politically motivated criminal charges to harass and intimidate in particular organizations that receive foreign funding or work on controversial issues."³⁴⁴

The *UN Human Rights Committee* notes in an October 2009 report that Russian legislation continues to inhibit the activities of NGOs in the country,

"The Committee notes with concern that, despite the amendments of July 2009, the restrictions on the registration and operation of associations, non-governmental organizations and political parties under the 2006 Non-Profit Organizations Act continue to pose a serious threat to the enjoyment of the rights to freedom of expression, association and assembly in the State party."³⁴⁵

A September 2009 report of the Russian NGO *Memorial Human Rights Centre* expressed concerns over visits made to the organisation's members,

"On September 3, 2009 unidentified people introducing themselves as officers of tax inspectorate came to the flats where Oleg Orlov, head of Council of HRC Memorial, and Alexander Cherkasov, member of the Council, are registered in Moscow. []

In the light of the fact that human rights organizations and their members have been threatened recently, attacks on them have been organized in Moscow and in other regions of Russia HRC Memorial expresses its concern that unidentified people telling false facts collected information about members of Memorial."³⁴⁶

In 2009 *Human Rights Watch* reported the assault of a human rights worker in the Moscow area,

"In March, Lev Ponamaryev, head of the Za Prava Cheloveka movement, was severely beaten in Moscow. In July unknown attackers shot Albert Pchelintsev, an anti-corruption activist in Khimki near Moscow, in the mouth with a stun gun, telling him it was to shut him up."³⁴⁷

A June 2009 *Radio Free Europe/Radio Liberty* report states that a youth activist was subjected to a search of his dwellings by the St. Petersburg police, leading to the confiscation of personal belongings,

"Police in St. Petersburg have searched the apartment of a youth activist and confiscated his computer and other materials, RFE/RL's Russian Service reports. Maksim Ivantsov is an active member of the Oborona (Defense) youth movement. He also helps the Soldiers'

³⁴⁴ Human Rights Watch, World Report 2010, p.429, <http://www.hrw.org/world-report-2010>, accessed 25 August 2010

³⁴⁵ UN Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant - Concluding observations of the Human Rights Committee - Russian Federation, 12-30 October 2009, p.12, available at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CCPR/C/RUS/CO/6&Lang=E>

³⁴⁶ HRC Memorial, Unidentified people collect information about members of HRC Memorial, 7 September 2009, <http://www.memo.ru/eng/news/2009/09/18/1809091.htm>, accessed 12 August 2010

³⁴⁷ Human Rights Watch, World Report 2010, p.429, <http://www.hrw.org/world-report-2010>, accessed 25 August 2010

Mothers of Petersburg organization. Police say the search was conducted because they suspected Ivantsov of hiding weapons and drugs.”³⁴⁸

In a July 2009 report by *Memorial Human Rights Centre* concerning an investigation of civil organisations by state authorities,

“In Kazan on July 20, 2009 law enforcement authorities paralyzed activity of two famous civil organizations – Inter-regional human rights organization AGORA and Kazan human rights centre. Under the pretence of the search of tax or other financial violations all the bookkeeping documentation was withdrawn.”³⁴⁹

An article by *The Guardian* in July 2009 reports on the death of a human rights worker that colleagues suspect may have been murder,

“A Russian activist has been found dead in a quarry more than two months after he went missing, according to police. One colleague said he suspected the prisoners' rights advocate was murdered. []

Kulagin was the branch head of the rights organisation Spravedlivost – “Justice” – in Karelia, 600 miles north of Moscow.”³⁵⁰

The *USDOS* report issued in March 2010 covering events of 2009 comments on the murder of two charity workers in Chechnya, noting that there have been no arrests made in connection with the case,

“On August 10, in Chechnya, five armed men abducted and killed charity workers Zarema Sadulayeva and Alik Dzhabrailov, who were married. The couple ran the Grozny-based NGO Save the Generation, which helped Chechen children suffering from disabilities caused by the conflict. A witness said that three of the abductors wore uniforms and identified themselves as members of the local security services, saying that they would return with the couple.

The bodies of Sadulayeva and Dzhabrailov were later found in the trunk of a car with multiple gunshot wounds. At the end of the year, the federal General Prosecutor's Office concluded that the assailants had killed Dzhabrailov because of his former activities as a militant and that Sadulayeva had died because of her proximity to Dzhabrailov. There were no arrests in the case.”³⁵¹

A press release by the organisation *All-Russia Public Movement For Human Rights* in August 2009 states that the security forces in the North Caucasus are involved in torture, abduction and extrajudicial killings,

“During summer of 2009 monitors and media constantly reported from Dagestan, Chechnya and Ingushetia about various crimes allegedly committed by the authorities that organize “counter-terrorist operations” in the republics. Abductions, tortures and extrajudicial executions continue in the North Caucasus. “Siloviks” present the killed as “boyeviks” that put up resistance and were killed during a fight during a “special operation”. But on the bodies of the killed tracks of tortures are seen, and numerous witnesses say that these people were abducted by “siloviks” prior to any special operation. Authorities usually refuse

³⁴⁸ Radio Free Europe / Radio Liberty, Youth Activist's Apartment Searched By St. Petersburg Police, 11 June 2009, http://www.rferl.org/content/Youth_Activists_Apartment_Searched_By_St_Petersburg_Police/1752294.html, accessed 9 August 2010

³⁴⁹ HRC Memorial, On the Persecution of Human Rights Organizations of Kazan, 24 July 2009, <http://www.memo.ru/eng/news/2009/09/02/0209092.htm>, accessed 23 August 2010

³⁵⁰ The Guardian, Russian rights activist murdered, colleague claims, 23 July 2009, <http://www.guardian.co.uk/world/2009/jul/23/russia-human-rights-activist-murdered>, accessed 20 August 2010

³⁵¹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

to deal with those who demand investigations of the abductions and extrajudicial executions and to stop such practice.”³⁵²

Article 19, an NGO campaigning for freedom of expression, reports that in August 2009 a fire destroyed the offices of a human rights organisation in Dagestan, noting,

“No-one was hurt in the fire at the premises of the “Mothers of Dagestan for Human Rights”, but the organisation’s head, Svetlana Isayeva, believes it was an arson attack.”³⁵³

In its 2010 annual report on events in 2009 *Human Rights Watch* reports,

“In October, Maksharip Aushev, a prominent opposition and civic activist in Ingushetia, was murdered when unknown shooters sprayed his car with bullets.”³⁵⁴

A November 2009 report by the *Council of Europe* on the Chechen Republic and the Republic of Ingushetia notes that further measures need be taken to protect those engaged in human rights work,

“The Commissioner welcomed the efforts by the Ingush authorities to engage in a regular dialogue with human rights NGOs. However, the overall recommendation by the Commissioner on the subject was that much stronger actions are needed to protect activist members of human rights organisations.”³⁵⁵

In its 2009 report on human rights practices the *USDOS* notes attacks against NGO workers by uniformed men,

“On August 10, in Chechnya, five armed men abducted and killed charity workers Zarema Sadulayeva and Alik Dzhabrailov, who were married. The couple ran the Grozny-based NGO Save the Generation, which helped Chechen children suffering from disabilities caused by the conflict. A witness said that three of the abductors wore uniforms and identified themselves as members of the local security services, saying that they would return with the couple.”³⁵⁶

In a report by *Amnesty International* in October 2009 the organisation comments on the murder of human rights defender and journalist Natalia Estemirova,

“Attacks against those working to protect human rights are common in the North Caucasus. On 15 July, Natalia Estemirova of the Memorial Human Rights Centre was abducted in Grozny, the capital of the Chechen Republic. Her body was found later the same day in Ingushetia.

Natalia Estemirova had received a number of threats in connection with her human rights work. Her killing has taken place in a climate when human rights activists have been verbally attacked by the Chechen authorities, who accuse them of being supporters of illegal armed groups.”³⁵⁷

³⁵² All-Russia Public Movement “For Human Rights”, “Death Squads” in the North Caucasus. Summer of 2009, 31 August 2009, <http://www.memo.ru/eng/news/2009/09/02/02090916.htm>, accessed 26 August 2010

³⁵³ Article 19, North Caucasus: Fire Destroys Offices of Human Rights Organisation, 20 August 2010, <http://www.article19.org/pdfs/press/north-caucasus-fire-destroys-offices-of-human-rights-organisation.pdf>, accessed 13 August 2010

³⁵⁴ Human Rights Watch, World Report 2010, p.429, <http://www.hrw.org/world-report-2010>, accessed 25 August 2010

³⁵⁵ COE, REPORT by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe, 24 November 2009, p.2, <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1501786&SecM ode=1&DocId=1503116&Usage=2>, accessed 19 August 2010

³⁵⁶ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

³⁵⁷ Amnesty International, Russian President must act to end attacks on human rights activists | Amnesty International, 5 October 2009, <http://www.amnesty.org/en/news-and-updates/news/russian-president-must-act-to-end-attacks-on-human-rights-activists-20091005>, accessed 16 August 2010

A November 2009 report by the *Council of Europe* to the Chechen Republic and the Republic of Ingushetia notes,

“The authorities of Ingushetia informed the Commissioner that they had established regular contacts with human rights NGOs. A new institution created under the President of the Republic in December 2008, the Public Commission for Human Rights, included representatives of NGOs, Parliament and law enforcement authorities.”³⁵⁸

In November 2009 *The Guardian* reported on the abduction of a human rights activist who had been critical of the Chechen leadership,

“A Russian human rights group today said that gunmen loyal to Chechnya's pro-Kremlin president had abducted a human rights activist in Moscow and flown him to Chechnya.

Chechen security officials grabbed Arbi Khachukayev this afternoon and then bundled him on to a flight to Chechnya's capital, Grozny, Memorial said. Its staff were deeply concerned for his safety, it added.

Khachukayev runs a Chechen human rights organisation, Law. It has exposed human rights abuses allegedly committed by forces loyal to Chechnya's Kremlin-appointed president, Ramzan Kadyrov. Last night Chechnya's interior ministry claimed that Khachukayev had been seized for taking part in an “armed assault”.”³⁵⁹

A *Radio Free Europe/Radio Liberty* report in December 2009 notes the death of a human rights defender and states,

“A prominent human rights activist was found dead today in the central Russian city of Kemerovo, RFE/RL's Russian Service reports. Gennady Prudetsky was the director of the Foundation to Protect the Rights of Victims of Repression and Convicts.”³⁶⁰

The *Observatory for the Protection of Human Rights Defenders*, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), states in a January 2010 report,

“The Observatory has been informed by reliable sources about continuing acts of harassment faced by Ms. Anastasia Denisova, President of ETHnICS, a Krasnodar-based youth group promoting tolerance, and also a member of the Krasnodar section of the Memorial Human Rights Centre as well as of the coordinating council of the International Youth Human Rights Movement.

According to the information received, on January 11, 2010, Ms. Anastasia Denisova's apartment was searched during more than three hours by police officers from the Krasnodar Crimes Department, Messrs. Armen Gasparjan, Pavel Ignatenko and Vasily Linkov, who were allegedly looking for a pirate software in the framework of an investigation on “terrorism”.”³⁶¹

A March 2010 report by *Amnesty International* notes an attack on a human rights activist campaigning for police reform and against corruption,

³⁵⁸ COE, REPORT by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe, 24 November 2009, p.15, <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1501786&SecM ode=1&DocId=1503116&Usage=2> , accessed 19 August 2010

³⁵⁹ The Guardian, Critic of Chechen president Ramzan Kadyrov abducted in Moscow, 5 November 2010, <http://www.guardian.co.uk/world/2009/nov/05/kadyrov-critic-khachukayev-abduction> , accessed 22 August 2010

³⁶⁰ Radio Free Europe / Radio Liberty, Russian Rights Activist Found Shot Dead In Kemerovo, http://www.rferl.org/content/Russian_Rights_Activist_Found_Shot_Dead_In_Kemerovo/1900468.html , accessed 18 August 2010

³⁶¹ OMCT, Human Rights Defenders: Continuing acts of harassment faced by Ms. Anastasia Denisova, 15 January 2010, <http://www.omct.org/index.php?id=&lang=eng&actualPageNumber=1&articleSet=Appeal&articleId=9048> , accessed 19 August 2010

“Vadim Karastelev, a member of the Novorossisk Human Rights Committee, has been representing the defence in the high profile case of a police officer, Aleksei Dymovskii, who posted a video of himself on YouTube last November, making a direct appeal to Prime Minister Vladimir Putin to clean up law enforcement agencies. On Saturday, he was severely beaten by two men outside his home in Novorossisk in the Krasnodar region on the Black Sea coast.

He sustained injuries to his eyes, skull and one of his legs.”³⁶²

Russian NGO, *The Slavic Center for Law & Justice* notes in an April 2010 report an assault on the Russian human right advocate Lyudmila Alekseyeva in Moscow during a memorial ceremony,

“A man who had been standing amongst the surrounding crowd of journalists approached Lyudmila Alekseyeva a few moments after she laid the flowers at a makeshift memorial. He yelled out “So you are still alive, whore!” and hit the 82-year old woman on the head. []

According to the municipal branch of the Moscow Department of Internal Affairs, he was formally charged with assault due to rowdy behavior.”³⁶³

An *Amnesty International* report published in May 2010 states that a human rights defender may have been deliberately targeted for persecution on the basis of his work,

“A Russian human rights defender has been jailed for five years on charges of theft and robbery amid fears that he may have been targeted for his human rights work. Aleksei Sokolov, a human rights activist who has campaigned against alleged torture and corruption in law enforcement agencies, was sentenced by the court in Bogdanovich, in the Sverdlosk Region of Russia, on Thursday. The court found him not guilty of another theft charge. The sentence is to be served in a high security penal colony.”³⁶⁴

In an August 2010 report *Radio Free Europ/Radio Liberty* states that a human rights lawyer has filed a complaint against the police in the republic of Tatarstan alleging mistreatment,

“A lawyer in the Russian republic of Tatarstan specializing in human rights and freedom of speech cases has filed a lawsuit against police, after he says they beat him while in detention, RFE/RL's Tatar-Bashkir Service reports. Rustem Valiullin was released by police in the town of Almetyevsk on August 4 after being detained for two days. He said he filed a lawsuit alleging that he was beaten and illegally fingerprinted while in jail.”³⁶⁵

A resolution from the *European Parliament* on the human rights situation in the North Caucasus states that on 21 January 2010 Oleg Orlov Chair of the Executive Board of the Human Rights Centre Memorial, was ordered by the Moscow City Civil Court to pay damages to Ramzan Kadyrov,

“On 9 February 2010 Ramzan Kadyrov publicly announced that he would drop the criminal proceedings he had initiated against Oleg Orlov, Chair of the Executive Board of the Human Rights Centre Memorial, and Ludmila Alexeyeva, Chair of the Moscow Helsinki Group, for defamation,

[] on 6 July 2010 Oleg Orlov was charged under Article 129 of the Russian Criminal Code and could face up to three years in jail if found guilty,

³⁶² Amnesty International, Russia urged to investigate attack on human rights activist, 2 March 2010, <http://www.amnesty.org/en/news-and-updates/russia-urged-investigate-attack-human-rights-activist-2010-03-02> , accessed 19 August 2010

³⁶³ Slavic Centre for Law and Justice, SCLJ to provide assistance to Russia's most prominent human rights advocate, 6 April 2010, http://www.sclj.org/press_releases/10-0406-Humanrightsadvo.htm, accessed 21 August 2010

³⁶⁴ Amnesty International, Russian human rights defender jailed for five years, 14 May 2010, <http://www.amnesty.org/en/news-and-updates/russian-human-rights-defender-jailed-five-years-2010-05-14>, accessed 17 August 2010

³⁶⁵ Radio Free Europe / Radio Liberty, Tatar Human Rights Lawyer Files Lawsuit Against Police, 5 August 2010, http://www.rferl.org/content/Tatar_Human_Rights_Lawyer_Files_Lawsuit_Against_Police/2119294.html, accessed 15 August 2010

[] the Russian Federation's Code of Criminal Procedure (in particular its Article 72) was seriously violated in the criminal investigation against Oleg Orlov,
 [] the offices of several leading human rights organisations, including Memorial, were searched between 13 and 16 September 2010 and the organisations were ordered to provide numerous documents about their activities at short notice.”³⁶⁶

A February 2010 report by *Human Rights Watch* describes the detention of three human rights workers in Chechnya,

“Three members of the Joint Mobile Group of Russian Non Governmental Organizations, a group established to monitor human rights in Chechnya, were investigating a human rights violation case in the Shali district when they were detained by Shali police at approximately 7:30 p.m. on February 7th. They were held overnight and released only around 10 the next morning, though there appeared to be no official processing of their detention.”³⁶⁷

RFE states in a February 2010 report that a leader of Tatarstan's pro-independence movement has been found guilty of fomenting interethnic hatred via the media, “Fauziya Bayramova, the chairwoman of the Milli Medjlis, a self-proclaimed pan-Tatar national assembly, was sentenced on February 24 to a one-year suspended sentence by a court in Tatarstan's second-largest city of Chally.”³⁶⁸

A May 2010 article in *The Guardian* states that the situation in Chechnya is unstable and security concerns persist,

“Far from being the “peaceful developing territory” that President Ramzan Kadyrov described recently, Chechnya is plagued by a volatile and worsening security situation.

Separatist groups still clash intermittently with government forces and Kadyrov's regime has been accused of pervasive human rights abuses, including torture and killings. This violence has also spread to neighbouring Ingushetia and Dagestan.

There are few investigations into attacks and even fewer prosecutions, leading to a widespread culture of impunity.”³⁶⁹

4. Treatment of Journalists and other media professionals

In its 2008 national report submitted to the United Nations General Assembly, the *Russian Federation* stated that,

“Freedom of the press and media is guaranteed. Censorship is prohibited.

[] The establishment and funding of organizations, institutions, bodies or posts whose tasks or functions would include censorship of the media is prohibited.

[] As constitutional guarantees that the media are free from Government control, there are various pieces of legislation establishing, for instance, that officials are to be held liable if they

³⁶⁶ The European Parliament, European Parliament resolution of 21 October 2010 on the situation of human rights in the North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov, 21 October 2010, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0390+0+DOC+XML+V0//EN&language=EN>, accessed 26 October 2010

³⁶⁷ HRW, Russia: Activists' Detention Unjustified, 9 February 2010, <http://www.hrw.org/en/news/2010/02/09/russia-activists-detention-unjustified>, accessed 18 August 2010

³⁶⁸ Radio Free Europe / Radio Liberty, Tatar Independence Activist Receives Suspended Sentence, 25 February 2010, http://www.rferl.org/content/Tatar_Independence_Activist_Receives_Suspended_Sentence/1968227.html, accessed 19 August 2010

³⁶⁹ The Guardian, Human rights abuses still blight North Caucasus, 9 May 2010, <http://www.guardian.co.uk/commentisfree/2010/may/09/human-rights-abuses-north-caucasus>, accessed 21 August 2010

cover up facts or circumstances that may threaten people's lives or health, and requiring meetings of the chambers of the Federal Assembly and court proceedings to be open to the public.

[] There are over 40,000 press and electronic media outlets in operation in Russia."³⁷⁰

In its 2010 world Report NGO *Reporters Without Borders* ranked Russia as 153 out of 175 in its world index on press freedom, stating,

"Media freedom has not significantly improved over the past decade. Radio and TV news diversity is still lacking, independent media outlets are harassed by police and courts and those who kill journalists are not punished. Most recently, violence against journalists and human rights activists has increased in the northern Caucasus region."³⁷¹

The French based international NGO, *World Association of Newspapers' World Review* January to May 2010 states, "Russia remains among the world's most repressive and dangerous media environments."³⁷²

A report published in *The Guardian* on 21 June 2010 notes the adoption of a resolution by the Russian supreme court relating to a free press,

"Last week the supreme court unanimously adopted a resolution on the mass media. Its novelty is not just in being the first such to directly interpret media law: it is extraordinary, too, in its content – directing all courts of law to provide free conditions for political journalism. It does so by detailing and interpreting journalistic privileges in gathering and reporting news and by ensuring certain freedoms to the online media."³⁷³

According to the 2010 World Report of the *Reporters Without Borders*, there was limited access to independent reporting,

"Most Russians get their news via TV but have very little chance of hearing independent views on it. Opposition figures and government critics have no access to nationwide stations.

Murders of journalists and human rights activists and physical attacks on them, especially in the Caucasus republics, make Russia one of the world's most dangerous countries for independent journalists. []

Russian President Dmitri Medvedev admitted people were being murdered for political reasons and that killers of journalists were not being punished. He promised to take steps to make it easier for NGOs to operate.

Five journalists were killed in Russia in 2009 and the country slipped 12 places in the *Reporters Without Borders* worldwide press freedom index. Twenty-two journalists have been murdered in Russia since March 2000 for trying to do their job."³⁷⁴

In its 2010 World Report, *Reporters Without Borders* further states that media outlets have been sued for publishing reports critical of the government,

³⁷⁰ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

³⁷¹ *Reporters Without Borders*, *Reporters Sans Frontières - World Report 2010*, <http://en.rsfor.org/report-russia.131.html>, accessed 1 September 2010

³⁷² *World Association of Newspapers*, *World Association of Newspapers' World Review* January to May 2010, <http://www.wan-press.org/pfreedom/articles.php?id=5728>, accessed 27 August 2010

³⁷³ *The Guardian*, Russian media granted greater freedom, 21 June 2010, <http://www.guardian.co.uk/commentisfree/2010/jun/21/russia-court-mass-media-freedom-journalism>, accessed 26 August 2010

³⁷⁴ *Reporters Without Borders*, *Reporters Sans Frontières - World Report 2010*, <http://en.rsfor.org/report-russia.131.html>, accessed 1 September 2010

"Media outlets and journalists critical of both the government and the old Soviet regime were targeted by libel suits. Oleg Orlov (of the NGO Memorial) was sued for saying Chechen President Ramzan Kadyrov was behind the murder of Memorial official Natalia Estemirova. A nationalist youth group, Nachi, sued several Russian media outlets (including radio station *Ekho Moskvy*) and foreign papers (among them *Le Monde*, *The Independent*, *El Pais* and the *Journal de Dimanche*) for saying Nachi had hounded former dissident Alexander Podrabinek, who works for the Russian service of *Radio France International*.

Podrabinek had to go into hiding for a while after being fiercely attacked by Nachi for reporting on a revival of Stalinism and about lack of work being done to record the abuses of the Soviet era."³⁷⁵

In 2009, according to a report published by the International NGO *International Federation of Journalists*, the organisation expressed concern at the level of violence directed at journalists,

"The Russian Union of Journalists is particularly concerned about the rise in assaults and stresses cases like that of Mikhail Beketov, editor of *Khimkinskaya Pravda*, who regularly exposed local Moscow corruption until he was brutally beaten by a gang in November 2008 who left him for dead. A year later, he has emerged from his coma, but still remains unable to speak or move."³⁷⁶

The *OSCE Representative on Freedom of the Media*, Miklos Haraszti, states in a January 2009 press release regarding the human rights situation for journalists in Russia,

"Freedom of the media remains an empty assurance in any country where journalists who discuss important issues are being killed and their murderers remain unpunished."³⁷⁷

A July 2009 report by the *CPJ* notes the attack on the editor-in-chief of the independent weekly *Dvornik* in the western city of Kaliningrad,

"On Thursday, an unidentified assailant wearing a hooded jacket attacked Aleksei Shabunin with a heavy metal rod on the head while he was heading home on a bicycle at around 7 p.m., the editor told CPJ. He said the attacker approached Shabunin on an empty road, hit him in the head, and fled the scene.

The journalist and his colleagues at *Dvornik* told CPJ they believe the attack is related to his journalism. The critical weekly covers corruption cases in the local government and law enforcement agencies, and has been at odds with regional authorities."³⁷⁸

An August 2009 *UNESCO* press release quoted the organisation's Director-General in condemning the killing of Malik Akhmedilov, a sub-editor of the local Avar-language newspaper *Khakikat*,

"Enabling journalists to carry out their work in reasonable conditions of safety and letting them contribute to public debate are two essential conditions to improve peace and stability in the Caucasus. For this reason, I trust the authorities will spare no effort in seeking to bring the culprits of this crime to justice."³⁷⁹

³⁷⁵ Reporters Without Borders, *Reporters Sans Frontières - World Report 2010*, <http://en.rsf.org/report-russia,131.html>, accessed 1 September 2010

³⁷⁶ IFJ, *End of a Deadly Decade: Journalists and Media Staff Killed in 2009, 2010*, p.31, <http://www.ifj.org/assets/docs/059/046/c93b13b-7a4a82e.pdf>, accessed 2 September 2010

³⁷⁷ OSCE, *OSCE Media freedom representative warns of spiralling violence against journalists in Russia, urges government to act*, 23 January 2009, <http://www.osce.org/item/36012.html>, accessed 7 September 2010

³⁷⁸ CPJ, *Embattled Russian weekly's editor assaulted in Kaliningrad - Committee to Protect Journalists*, 8 July 2010, <http://cpj.org/2009/07/embattled-russian-weeklys-editor-assaulted-in-kali.php>, accessed 2 September 2010

³⁷⁹ UNESCO, *Director-General condemns murder of Dagestani journalist Malik Akhmedilov*, http://portal.unesco.org/ci/en/ev.php-URL_ID=29053&URL_DO=DO_TOPIC&URL_SECTION=201.html, accessed 13 August 2010

An August 2009 report by CPJ on the shooting of the journalist Abdulmalik Akhmedilov notes,

“Zulfiya Gadzhiyeva, a Hakikat colleague, told CPJ that the editor sharply criticized federal and local officials for suppressing religious and political dissent under the guise of an “anti-extremism” campaign.

[]

The Dagestan Investigative Committee, the region’s top investigative office, opened a probe into the murder, the agency reported on its Web site. News reports said investigators initially focused on the journalist’s private life rather than his journalism.”³⁸⁰

In a September 2009 report, *Reporters Without Borders* states that the activities of the media remain subject to restrictions,

“Critical journalism is subject to political and economic constraints not only in authoritarian governed regions such as Tatarstan, Bashkiria, and the North Caucasus or in regions rich in natural resources such as Tyumen and Norilsk, where oil and gas monoliths like Gazprom and Lukoil control the media, but everywhere in Russia.”³⁸¹

Reporters Without Borders commented on its concerns for the safety of a Moscow-based journalist in September 2009 following the publication of a report by the journalist Alexandr Podrabinek,

“Reporters Without Borders is very worried for the safety of freelance journalist and human rights activist Alexandr Podrabinek, who has gone into hiding after getting death threats over a controversial article about the current government’s defence of the Soviet Union despite its crimes against the Russian people.”³⁸²

A September 2009 report in *The Guardian* notes that a Russian journalist fled the country in fear of his life after having received a threat following the publication of his news story,

“A journalist who broke the story of a Russian cargo ship apparently hijacked by pirates announced he had fled, fearing for his life. Mikhail Voitenko, editor of the online maritime bulletin Sovfracht, said he had left the country after receiving a menacing late-night phone call.”³⁸³

In October 2009, following a five-day mission to Russia, the *International Press Institute* issued a report, which states,

“IPI warned on Wednesday that the gravest press freedom concern in today’s Russia remains the impunity enjoyed by those who assault and murder journalists.

IPI called for action on the part of Russia’s federal government to ensure that both federal and local law enforcement agencies conduct transparent and conclusive investigations into such abhorrent acts of violence.

IPI also remains strongly concerned at the paucity of independence within the Russian broadcast media. Those outlets that are independent face pressure from federal authorities.”³⁸⁴

³⁸⁰ CPJ, Journalists Killed - Abdulmalik Akhmedilov, 11 August 2009, <http://cpj.org/killed/2009/abdulmalik-akhmedilov-1.php> , accessed 18 August 2010

³⁸¹ RSF, Russia Heroes and Henchmen: The Work of Journalists and the Media in the Russian Regions, September 2009, p.2, http://www.rsf.org/IMG/pdf/Heroes_and_Henchmen_gb-2.pdf , accessed 1 September 2010

³⁸² RSF, Journalist in hiding after getting death threats for criticising defence of Soviet Union, 27 September 2009, http://en.rsf.org/russia-journalist-in-hiding-after-getting-27-09-2009_34601.html , accessed 17 August 2010

³⁸³ The Guardian, Journalist flees Russia over cargo ship piracy story, 3 September 2009, <http://www.guardian.co.uk/world/2009/sep/03/journalist-fled-russia-arctic-sea> , accessed 15 August 2010

³⁸⁴ International Press Institute, Following mission to Russia, IPI warns impunity still gravest obstacle to press freedom, 14 October 2009, http://www.ifex.org/russia/2009/10/15/ipi_mission_report/ , accessed 26 August 2010

An October 2009 report by *Radio Free Europe/Radio Liberty* highlights the cases of two Bashkir journalists charged with extremism-related offences and states,

“Robert Zagreev is accused of assisting Airat Dilmukhametov, the editor of the opposition newspaper "Maidan," in fomenting extremism. Dilmukhametov has been held in pretrial detention center in Ufa since April 16 on extremism charges as well. Police investigators say Zagreev was involved in editing articles in "Maidan" that were found to have extremist content. They have asked Zagreev not to leave Ufa while they continue to investigate the case.”³⁸⁵

A report by *Radio Free Europe/Radio Liberty* in December 2009 notes that police are investigating assaults on two journalists in Ufa,

“Police are investigating an assault on two journalists in the Russian republic of Bashkortostan, RFE/RL's Russian Service reports.

Natalya Afanasiyeva and Damir Khuziev, reporters for the "Independent Ural Newspaper," told the Prosecutor's Office that unknown people are preventing them from performing their jobs after they were attacked in Bashkortostan's capital, Ufa.”³⁸⁶

In a December 2009 article *The Guardian* reports on the death of Olga Kotovskaya, a prominent journalist in the western enclave of Kaliningrad, stating,

“Officials initially claimed her death was suicide, but last week opened a criminal investigation into claims that she had been murdered.”³⁸⁷

A January 2010 *Reporters Without Borders* publication criticises a court's decision to uphold the criminal defamation conviction of a blogger in Tatarstan,

“Reporters Without Borders condemns the Tatarstan supreme court's decision on 15 January to uphold blogger Irek Murtazin's 21-month prison sentence on a charge of defaming the president of Tatarstan, Mintimer Shaimiyev, in a September 2008 post on the LiveJournal website suggesting that Shaimiyev might have died of ill-health while on holiday.”³⁸⁸

Radio Free Europe/Radio Liberty reported in January 2010 that a Tatar opposition newspaper editor was given an 18-month suspended sentence for propagating extremist views, “Damir Shaykhetdinov, the editor in chief of the "Chally Yashlary" newspaper, was found guilty of printing material from the self-proclaimed pan- Tatar National Assembly (TMM).”³⁸⁹

In January 2010 *The International Federation of Journalists (IFJ)* reported on the death of a journalist in police custody in Tomsk, Siberia,

“According to media reports, Popov, a journalist for the weekly newspaper Tomskaya Nedelya died in a hospital on Wednesday 20 January. He had been in a coma for two weeks following the brutal assault by a Tomsk police officer. The journalist was arrested on 4 January allegedly for being under the influence of alcohol and taken in to sober up.”³⁹⁰

³⁸⁵ Radio Free Europe / Radio Liberty, Another Bashkir Journalist Charged With Extremism, http://www.rferl.org/content/Another_Bashkir_Journalist_Charged_With_Extremism/1841366.html , accessed 1 September 2010

³⁸⁶ Radio Free Europe / Radio Liberty, Police Investigate Attack Against Ufa Journalists, 18 December 2009, http://www.rferl.org/content/Police_Investigate_Attack_Against_Ufa_Journalists/1907903.html , accessed 27 August 2010

³⁸⁷ The Guardian, Colleagues urge investigation into Russian journalist's death, 1 December 2009, <http://www.guardian.co.uk/world/2009/dec/01/olga-kotovskaya-journalist-death-kaliningrad> , accessed 23 August 2010

³⁸⁸ RSF, 21-month jail sentence for blogger sets dangerous precedent, 21 January 2010, http://en.rsf.org/russia-21-month-jail-sentence-for-blogger-21-01-2010_36161.html , accessed 2 September 2010

³⁸⁹ Radio Free Europe / Radio Liberty, Tatar Newspaper Editor Gets Suspended Sentence, 18 January 2010, http://www.rferl.org/content/Tatar_Newspaper_Editor_Gets_Suspended_Sentence/1930913.html , accessed 24 August 2010

³⁹⁰ IFJ, IFJ Demands Justice for Russian Journalist Killed in Police Custody, 22 January 2010, <http://europe.ifj.org/en/articles/ifj-demands-justice-for-russian-journalist-killed-in-police-custody> , accessed 15 August 2010

A report by *The International Freedom of Expression Exchange (IFEX)* in February 2010 notes that attacks on journalists in Russia have persisted; the North Caucasus area being a particularly dangerous area in which media workers are effected by violence,

“There has been a significant deterioration in security, overall, and of freedom of expression situation, in particular, in the North Caucasus in recent years. There have been a series of killings of journalists and civil society representatives, as well as attacks, intimidation and legal harassment of media outlets and individual journalists.”³⁹¹

In February 2010 the *IFJ* complained of the mistreatment of journalists in Ivanovo in central Russia after publishing articles on police corruption,

“The International Federation of Journalists (IFJ) today condemned the arrest of Valery Smetanin, Editor-in-chief and Galina Yablokova and her son Alexej Yablokov, two founders of the Ivanovo-Press weekly in central Russia over allegations of taking bribes to publish favourable articles.

The charges are scarcely credible, says the IFJ, given that the Ivanovo Press has ironically built its reputation on fierce criticism of the authorities and recently reported widespread corruption in the Ivanovo Police force.”³⁹²

In March 2010 the *IFJ* reported on the death of a prominent internet journalist in Kaliningrad, noting,

“Journalist Maxim Zuev was according to media reports found dead in his apartment with numerous stab wounds to his body on 18 March. Police immediately launched a murder inquiry. Zuev was well known in the region for his Internet journalism.”³⁹³

In March 2010 *Article 19* reported on the trial of three newspaper journalists charged with inciting hatred,

“Editor-in-Chief Nadira Isayeva and reporters Magomed Magomedov, Artur Mamayev and Timur Mustafayev, along with their lawyer Biyakai Magomedov are accused of inciting hatred and “demeaning the honour of law enforcement officials as a ‘social group’”. The charges relate to a series of articles published in Chernovik in 2008. If convicted, Isayeva faces up to five years’ imprisonment, while the other defendants face two years.”³⁹⁴

An April 2010 report by *Radio Free Europe/Radio Liberty* notes the establishment in Ingushetia of a body to monitor the press:

“A permanent state commission has been established in the Russia republic of Ingushetia to monitor the media and close down any newspapers seen as violating “accepted moral norms,” []”³⁹⁵

³⁹¹ IFEX, Civil society and media organisations forge a way for free media in the North Caucasus, 17 February 2010, http://www.ifex.org/russia/2010/02/19/moscow_meeting/, accessed 13 August 2010

³⁹² IFJ, IFJ Condemns Arrest of Russian Editor after Exposure of Police Corruption Sparks Raid, 10 February 2010, <http://www.ifj.org/en/articles/ifj-condemns-arrest-of-russian-editor-after-exposure-of-police-corruption-sparks-raid>, accessed 16 August 2010

³⁹³ IFJ, The IFJ Calls for Probe into Killing of Russian Journalist in Kaliningrad, 22 March 2010, <http://www.ifj.org/en/articles/the-ifj-calls-for-probe-into-killing-of-russian-journalist-in-kaliningrad>, accessed 24 August 2010

³⁹⁴ Article 19, North Caucasus: ARTICLE 19 Concerned about Ongoing Prosecution of Independent newspaper Staff, 19 March 2010, <http://www.article19.org/pdfs/press/north-caucasus-article-19-concerned-about-ongoing-prosecution-of-independent.pdf>, accessed 12 August 2010

³⁹⁵ Radio Free Europe / Radio Liberty, Ingushetia Creates Commission To Defend Public Morality - Radio Free Europe / Radio Liberty © 2010, 27 April 2010, http://www.rferl.org/content/Ingushetia_Creates_Commission_To_Defend_Public_Morality/2026234.html, accessed 13 August 2010

A *Freedom House* press release issued in April 2010 reports that the Chechen leadership condemned certain reporting activities of the media and asserted that they be punished,

“During a televised interview on April 1, 2010, the Kremlin-appointed president of Chechnya, Ramzan Kadyrov, attacked internet bloggers and online commentators for “spreading lies and rumors” about the conditions in Chechnya, calling them “enemies of the Chechen people,” and vowed to use “all possible means to identify and punish” those responsible.”³⁹⁶

An April 2010 report by *Article 19* states that the authorities of the Russian Federation have failed to abide by their obligations under international law to uphold the right to freedom of expression,

“ARTICLE 19 argues that this negative effect on freedom of expression is caused by a failure to adequately protect journalists, media representatives and human rights defenders from various forms of violence, combined with a lack of accountability resulting from failure to adequately investigate many of the cases of murders and assaults.

There is also a prevalent misuse of legislation to suppress criticisms of the authorities, though legal harassment of journalists, media representatives and human rights defenders.

Other worrying trends include the continuing misuse of defamation and anti-extremism legislation in order to intimidate independent media and human rights defenders, as well as increasing harassment of independent websites by the authorities.”³⁹⁷

In April 2010 *Reporters Without Borders* reported on the assault of Arkady Lander, the editor of an independent newspaper in Sochi, in his home by two assailants,

“Lander is convinced that the attack was prompted by his work as a journalist, above all by Mestnaya’s coverage of last month’s municipal elections. His colleagues agree, pointing out that nothing was taken from his apartment.”³⁹⁸

A May 2010 article in *The New York Times* reports on circumstances surrounding an attack on the journalist Pyotr Lipatov at a rally in the town of Klin,

“Mr. Lipatov spoke at the rally. He was beaten as he was leaving, and spent nearly a month in the hospital. Afterward, he appealed to prosecutors to charge the officers, who had been identified from video shot by demonstrators. But the officers suffered no consequences.”³⁹⁹

A report by *The New York Times* in May 2010 refers to an attack on Moscow journalist Mikhail Beketov,

“Last spring, I called for the resignation of the city’s leadership,” Mr. Beketov said in one of his final editorials.

[]

Not long after, he was savagely beaten outside his home and left to bleed in the snow. His fingers were bashed, and three later had to be amputated, as if his assailants had sought to make sure that he would never write another word. He lost a leg.”⁴⁰⁰

³⁹⁶ Freedom House, Freedom House- Chechen President’s Crackdown on Internet Bloggers Unconstitutional, 5 April 2010, <http://freedomhouse.org/template.cfm?page=70&release=1166>, accessed 15 August 2010

³⁹⁷ Article 19, Russia / North Caucasus: Freedom of Expression Remains Under Threat in the North Caucasus - Press release on the publication of a new report on the North Caucasus, 29 April 2010, <http://www.article19.org/pdfs/press/russia-north-caucasus-freedom-of-expression-remains-under-threat-in-the-nort.pdf>, accessed 24 August 2010

³⁹⁸ RSF, Newspaper editor badly beaten in his Sochi home by intruders, 29 April 2010, <http://en.rsf.org/russia-newspaper-editor-badly-beaten-in-29-04-2010.37227.html>, accessed 26 August 2010

³⁹⁹ The New York Times, Beaten Russian Editor Is Told to Say It’s His Fault, 17 May 2010, <http://www.nytimes.com/2010/05/18/world/europe/18interrogate.html?ref=abovethelaw>, accessed 2 September 2010

⁴⁰⁰ The New York Times, It’s Open Season on Journalists Near Moscow, May 17 2010, <http://www.nytimes.com/2010/05/18/world/europe/18impunity.html?ref=abovethelaw&pagewanted=all>, accessed 27 August 2010

In May 2010 *IFEX* reports that a director of a television station in Dagestan was murdered,

“A director of a local television station in Dagestan who was on his way to repair television equipment was shot dead on 13 May []. TBS director Sayid Ibragimov was ambushed by gunmen as he was travelling with a team of repairmen on their way to restore a TV re-transmitter damaged by militants a day earlier.”⁴⁰¹

In testimony given before the Commission on Security and Cooperation in Europe in June 2010, the *Committee to Protect Journalists (CPJ)* states that those committing crimes against journalists were seldom prosecuted,

“In Russia in particular, impunity has regrettably become the norm, to the plight of the independent press corps whose ranks are dwindling. Nineteen journalists have been murdered for their work in Russia in the past decade. Only in one case have the immediate killers been convicted, and even there those who ordered the crime remain at large.

Although in the past two years President Dmitry Medvedev publicly promised that his government will ensure that crimes against the press will be solved, the brutal reality has not changed. At least three journalists were killed in Russia for their work last year alone, with no progress reported in bringing their murderers to justice.”⁴⁰²

A July 2010 report by *Reporters Without Borders* notes the arrest of two journalists while covering the violent dispersal of environmentalists who had camped out at Khimki forest, north of Moscow,

“Kostyuchenko and Timofeyev were taken to a nearby police station following their arrest on the edge of Khimki forest on 23 July. Both were manhandled at the time of arrest and Kostyuchenko sustained a neck injury as a result of a violent blow. She subsequently fell ill while in the police van that took them to the police station.”⁴⁰³

In July 2010 the *CPJ* reported on the abduction and murder of the Grozny-based journalist Natalya Estemirova,

“Estemirova’s colleagues told CPJ that her relentless reporting on human rights violations committed by federal and regional authorities in Chechnya put her at odds with regional officials. Oleg Orlov, head of Memorial, told the Russian service of the U.S. government-backed Radio Free Europe/Radio Liberty that he believed Chechen authorities were behind the murder of his colleague.”⁴⁰⁴

A *New York Times* article published in August 2010 reports that an internet blogger’s claims about an accident at a hydroelectric plant lead to criminal charges,

“A Russian blogger has taken up their cause, raising questions about the government’s response - a campaign that ended Thursday when local authorities charged him with libel of the Sayano-Shushenskaya plant’s owners.

The blogger, Mikhail Afanasyev, who is the editor in chief of the online publication *New Focus*, claimed on his blog that the number of missing workers far exceeded those in official reports.”⁴⁰⁵

⁴⁰¹ IFEX, More media workers killed in Dagestan, 26 May 2010, http://www.ifex.org/russia/2010/05/26/ibragimov_aliyev_killed/, accessed 3 September 2010

⁴⁰² CPJ testimony: Threats to free media in the OSCE region, 9 June 2010, <http://cpj.org/blog/2010/06/testimony-threats-to-free-media-in-the-osce-region.php>, accessed 28 August 2010

⁴⁰³ RSF, Two journalists arbitrarily arrested while covering attack on Khimki forest protesters, 28 July 2010, http://en.rsf.org/russie-two-journalists-arbitrarily-28-07-2010_38050.html, accessed 17 August 2010

⁴⁰⁴ CPJ, Natalya Estemirova, 15 July 2009, <http://cpj.org/killed/2009/natalya-estemirova.php>, accessed 12 August 2010

⁴⁰⁵ The New York Times, Russian Blogger’s Claims About Plant Accident Lead to Libel Charge, August 20, 2009, <http://www.nytimes.com/2009/08/21/world/europe/21russia.html?ref=global-business>, accessed 28 August 2010

Another IFEX report comments on the death of a journalist in Karachai-Cherkessia in August 2010,

"Bella Ksalova, 26, a correspondent for the Caucasian Knot news agency, was run over by a car near her house in Cherkessk at about 9:00 p.m. on July 25, 2010. According to the Karachai-Cherkess police, the journalist was crossing the street "in the wrong place".

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Sources say the journalist had a sharply critical pen and her writing often upset local authorities. The journalist and her relatives had been living under pressure for a long time, and Ksalova's father was once attacked and beaten."⁴⁰⁶

In August 2010 IFEX further reported on the deteriorating conditions in Dagestan for journalists,

"Magomedvagif (Sultan) Sultanmagomedov, editor-in-chief of Makhachkala-TV and formerly with the Islamic Education Division of Dagestan's Religious Board of Muslims, was killed in Makhachkala on August 11, 2010.

[]

Over the past few months, Dagestan has become Russia's most dangerous place for journalists to report from. Shamil Aliyev, the founder and head of the radio stations Priboy and Vatan and the TNT-Makhachkala television network, and his bodyguard Saidmagomed Ubaidullayev, were shot and killed in May 2010 by unknown criminals who fled the scene of the crime. A few days later, Sayid Ibragimov, director of local television channel TBS, was killed in the Sergokalinsky District."⁴⁰⁷

5. Treatment of certain professionals (academics, scholars, judges, lawyers, teachers, etc)

a. Academics and teachers

The USDOS report issued in March 2010 covering the events of 2009 reports that,

"The government generally did not restrict academic freedom; however, human rights and academic organizations believed the continued imprisonment of disarmament researcher Igor Sutyagin, physicist Valentin Danilov, and others inhibited academic freedom and contact with foreigners on subjects that authorities might deem sensitive, and there were a few reports of pressure on teachers."⁴⁰⁸

In its 2010 annual report *Freedom House* reports that the government "took additional steps to rein in religious and academic freedom"⁴⁰⁹ However *Freedom House* further stated that

"Academic freedom is generally respected, although the education system is marred by corruption and low salaries. The arrest and prosecution of scientists and researchers on charges of treason, usually for discussing sensitive technology with foreigners, has effectively restricted international contacts in recent years. In its treatment of history, the Kremlin has sought to emphasize the positive aspects of Soviet leader Joseph Stalin's dictatorship, while scholars who examine his crimes have faced accusations that they are unpatriotic, casting a chill over objective efforts to examine the past. In 2009, Medvedev

⁴⁰⁶ IFEX, Journalist killed in suspicious car accident, 5 August 2010, http://www.ifex.org/russia/2010/08/05/ksalova_killed/, accessed 11 August 2010

⁴⁰⁷ IFEX, Journalist killed in Makhachkala, 20 August 2010, http://www.ifex.org/russia/2010/08/20/sultanmagomedov_killed/, accessed 13 August 2010

⁴⁰⁸ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁴⁰⁹ Freedom House, "Freedom in the World - Russia (2010)", January 2010, http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2010&country=7904&pf, accessed 5 September 2010

established a Commission for Countering Attempts to Falsify History to the Detriment of Russia's Interests, tasked with exposing "falsifications" that could hurt the country. Also during the year, St. Petersburg State University tried to monitor its professors' foreign publications and presentations, but quickly withdrew the new regulations after an international outcry."⁴¹⁰

The *USDOS* stated that the Ministry of Internal Affairs requested that a university expel students who had been detained by police following a march,

"In January the Ministry of Internal Affairs sent a letter to the Higher School of Economics in Moscow recommending that the university expel students whom police had detained at a dissenters' march. The letter referred to the students as "extremist" and asked the university to inform the Ministry of Internal Affairs "about the action taken."⁴¹¹

In July 2009 *The Guardian* reported on the closure of a Russian website used by academics because, the website's founder believes, it had hosted content that criticised a local politician,

"On 19 June the home affairs ministry in St Petersburg shut down the site www.hrono.info. The website had been Russia's largest online history resource, widely used by scholars in Russia and elsewhere as a unique source of biographical and historical material.

Officials said they closed the site because it published extracts from Hitler's autobiography, *Mein Kampf*. Today, however, its founder, Vyacheslav Rummyantsev, said the closure had nothing to do with Hitler, adding that the text was widely available elsewhere and was only summarised on the site.

Rummyantsev said the authorities may have pulled the plug after an article was posted on 16 June criticising St Petersburg's pro-Kremlin governor, Valentina Matviyenko."⁴¹²

The Guardian further reported on the arrest of a scholar researching political repression, noting,

"Mikhail Suprun was detained last month by officers from Russia's security services. They searched his apartment and carried off his entire personal archive. He has now been charged with violating privacy laws and, if convicted, faces up to four years in jail."⁴¹³

In December 2009 *Radio Free Europe/Radio Liberty* reported that a university professor in Tatarstan believed his contract was terminated due to pressure from the presidential administration,

"Midkhat Farukshin, 70, a political science professor at Kazan University and chair of the political science faculty since 1990, told RFE/RL that he has written a letter to Tatarstan's President Mintimer Shaimiyev calling on him to end the repression against him and allow him to return to his job. Farukshin said university officials claimed standard age restrictions were the reason for the termination of his contract. Farukshin added that he thinks the university's decision was made due to pressure from the presidential administration."⁴¹⁴

⁴¹⁰ Freedom House, "Freedom in the World - Russia (2010)", January 2010, http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2010&country=7904&pf, accessed 5 September 2010

⁴¹¹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁴¹² The Guardian, British academics protest after Russia closes down history website, 13 July 2010, <http://www.guardian.co.uk/world/2009/jul/13/russia-shuts-history-website>, accessed 26 August 2010

⁴¹³ The Guardian, Russian historian arrested in clampdown on Stalin era, 15 October 2009, <http://www.guardian.co.uk/world/2009/oct/15/russia-gulag-historian-arrested>, accessed 27 August 2010

⁴¹⁴ Radio Free Europe / Radio Liberty, Tatar Professor/ Criticism Of President Led To Firing, 15 December 2010, http://www.rferl.org/content/Tatar_Professor_Criticism_Of_President_Led_To_Firing/1905003.html, accessed 29 August 2010

b. Judges and lawyers

An *Austrian Federal Ministry of the Interior* report of 2009 quotes the Moscow Helsinki Group as stating that lawyers may be targeted for their human rights work,

"Among those who have problems with Kadyrov there are inter alia co-workers of Helsinki Group. MHG said: "I know what they are persecuted for, for example Rashid Bogatyriev – worker and lawyer. He was a deputy minister for the Republic of Ichkeria Press, he worked for the independent news agency (as lawyer and barrister) and helped prepare the complaints as lodged in Strasburg. He was kidnapped. His kinsmen collected the amount of 20 000 USD as a ransom. He was instructed to depart because if it happened to him to be kidnapped again, there would be no ransom."⁴¹⁵

A June 2009 *Reuters* report notes the murder of a supreme court justice, Aza Gazgireyeva, in Nazran, Ingushetia,

"Aza Gazgireyeva, deputy chairwoman of the supreme court of Ingushetia, died in hospital after the minibus in which she was traveling was attacked in Ingushetia's largest town of Nazran Wednesday morning.

Gazgireyeva was appointed to her position after the previous office-holder was shot dead a year and a half ago. The gunmen opened fire from a car on the court-owned minibus carrying Gazgireyeva and also injuring six other passengers before driving away, a source in the local Interior Ministry told Reuters.

"This assault was connected with her professional activities. The criminals are in hiding but a search operation is being conducted to catch them," the source said."⁴¹⁶

In April 2010 *Radio Free Europe/Radio Liberty* reported the murder of the Russian judge, Eduard Chuvashov, in Moscow,

"A Russian judge known for his tough verdicts against skinheads has been killed in a contract-style shooting that has shocked officials and activists combating ultranationalist violence.

A gunman shot Eduard Chuvashov in the stairwell of his Moscow apartment building as he was leaving for work early on April 12. He died on the spot.

[]

Sova, a group that monitors hate crimes in Russia, says Chuvashov had been receiving death threats for several weeks. Sova deputy head Galina Kozhevnikova says an ultranationalist website incited hatred against Chuvashov on the Internet and listed his name on a so-called list of "enemies of the people" last month."⁴¹⁷

In April 2010 *The Guardian* also reports on the murder of the Russian judge Eduard Chuvashov, reporting,

"The authorities' failure to protect legal practitioners' rights was further highlighted in 2009, when Russian lawyer Sergei Magnitsky died in a Russian prison cell after several weeks of being denied necessary medical treatment. []

⁴¹⁵ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.65, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

⁴¹⁶ Reuters, Top judge in Russia's volatile Ingushetia shot dead, 10 June 2009, <http://www.reuters.com/article/idUSTRE55918A20090610>, accessed 18 August 2010

⁴¹⁷ Radio Free Europe / Radio Liberty, Ultrnationalists Suspected In Russian Judge's Killing, 13 April 2010, http://www.rferl.org/content/Ultrnationalists_Suspected_In_Judges_Killing/2011057.html, accessed 1 September 2010

A short time after Magnitsky's death, Medvedev, a lawyer himself by trade, signed a new law to prevent the persecution of lawyers and judges in high-profile proceedings. Two days following Chuvashov's murder, Medvedev has reportedly signed an order on a revised anti-corruption plan for 2010 and 2011.⁴¹⁸

Several sources report the death of a Russian lawyer, Sergei Magnitsky, in November 2009, whilst in custody.⁴¹⁹ The *BBC* reports that Magnitsky was representing a British investment fund, charged by the Russian state with tax evasion and reports concerns that he was deliberately denied medical treatment,

"He died last week from what officials say was acute heart failure.

His colleagues say he was held in appalling conditions and was denied essential medical treatment.

The deputy director of the prison service, Alexander Smirnov, was quoted as saying by Russian media that there were "visible violations on our part" in Mr Magnitsky's treatment.

"We are not going to minimise our guilt in any way - it is definitely there," he said, without giving any further details. []

Mr Magnitsky was defending a British investment company, Hermitage Capital Management, which is involved in a legal battle with the authorities and which has been accused of avoiding taxes.

The company, once Russia's top foreign investor, alleges the prison authorities deliberately withheld crucial medical treatment because he refused to sign a confession admitting his role in its alleged tax evasion.

Mr Magnitsky wrote a diary about his time in prison saying he went without treatment for an acute disorder of the pancreas even though he was in excruciating pain.

On Tuesday, Russian President Dmitry Medvedev ordered an investigation into the death.

Deaths in custody, sometimes involving ill-treatment, are not uncommon in Russia.⁴²⁰

6. Treatment of perceived supporters of relatives of rebel groups in North Caucasus

Human Rights Watch states in its 2010 report on the events of 2009 that families may be targeted by authorities for their suspected links to insurgency groups in Chechnya,

"Collective punishment against people with suspected rebel ties became a pronounced trend beginning in June 2008 and continuing into 2009: Memorial and Human Rights Watch documented at least 30 cases in which such individuals' homes were deliberately burned, apparently by Chechen law enforcement personnel.

⁴¹⁸ Guardian, Medvedev has failed to protect judiciary, 16 April 2010, <http://www.guardian.co.uk/commentisfree/libertycentral/2010/apr/16/medvedev-judiciary-eduard-chuvashov>, accessed 4 October 2010

⁴¹⁹ RT, Russian prison service admits responsibility for lawyers death in custody, 26 November 2009, <http://rt.com/news/russian-magnitsky-lawyer-guilt/>, accessed 4 April 2011; Guardian, Hermitage lawyer's death in Russian jail a crime, say colleagues, 18 November 2009, <http://www.guardian.co.uk/business/2009/nov/18/moscow-death-lawyer-magnitsky>, accessed 4 April 2011; FT, Kremlin shaken by prison death fallout, 27 November 2009, <http://www.ft.com/cms/s/0/a82a9d4c-db8c-11de-9424-00144feabdc0.html#axzz1JyoXdXc4>, accessed 4 April 2011; BBC, Russian prisons 'to blame' for lawyer magnitsky's death, 26 November 2009, <http://news.bbc.co.uk/1/hi/8381012.stm>, accessed 4 April 2011

⁴²⁰ BBC, Russian prisons 'to blame' for lawyer magnitsky's death, 26 November 2009, <http://news.bbc.co.uk/1/hi/8381012.stm>, accessed 4 April 2011

No one has been held responsible for the house burnings. High-level Chechen officials, including President Kadyrov, made public statements stressing that insurgents' families should expect to be punished unless they convince their relatives among the insurgents to surrender."⁴²¹

In its 2010 report on the events of 2009, *Amnesty International* notes,

"There were reports that properties belonging to families of alleged members of armed groups were destroyed."⁴²²

An April 2009 article by *BBC News* reports on a campaign led by the Chechen President Ramzan Kadyrov against those suspected of joining rebel groups,

"Groups of masked gunmen are reported to have begun burning down the houses of families whose young men have "gone to the forest". Mr Kadyrov himself is reported to have gone on Chechen television and warned: "The families of those in the forest are collaborators in their crimes."⁴²³

In June 2009 *Freedom House* also reports concern regarding the targeting of families in counterterrorism initiatives in Chechnya,

"Freedom House is deeply disturbed that Chechen President Ramzan Kadyrov is escalating his counterterrorism campaign by vowing to target the families of suspected rebels.

[]

Kadyrov withdrew an amnesty policy for the separatist rebels following a suicide attack May 15 that killed two policemen in Grozny. Over the weekend, he expanded his campaign by telling a local television station that family members of rebels would "not be left alone" if they refuse to cooperate with authorities. Kadyrov added that he would no longer accept the notion that parents are unaware of the location of their missing sons."⁴²⁴

A July 2009 report by *Reuters* states,

"Civilians in Chechnya no longer live in fear of being caught in crossfire, but analysts say Kadyrov's security guards preside over a climate of intimidation."⁴²⁵

A report published by the *Austrian Federal Ministry of the Interior* in September 2009 notes that both the human rights groups *Memorial* and *Human Rights Watch* have reported that family members of rebel insurgents may be persecuted,

"Memorial and HRW declared that family members of current rebel fighters face a potential risk of persecution in Chechnya. The pressure can be serious. There are cases of family members who were evicted from their house, threatened, and even cases of their houses being burnt down.

Memorial mentioned that the threats against family members apparently come from members of Kadyrov's forces, none of the sources mentioned that the federal authorities are involved anymore in these actions.

⁴²¹ Human Rights Watch, World Report 2010, p.432, <http://www.hrw.org/world-report-2010>, accessed 25 August 2010

⁴²² Amnesty International, Amnesty International Report 2010, p.269, http://thereport.amnesty.org/sites/default/files/AIR2010_EN.pdf, accessed 23 August

⁴²³ BBC News, Chechen problem far from over, 16 April 2009, <http://news.bbc.co.uk/2/hi/7974652.stm>, accessed 17 August 2010

⁴²⁴ Freedom House, Russia Urged to Rein in Kadyrov as Families of Chechen Rebels Targeted, 1 June 2009, <http://www.freedomhouse.org/template.cfm?page=70&release=990>, accessed 22 August 2010

⁴²⁵ Reuters AlertNet, Chechnya and the North Caucasus, 28 July 2009, http://www.alertnet.org/db/crisisprofiles/RU_WAR.htm?v=in_detail, accessed 27 August 2010

Memorial also noted that at present family members of fighters aren't killed anymore, the pressure doesn't amount to such a level. Nobody can give any statistics about the amount and frequency of cases of persecuted family members of rebels."⁴²⁶

A November 2009 report by the *Council of Europe* on the Chechen Republic and the Republic of Ingushetia notes,

"In their discussions with the Commissioner, the Chechen authorities, including the President of the Republic, confirmed that illegal incidents of house-burning had indeed taken place. The authorities pointed out that such practices were difficult to prevent as they stemmed from prevalent customs of revenge.

Nevertheless, educational efforts were under way to prevent them, with the active involvement of village elders and Muslim clerics. Moreover, the Chechen authorities indicated that compensation had been paid to many of the victims of punitive house burnings."⁴²⁷

The November 2009 report by the *Council of Europe* on the Chechen Republic and the Republic of Ingushetia further states,

"Collective punishment of relatives of alleged terrorists or members of illegal armed groups is contrary to agreed human rights standards and the rule of law. Any punitive house burnings carried out by members of law enforcement forces - such as those which have been reported in Chechnya - must be stopped, and past instances should be thoroughly investigated with the aim of bringing the perpetrators to justice and providing adequate compensation to the victims."⁴²⁸

The 2009 *Austrian Federal Ministry of the Interior* report also later refers to the testimony given by another NGO, the *Chechen Social and Cultural Association*, stating that it does not have evidence that families have been targeted,

"The Chechen Association members know individuals whose sons, young people, were active in the rebel groups in the mountains. But the Association has no knowledge of cases of persecutions directed towards their families.

Even if such problems occur, they may be classified as single incidents but for sure they do not have large-scale dimension. One of the members of the Association said: "I have not heard about the persecution of the fighters' families. I have not even seen the fighters for a long time."⁴²⁹

In October 2010 the *European Parliament* issued a resolution on the human rights situation in the North Caucasus stating that the Parliament,

"Strongly condemns any form of collective punishment against individuals suspected of having ties to insurgents, including the practice of burning homes belonging to families of active or alleged members of the armed opposition; asks the authorities to take concrete

⁴²⁶ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.13, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

⁴²⁷ COE, REPORT by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe, 24 November 2009, p.10, <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1501786&SecMode=1&DocId=1503116&Usage=2>, accessed 19 August 2010

⁴²⁸ COE, REPORT by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe, 24 November 2009, p.18, <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1501786&SecMode=1&DocId=1503116&Usage=2>, accessed 19 August 2010

⁴²⁹ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.72, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

steps to prevent any recurrence of such violations and to punish the officials responsible for them at all levels”⁴³⁰

An article by *Radio Free Europe/Radio Liberty* in August 2010 reports on the ongoing violence within Chechnya directed at perceived supporters of rebel groups,

“Rights groups say the security forces are carrying out a brutal campaign against the families of the few remaining insurgents, abducting relatives and burning their houses. Locals say many are beaten and some killed. They say weapons are often planted next to their bodies, enabling the security forces to claim they've killed more militants.”⁴³¹

[See also Section B. Security Developments]

⁴³⁰ The European Parliament, European Parliament resolution of 21 October 2010 on the situation of human rights in the North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov, 21 October 2010, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0390+0+DOC+XML+V0//EN&language=EN>, accessed 26 October 2010

⁴³¹ Radio Free Europe / Radio Liberty, Russian Rights Activist Battles On In Chechnya, 31 August 2010, http://www.rferl.org/content/Russian_Rights_Activist_Battles_On_In_Chechnya/2143949.html, accessed 3 September 2010

E. Women and Girls

1. Domestic legal framework

Article 19, paragraph 3, of the Constitution of the Russian Federation provides for equality between men and women, stating that “man and woman shall enjoy equal rights and freedoms and have equal possibilities to exercise them.”⁴³²

The Labour, Criminal, Family and Civil Codes contain provisions on the principle of equality.⁴³³

The Russian Federation has signed and ratified the United Nations Convention on Elimination of All Forms of Discrimination Against Women⁴³⁴ and article 15 of its Constitution provides that international treaties signed and ratified constitute part of its national legislation.⁴³⁵

In a July 2010 document, the *Committee on the Elimination of Discrimination Against Women (CEDAW)* expressed concern that the Russian Federation Constitution did not define or prohibit discrimination on the grounds of sex or have a gender equality law,

“the Committee remains concerned that neither the Constitution, which recognizes women’s right to equality before the law, nor other appropriate legislation, contains a definition of discrimination or expressly prohibits discrimination on the grounds of sex. While noting the draft federal law on “State guarantees of equal rights and liberties for men and women in the Russian Federation and equal opportunities for their realization”, the Committee is concerned that the State party has not yet adopted a gender equality law.”⁴³⁶

In 1996 following the Beijing Conference the Russian Federation created a Commission “on improvement of the status of women”, which, according to the *All-Russian Association Women’s Nongovernmental Organisations - Consortium of Women’s Non-governmental Associations*,

“drafted Guidelines for promoting the status of women for 2002-2005, called to ensure gender approaches both in the legislation and in practical state policies. The Commission was granted the right to control all policy directions, and was provided with budget means to implement these approaches.”⁴³⁷

According to the *All-Russian Association Women’s Non-governmental Organisations*, this Commission was discontinued in 2004.⁴³⁸

⁴³² The Constitution of the Russian Federation, 12 December 1993, <http://www.constitution.ru/en/10003000-01.htm>, accessed 23 August 2010.

⁴³³ Labor Code of the Russian Federation, 31 December 2001, available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/60535/65252/E01RUS01.htm#sec1>, accessed 4 October 2010; The Criminal Code of the Russian Federation, No.63-FZ of June 13, 1996 (with Amendments and Addenda of May 27, June 25, 1998, February 9, 15, March 18, July 9, 1999, March 9, 20, June 19, August 7, November 17, December 29, 2001, March 4, 14, May 7, June 25, July 24, 25, October 31, 2002, March 11, April 8, July 4, 7, December 8, 2003, July 21, 26, December 28, 2004) Adopted by the State Duma on May 24, 1996. Adopted by the Federation Council on June 5, 1996, available from <http://www.legislationline.org/download/action/download/id/1697/file/0cc1acff8241216090943e97d5b4.htm/preview>, accessed 21 August 2010; The Family Code of the Russian Federation, 29 December 1995, available from http://www.divorceinrussia.com/objectdata/THE_FAMILY_CODE_OF_THE_RUSSIAN_FEDERATION.doc, accessed 1 September 2010; Russian Civil Code, 20 February 1996, <http://www.russian-civil-code.com/>, accessed on 1 September 2010.

⁴³⁴ United Nations Treaty Database, Status of the Convention on the Elimination of All Forms of Discrimination against Women, undated, http://treaties.un.org/pages/ViewDetails.aspx?src=UNTSOnline&tabid=2&mtdsq_no=IV-8&chapter=4&lang=en, accessed 4 October 2010.

⁴³⁵ The Constitution of the Russian Federation, 12 December 1993, <http://www.constitution.ru/en/10003000-01.htm>, accessed 23 August 2010.

⁴³⁶ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010.

⁴³⁷ All-Russian Association Women’s Nongovernmental Organisations - Consortium of Women’s Non-governmental Associations, Implementation by the Russian Federation of UN Convention on Elimination of All Forms of Discrimination against Women, March 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CWNGOSA_RussianFederation_cedaw46.pdf, accessed 23 August 2010.

⁴³⁸ All-Russian Association Women’s Nongovernmental Organisations - Consortium of Women’s Non-governmental Associations, Implementation by the Russian Federation of UN Convention on Elimination of All Forms of Discrimination against Women, March

The *All-Russian Association Women's Nongovernmental Organisations* further states that in addition to the Commission (1996 – 2004) there is a State Duma Committee on Women, Family and Demographic Issues which they report,

“unfortunately, has not won the MPs’ support and has not yet succeeded in adopting any major legislation to promote gender equality. The Public Commission for ensuring equal rights and equal opportunities for men and women in Russia attached to the Chair of the RF Federation Council meets very seldom and does not help change the situation.

In practice, the elimination of the state machinery for promoting the status of women resulted in dropping gender approaches in politics, namely, in implementing national projects. The national projects related to health care, education, demography and agriculture by no means envisage the attainment of gender equality. Currently, RF national priorities do not include gender equality or the mechanism to address this issue.”⁴³⁹

a. Domestic Violence

Several sources report that there is no legal definition of, or specific law on, domestic violence in Russia.⁴⁴⁰

In March 2010 the *All-Russian Association Women's Nongovernmental Organisations - Consortium of Women's Non-governmental Associations* stated that domestic violence is not “legally regulated.”⁴⁴¹

According to the *USDOS*, “the law prohibits battery, assault, threats, and murder, but most acts of domestic violence did not fall within the jurisdiction of the Prosecutor's Office.”⁴⁴²

The *All-Russian Association Women's Non-governmental Organisations - Consortium of Women's Non-governmental Associations* stated that,

“domestic violence is most frequently treated as “inflicting slight bodily injury, which caused short-term impairment of health or minor loss of disability (p.1, Art.115, RF Criminal Code) or “Beating” (p.1, Art.116 RF Criminal Code).”⁴⁴³

b. Rape

2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CWNGOSA_RussianFederation_cedaw46.pdf, accessed 23 August 2010.

⁴³⁹ All-Russian Association Women's Nongovernmental Organisations - Consortium of Women's Non-governmental Associations, Implementation by the Russian Federation of UN Convention on Elimination of All Forms of Discrimination against Women, March 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CWNGOSA_RussianFederation_cedaw46.pdf, accessed 23 August 2010.

⁴⁴⁰ All-Russian Association Women's Nongovernmental Organisations - Consortium of Women's Non-governmental Associations, Implementation by the Russian Federation of UN Convention on Elimination of All Forms of Discrimination against Women, March 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CWNGOSA_RussianFederation_cedaw46.pdf, accessed 23 August 2010; Social Institutions and Gender Index, Gender Equality and Social Institutions in Russian Federation, undated, <http://genderindex.org/country/russian-federation>, accessed 23 August 2010; United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁴⁴¹ All-Russian Association Women's Nongovernmental Organisations - Consortium of Women's Non-governmental Associations, Implementation by the Russian Federation of UN Convention on Elimination of All Forms of Discrimination against Women, March 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CWNGOSA_RussianFederation_cedaw46.pdf, accessed 23 August 2010.

⁴⁴² United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁴⁴³ All-Russian Association Women's Nongovernmental Organisations - Consortium of Women's Non-governmental Associations, Implementation by the Russian Federation of UN Convention on Elimination of All Forms of Discrimination against Women, March 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CWNGOSA_RussianFederation_cedaw46.pdf, accessed 23 August 2010.

The Russian Federation Criminal Code states that the punishment for rape is three to six years imprisonment, increased to eight to fifteen years if the victim is under 14 years old or dies.⁴⁴⁴

Article 131 states,

“1. Rape, that is sexual relations with the use of violence or with the threat of its use against a victim or other persons, or in taking advantage of the victim's helpless condition, shall be punishable by deprivation of liberty for a term of three to six years.

2. Rape:

- a) abolished
- b) committed by a group of persons, a group of persons under a preliminary conspiracy, or an organized group;
- c) connected with the threat of murder or the infliction of grave injury, or committed with especial cruelty towards the victim or to other persons;
- d) entailing the infection of the victim with a venereal disease;
- e) of an obvious juvenile, shall be punishable by deprivation of liberty for a term of four to ten years.

3. Rape:

- a) entailing, by negligence, the death of the victim;
- b) entailing, by negligence, the infliction of grave injury to the victim, the infection of the victim with HIV, or other grave consequences;
- c) of a victim who obviously has not reached 14 years of age, shall be punishable by deprivation of liberty for a term of eight to 15 years.”⁴⁴⁵

Article 134 of the Russian Federation Criminal Code was amended in December 2009 by Federal Law N 377-FZ.⁴⁴⁶

Article 134 (4) states,

““First-time offenders of crimes under part 1 of this article [sexual contact, homosexual or lesbian act of a person over 18 with a person under 16] can be exempted from criminal liability if it can be demonstrated that the person/perpetrator and the crime committed cease to constitute a danger to the public by him/her entering into marriage with the victim.”⁴⁴⁷

Amnesty International and *CEDAW* have both expressed concern that the amendments to Article 134 of the Russian Criminal Code provides an exemption from criminal liability.⁴⁴⁸

In June 2010 *Amnesty International* stated,

⁴⁴⁴ The Criminal Code of the Russian Federation, No.63-FZ of June 13, 1996 (with Amendments and Addenda of May 27, June 25, 1998, February 9, 15, March 18, July 9, 1999, March 9, 20, June 19, August 7, November 17, December 29, 2001, March 4, 14, May 7, June 25, July 24, 25, October 31, 2002, March 11, April 8, July 4, 7, December 8, 2003, July 21, 26, December 28, 2004) Adopted by the State Duma on May 24, 1996. Adopted by the Federation Council on June 5, 1996, available from <http://www.legislationline.org/download/action/download/id/1697/file/0cc1acff8241216090943e97d5b4.htm/preview>, accessed 21 August 2010.

⁴⁴⁵ The Criminal Code of the Russian Federation, No.63-FZ of June 13, 1996 (with Amendments and Addenda of May 27, June 25, 1998, February 9, 15, March 18, July 9, 1999, March 9, 20, June 19, August 7, November 17, December 29, 2001, March 4, 14, May 7, June 25, July 24, 25, October 31, 2002, March 11, April 8, July 4, 7, December 8, 2003, July 21, 26, December 28, 2004) Adopted by the State Duma on May 24, 1996. Adopted by the Federation Council on June 5, 1996, available from <http://www.legislationline.org/download/action/download/id/1697/file/0cc1acff8241216090943e97d5b4.htm/preview>, accessed 21 August 2010

⁴⁴⁶ Law N 377-FZ, December 2009, <http://base.garant.ru/12171978/>, accessed 26 October 2010

⁴⁴⁷ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

⁴⁴⁸ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010. Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 23 August 2010.

“On 27 July 2009, amendments to the Russian Criminal Code were adopted which were mainly designed to protect children from sexual abuse. Amnesty International is concerned that some of the provisions have the potential to increase the risk for girls to be forced into marriage and facilitate impunity for those responsible for the sexual abuse of minors, in particular of girls.

Article 134 (4) of the Criminal Code of the Russian Federation exempts first-time offenders from criminal liability for having sex with a minor in certain circumstances.”⁴⁴⁹

In a July 2010 report, the *CEDAW Committee* noted its concerns regarding,

“recent amendments to the Criminal Code whereby article 134 (4) would appear to exempt first-time offenders from criminal liability for having sex with a minor if he marries the victim.”⁴⁵⁰

In 2004 Article 135 was amended by Federal Law No. 73-FZ of July 21, 2004.⁴⁵¹

“Article 135. Depraved Actions

Commission of depraved actions without the use of violence by the person who has reached the age of 18 years in relations to a person who obviously has not reached 16 years of age, shall be punishable by a fine in the amount up to 300 thousand roubles, or in the amount of the wage or salary, or any other income of the convicted person for a period up to two years, or by restraint of liberty for a term of up to two years, or by deprivation of liberty for a term of up to three years.”⁴⁵²

The *USDOS* reported that the “law makes no distinctions (as in cases of spousal rape) based on the relationship between the rapist and the victim.”⁴⁵³

c. Prostitution

Article 240 of the Criminal Code states that,

“1. Attraction to prostitution or forcing to continue prostitution - shall be punishable by a fine in the amount of up to 200 thousand roubles, or in the amount of the wage or salary, or any other income of the convicted person for a period of up to 18 months, or by restriction of liberty for a term of up to three years, or by deprivation of liberty for the same term.

2. The same deed committed:

a) with application of violence or with the threat of its application;

⁴⁴⁹ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010
⁴⁵⁰ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 23 August 2010.

⁴⁵¹ The Criminal Code of the Russian Federation, No.63-FZ of June 13, 1996 (with Amendments and Addenda of May 27, June 25, 1998, February 9, 15, March 18, July 9, 1999, March 9, 20, June 19, August 7, November 17, December 29, 2001, March 4, 14, May 7, June 25, July 24, 25, October 31, 2002, March 11, April 8, July 4, 7, December 8, 2003, July 21, 26, December 28, 2004) Adopted by the State Duma on May 24, 1996. Adopted by the Federation Council on June 5, 1996, available from <http://www.legislationline.org/download/action/download/id/1697/file/0cc1acff8241216090943e97d5b4.htm/preview>, accessed 21 August 2010

⁴⁵² The Criminal Code of the Russian Federation, No.63-FZ of June 13, 1996 (with Amendments and Addenda of May 27, June 25, 1998, February 9, 15, March 18, July 9, 1999, March 9, 20, June 19, August 7, November 17, December 29, 2001, March 4, 14, May 7, June 25, July 24, 25, October 31, 2002, March 11, April 8, July 4, 7, December 8, 2003, July 21, 26, December 28, 2004) Adopted by the State Duma on May 24, 1996. Adopted by the Federation Council on June 5, 1996, available from <http://www.legislationline.org/download/action/download/id/1697/file/0cc1acff8241216090943e97d5b4.htm/preview>, accessed 21 August 2010

⁴⁵³ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

- b) with a victim's movement across the State Border of the Russian Federation or with the illegal detention thereof abroad;
- c) by a group of persons in a preliminary conspiracy - shall be punishable by deprivation of liberty for a term of up to six years.

3. The deeds provided by Parts One and Two of this Article which are committed by an organized group or in respect of a known minor - shall be punishable by deprivation of liberty for a term of three to eight years.⁴⁵⁴

Article 241 states that,

“Article 241. Organization of Prostitution

Federal Law No. 73-FZ of July 21, 2004 amended the first part of Article 241 of the present Code

1. The deeds aimed at organization of prostitution, as well as at the maintenance of hangouts for prostitution or the systematic provision of premises for prostitution - shall be punishable by a fine in the amount of 100 to 500 thousand roubles or in the amount of the wage or salary, or any other income of the convicted person for a period of one to three years, or by restriction of liberty for a term of up to three years, or by deprivation of liberty for a term of up to five years.

2. The same deeds committed:

- a) by a person through his official position;
- b) with an application of violence or with the threat of applying it;
- c) with involvement of known minors in prostitution - shall be punishable by deprivation of liberty for a term of up to six years.

3. The deeds provided for by Parts One and Two of this Article which are committed with the involvement in prostitution of persons which are known to be under 14 years old - shall be punishable by deprivation of liberty for a term of three to 10 years.⁴⁵⁵

The *USDOS* states that, “the organization and operation of a prostitution business is a crime, while selling sexual services is a lesser administrative offense.”⁴⁵⁶

d. Marriage

Article 1.3 of the Russian Family Code provides that,

“family relations shall be regulated in conformity with the principles of a voluntary conjugal union between a man and a woman [and] of the equality of the spouses' rights in the family.”⁴⁵⁷

⁴⁵⁴ The Criminal Code of the Russian Federation, No.63-FZ of June 13, 1996 (with Amendments and Addenda of May 27, June 25, 1998, February 9, 15, March 18, July 9, 1999, March 9, 20, June 19, August 7, November 17, December 29, 2001, March 4, 14, May 7, June 25, July 24, 25, October 31, 2002, March 11, April 8, July 4, 7, December 8, 2003, July 21, 26, December 28, 2004) Adopted by the State Duma on May 24, 1996. Adopted by the Federation Council on June 5, 1996, available from <http://www.legislationline.org/download/action/download/id/1697/file/0cc1acff8241216090943e97d5b4.htm/preview>, accessed 21 August 2010

⁴⁵⁵ The Criminal Code of the Russian Federation, No.63-FZ of June 13, 1996 (with Amendments and Addenda of May 27, June 25, 1998, February 9, 15, March 18, July 9, 1999, March 9, 20, June 19, August 7, November 17, December 29, 2001, March 4, 14, May 7, June 25, July 24, 25, October 31, 2002, March 11, April 8, July 4, 7, December 8, 2003, July 21, 26, December 28, 2004) Adopted by the State Duma on May 24, 1996. Adopted by the Federation Council on June 5, 1996, available from <http://www.legislationline.org/download/action/download/id/1697/file/0cc1acff8241216090943e97d5b4.htm/preview>, accessed 21 August 2010

⁴⁵⁶ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

Article 13 of the Russian Family Code states that,

“1. The marriageable age shall be established as eighteen years.

2. In the presence of valid reasons the bodies of the local self-government at the residence of persons wishing to enter into a marriage may, at a request of such persons, permit entering into a marriage to persons who have reached the age of sixteen years.

The procedure and the terms, because of whose existence a marriage may be entered into, by way of an exception, with account for specific circumstances, before reaching the age of sixteen years, may be laid down by the laws of the subjects of the Russian Federation.”⁴⁵⁸

According to the *Social Institutions and Gender Index*,

“the Russian Family Code protects women reasonably well, but discriminatory traditions persist in some regions. The minimum legal age for marriage is 18 years for both men and women. The local authorities can authorise marriage from the age of 16 years – and even earlier in some regions – if it is considered to be justified.”⁴⁵⁹

The *Social Institutions and Gender Index* reports that although the Russian Federation’s Family Code prohibits polygamy, the practice is common within Muslim communities, especially in the Caucasus region,⁴⁶⁰

“In 1999, the president of Ingushetia proposed the legalisation of polygamy, a measure supported by the majority of the population. The federal authorities prevented the law from being promulgated on the ground that regional legislation cannot run counter to federal laws.”⁴⁶¹

Articles 16 -26 of the Family Code refer to the dissolution of marriage.⁴⁶²

Article 17 of the Family Code determines that,

“the husband shall not have the right to institute court proceedings on the dissolution of the marriage during the wife's pregnancy and in the course of one year after the birth of the child.”⁴⁶³

Article 22, ‘Dissolution of the Marriage in Court, if One of the Spouses Does Not Consent to the Dissolution of the Marriage’, states that,

“1. The marriage shall be dissolved in court, if it has been established that the further life of the spouses together and the preservation of the family is impossible.

⁴⁵⁷ The Family Code of the Russian Federation, 29 December 1995, available from http://www.divorceinrussia.com/objectdata/THE_FAMILY_CODE_OF_THE_RUSSIAN_FEDERATION.doc, accessed 1 September 2010.

⁴⁵⁸ The Family Code of the Russian Federation, 29 December 1995, available from http://www.divorceinrussia.com/objectdata/THE_FAMILY_CODE_OF_THE_RUSSIAN_FEDERATION.doc, accessed 1 September 2010.

⁴⁵⁹ Social Institutions and Gender Index, Gender Equality and Social Institutions in Russian Federation, undated, <http://genderindex.org/country/russian-federation>, accessed 23 August 2010.

⁴⁶⁰ Social Institutions and Gender Index, Gender Equality and Social Institutions in Russian Federation, undated, <http://genderindex.org/country/russian-federation>, accessed 23 August 2010.

⁴⁶¹ Social Institutions and Gender Index, Gender Equality and Social Institutions in Russian Federation, undated, <http://genderindex.org/country/russian-federation>, accessed 23 August 2010.

⁴⁶² The Family Code of the Russian Federation, 29 December 1995, available from http://www.divorceinrussia.com/objectdata/THE_FAMILY_CODE_OF_THE_RUSSIAN_FEDERATION.doc, accessed 1 September 2010.

⁴⁶³ The Family Code of the Russian Federation, 29 December 1995, available from http://www.divorceinrussia.com/objectdata/THE_FAMILY_CODE_OF_THE_RUSSIAN_FEDERATION.doc, accessed 1 September 2010.

2. When considering the case on the dissolution of the marriage in the absence of one of the spouses' consent to the dissolution of the marriage, the court shall have the right to take measures for reconciling the spouses and shall also have the right to put off the proceedings by the case, having fixed for the spouses a three-month reconciliation term.

The marriage shall be dissolved, if the measures, taken to reconcile the spouses, have failed and the spouses (one of the spouses) insist (insists) on the dissolution of the marriage.⁴⁶⁴

Article 24 provides that courts will determine custody of underage children where there is disagreement between spouses.⁴⁶⁵

The *Social and Gender Index* reported that custody is usually given to the mother,

“in the vast majority of cases, custody is awarded to the mother. If a father fails to pay child support, a court can order it to be deducted directly from his salary. It is very difficult to enforce such court orders, in part because men often underestimate their earnings on income statements.”⁴⁶⁶

However, a *fact-finding mission by the governments of Austria, Belgium and Poland* found in Chechnya “women, who want to leave their husbands, would probably have to leave their children as well. In Chechnya, according to the tradition, children belong to a husband and they must stay with him or with his family.”⁴⁶⁷

Article 61 of the Family Code affords both parents equal rights and duties with regards to their children (parental rights).⁴⁶⁸

e. Reproductive and Sexual rights

The *USDOS* states that with regard to reproductive and sexual rights,

“the government officially recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. There are no legal restrictions on access to contraceptives.”⁴⁶⁹

However, the *USDOS* reported that,

“some reproductive rights advocates said that the atmosphere for their work was difficult. International family planning organizations were unable to operate in the face of opposition from the government and from the Orthodox Church. Education regarding family planning was limited, especially outside of big cities. The government explicitly encourages women to have as many children as possible to counteract the country's demographic problems

⁴⁶⁴ The Family Code of the Russian Federation, 29 December 1995, available from http://www.divorceinrussia.com/objectdata/THE_FAMILY_CODE_OF_THE_RUSSIAN_FEDERATION.doc, accessed 1 September 2010.

⁴⁶⁵ The Family Code of the Russian Federation, 29 December 1995, available from http://www.divorceinrussia.com/objectdata/THE_FAMILY_CODE_OF_THE_RUSSIAN_FEDERATION.doc, accessed 1 September 2010.

⁴⁶⁶ Social Institutions and Gender Index, Gender Equality and Social Institutions in Russian Federation, undated, <http://genderindex.org/country/russian-federation>, accessed 23 August 2010.

⁴⁶⁷ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010.

⁴⁶⁸ The Family Code of the Russian Federation, 29 December 1995, available from http://www.divorceinrussia.com/objectdata/THE_FAMILY_CODE_OF_THE_RUSSIAN_FEDERATION.doc, accessed 1 September 2010.

⁴⁶⁹ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

(the country's population has shrunk by six million since the end of the Soviet Union).⁴⁷⁰

The *CEDAW Committee* noted that although maternal mortality rates decreased from 44 per 100,000 births in 1998 to 22 per 100,000 births in 2007,

“The Committee is concerned at the limited access to reproductive and sexual health services, especially in rural areas areas, that only 27 per cent of women of childbearing age make use of modern methods of contraception, and that family planning programmes are not included in school curriculums.”⁴⁷¹

Abortion is legal in Russia.⁴⁷²

Article 123 of the Criminal Code prohibits the illegal performance of abortions,

“Article 123. Illegal Performance of Abortions

1. Performance of abortions by a person who lacks higher medical education of an appropriate specialization shall be punishable by a fine in the amount up to 80 thousand roubles, or in the amount of the wage or salary, or any other income of the convicted person for a period up to six months, or by compulsory works for a term of 100 to 240 hours, or by corrective labour for a term of one to two years.

2. Abolished

3. The same deed, if it has entailed - by negligence - the death of the victim or the infliction of grave injury to her health, shall be punishable by deprivation of liberty for a term of up to five years, with the deprivation of the right to hold specified offices or to engage in specified activities for a term of up to three years, or with the permanent deprivation of such right.”⁴⁷³

In April 2010 *Ria Novosti* reported that,

“Russian law permits abortions up to the 12th week of pregnancy. If the future mother is suffering from tuberculosis or mental illness she is permitted to terminate a pregnancy later than 12 weeks.

There is also a variety of social factors, which permit women to commit an abortion up to the 22nd week of pregnancy, including rape, imprisonment and poverty, and death or severe disability of the husband.

⁴⁷⁰ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁴⁷¹ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010..

⁴⁷² Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010.

RiaNovosti, Illegal abortions worsening Russia's demographic problems, 2 April 2010,

<http://en.rian.ru/russia/20100402/158413783.html>, accessed 4 October 2010; The New York Times, After Decades, Russia Narrows Grounds for Abortions, 24 August 2003, <http://www.nytimes.com/2003/08/24/world/after-decades-russia-narrows-grounds-for-abortions.html>, accessed 4 October 2010.

⁴⁷³ The Criminal Code of the Russian Federation, No.63-FZ of June 13, 1996 (with Amendments and Addenda of May 27, June 25, 1998, February 9, 15, March 18, July 9, 1999, March 9, 20, June 19, August 7, November 17, December 29, 2001, March 4, 14, May 7, June 25, July 24, 25, October 31, 2002, March 11, April 8, July 4, 7, December 8, 2003, July 21, 26, December 28, 2004) Adopted by the State Duma on May 24, 1996. Adopted by the Federation Council on June 5, 1996, available from <http://www.legislationline.org/download/action/download/id/1697/file/0cc1acf8241216090943e97d5b4.htm/preview>, accessed 21 August 2010

Nonetheless, Illegal abortion is widespread in Russia - unofficial estimates say 10-15% of the total, or up to 180,000 terminations.⁴⁷⁴

In August 2010 the *New York Times* reported that restrictions on abortion between the 12th and 22nd weeks of pregnancy came into effect on 11 August 2010,

“Before the new restrictions, which took effect on Aug. 11, women could receive an abortion between the 12th and 22nd weeks of their pregnancies by citing one of 13 special circumstances called “social indicators,” including divorce, poverty, unemployment or poor housing.

The government's decision has reduced the number to four: rape, imprisonment, the death or severe disability of the husband or a court ruling stripping a woman of her parental rights. Being a single mother or a refugee is no longer reason enough to abort a pregnancy after the 12th week.

As before, pregnancies can still be aborted after 12 weeks on medical grounds, including severe disabilities of the fetus or a threat to the mother's life.⁴⁷⁵

In 2009 *Ria Novosti* reports that a quarter of deaths among pregnant women are the result of illegal abortions,

“according to investigators, there were just 28 cases opened into illegal abortions in 2009. The figure was 27 in 2008, and over those two years less than 10 cases made it to court.”⁴⁷⁶

According to *United Nations Department of Economic and Social Affairs* statistics from 2004 show that Russia had the highest rate (53.7) of abortions per 1,000 women in the world.⁴⁷⁷ Quoting numbers from the Ministry of Health, *Reuters* reported that during 2009 there were 1.2 million registered abortions and 1.7 million births in Russia.⁴⁷⁸

A delegate from the *Russian Federation* reported to the *CEDAW Committee* in July 2010 that,

“Access to safe abortions was part of the law guaranteeing free medical assistance. There were financial resources for contraceptives, family planning and safe motherhood. Regional programmes provided free contraceptives to adolescents and to at-risk women.

Currently, there were 312 family planning clinics, the delegate said, and 9 million women used modern contraception, with an increased use of hormonal contraceptives. Abortion prevention activities were carried out by social workers and psychologists. The two-year programme of the Ministry of Health promoted abortion avoidance and the protection of life. The number of abortions had decreased significantly and now live births were now exceeding abortions. Late abortions had decreased by 17 per cent. The declining number of abortions was also decreasing women's mortality rates after birth or abortion.”⁴⁷⁹

⁴⁷⁴ RiaNovosti, Illegal abortions worsening Russia's demographic problems, 2 April 2010, <http://en.rian.ru/russia/20100402/158413783.html>, accessed 4 October 2010;

⁴⁷⁵ The New York Times, After Decades, Russia Narrows Grounds for Abortions, 24 August 2003, <http://www.nytimes.com/2003/08/24/world/after-decades-russia-narrows-grounds-for-abortion.html>, accessed 4 October 2010.

⁴⁷⁶ RiaNovosti, Illegal abortions worsening Russia's demographic problems, 2 April 2010, <http://en.rian.ru/russia/20100402/158413783.html>, accessed 4 October 2010

⁴⁷⁷ United Nations Department of Economic and Social Affairs, Population Division, World Abortion Policies 2007, 2007, http://www.un.org/esa/population/publications/2007_Abortion_Policies_Chart/2007_WallChart.pdf, accessed 1 November

⁴⁷⁸ Reuters, Russian Church calls for tougher abortion laws, 1 June 2010, <http://www.reuters.com/article/idUSTRE65052320100601>, accessed 1 September 2010.

⁴⁷⁹ United Nations General Assembly, Committee on Elimination of Discrimination against Women, 930th & 931st Meetings (AM & PM), “Russian Federation Intent on Legal, Judicial, Social Reforms to Enhance Women's Status, High-level Delegation tell Women's Anti-Discrimination Committee”, 15 July 2010, <http://www.un.org/News/Press/docs/2010/wom1812.doc.htm>, accessed 1 September 2010.

In June 2008 *Radio Free Europe/Radio Liberty*, reported a lack of public awareness and prohibitive cost of alternative contraception methods, quoting a Russian gynaecologist,

"Despite an abundance of new family-planning options, Latypova says lack of public awareness and prohibitive expenses -- like \$25 monthly packs of birth control pills -- mean many women still see abortion as their only choice.

"Students and young girls can't afford birth control. Many girls are afraid to talk about it with their mothers and ask for money," she says. "An unplanned pregnancy can cause them enormous stress. They immediately opt for an abortion, and don't even tell their parents or boyfriends."⁴⁸⁰

In July 2010 the *CEDAW Committee* noted "with concern that, although the rate of abortions has decreased, abortion continues to be used as a method of birth control."⁴⁸¹

f. Abduction

Article 126 of the Criminal Code states that,

- "1. Abduction - shall be punishable by deprivation of liberty for a term of four to eight years.
2. The same act committed:
 - a) by a group of persons under a preliminary conspiracy;
 - b) abolished
 - c) with the use of violence with danger for human life and health, or a threat to apply such violence;
 - d) with the use of weapons or objects used as weapons;
 - e) against an obvious juvenile;
 - f) against a woman who is in a state of pregnancy, which is evident to the convicted person;
 - g) against two or more persons;
 - h) out of mercenary motives, shall be punishable by deprivation of liberty for a term of five to ten years.
3. Deeds stipulated by the first and second parts of this Article, if they:
 - a) have been committed by an organized group;
 - b) abolished
 - c) have entailed by negligence the death of the victim or any other grave consequences, - shall be punishable by deprivation of liberty for a term of eight to twenty years.

Note: A person who has set free the abducted person voluntarily shall be released from criminal responsibility, unless his actions contain a different corpus delicti."⁴⁸²

g. Inheritance and Property Rights

Article 18 of the Russian Federation Civil Code provides that all persons have equal ownership rights.⁴⁸³ Article 18 of the Civil Code also provides that all persons have equal rights to inheritance,

⁴⁸⁰ Radio Free Europe/Radio Liberty, Abortion Remains Top Birth-Control Option In Russia, 28 June 2008, http://www.rferl.org/content/Abortion_Remains_Top_Birth_Control_Option_Russia/1145849.html, accessed 1 September 2010.

⁴⁸¹ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010.

⁴⁸² The Criminal Code of the Russian Federation, No.63-FZ of June 13, 1996 (with Amendments and Addenda of May 27, June 25, 1998, February 9, 15, March 18, July 9, 1999, March 9, 20, June 19, August 7, November 17, December 29, 2001, March 4, 14, May 7, June 25, July 24, 25, October 31, 2002, March 11, April 8, July 4, 7, December 8, 2003, July 21, 26, December 28, 2004) Adopted by the State Duma on May 24, 1996. Adopted by the Federation Council on June 5, 1996, available from <http://www.legislationline.org/download/action/download/id/1697/file/0cc1acff8241216090943e97d5b4.htm/preview>, accessed 21 August 2010

⁴⁸³ Russian Civil Code, 20 February 1996, <http://www.russian-civil-code.com/>, accessed on 1 September 2010.

to access land and property.⁴⁸⁴

The *Social and Gender Index* reported that “various restrictions limit their [women’s] ability to acquire and administer assets.”⁴⁸⁵ Further the *Social and Gender Index* report “Russian men and women have equal rights to obtain access to bank loans, but women often encounter significant restrictions.”⁴⁸⁶

In June 2010 *Amnesty International* reported that widows in Chechnya may face difficulty in asserting property rights,

“Women’s rights activists have told Amnesty International about several cases where widows had been denied their right to the property of their deceased husband. The families of the deceased husbands invoked Sharia law to justify this denial. In some cases they also used this justification to take the children of the marriage away from the widow. To find justice for these women in courts in Chechnya has been extremely difficult as – Amnesty International was told – judges may be in support of the use of Sharia law.”⁴⁸⁷

h. Employment rights

Article 253 of the Labour Code of the Russian Federation prohibits women from working in some jobs,

“Labor of females on hard, dangerous and/or unhealthy trades as well as underground working excluding non-physical work or sanitary and domestic services is forbidden.

Labor of females on the work related to manual lifting of weights exceeding maximum permissible standards.

The lists of industries, professions, and jobs with unhealthy and/or dangerous work conditions with restricted female labor as well as maximum permissible weights for manual lifting and handling by females are approved in the procedure fixed by the Government of Russian Federation taking into account opinion of the Russian Trilateral Committee on Social and Labor Relations.”⁴⁸⁸

In a July 2010 meeting, the *CEDAW Committee* expressed,

“its concern at the lack of a separate law on equal employment opportunities in the State party. The Committee also remains concerned that the situation of women in employment is deteriorating and that women are the overwhelming majority of workers in lower level and low-paid jobs in the various parts of the public sector. It is further concerned that women continue to experience significant discrimination in the private sector, and have a low share of the high-paid jobs in that sector. In this respect, the Committee notes with concern the wide gender pay gap, with the average income of women being 64 per cent of the average income of men across the country”.⁴⁸⁹

Articles 64, 70, 93, 96, 99, 254, 255, 259, 261, 298 refer to prohibitions and entitlements of

⁴⁸⁴ Russian Civil Code, 20 February 1996, <http://www.russian-civil-code.com/>, accessed on 1 September 2010.

⁴⁸⁵ Social Institutions and Gender Index, Gender Equality and Social Institutions in Russian Federation, undated, <http://genderindex.org/country/russian-federation>, accessed 23 August 2010.

⁴⁸⁶ Social Institutions and Gender Index, Gender Equality and Social Institutions in Russian Federation, undated, <http://genderindex.org/country/russian-federation>, accessed 23 August 2010.

⁴⁸⁷ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

⁴⁸⁸ Russian Federation, LABOR CODE OF THE RUSSIAN FEDERATION OF 31 DECEMBER 2001, (Federal Law No. 197-FZ of 2001), available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/60535/65252/E01RUS01.htm>, accessed 21 August 2010

⁴⁸⁹ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 23 August 2010.

pregnant women in work, covering labour contracts, probationary periods, part time working, working at night, overtime, moving pregnant women to another job and shift work.⁴⁹⁰

Article 96 prohibits pregnant women and women with children under five from working at night (between 22.00 and 6.00),

“It is not permitted to allow the following categories of people to work at night: pregnant women, invalids and employees below age of 18 years, with the exception of entities involved in creation and (or) performance of pieces of art, and other categories of employees, specified in this Code and other federal laws. Women, who have children below three years old, employees who have invalid children and employees responsible for nursing disabled members of their families according to results of medical examination, mothers and fathers who are growing children below the age of five without a matrimonial partner, and guardians of children of the indicated age can be allowed to work at night only with their written confirmation and if this kind of work is not forbidden to them because of state of health according to medical examination. These employees must be informed in written form about their right to refuse working at night.”⁴⁹¹

The *All-Russian Association Women's Nongovernmental Organisations - Consortium of Women's Non-governmental Associations* reported in March 2010 that the status of pregnant women and mothers of small children has worsened,

“recently, contrary to the acting laws, the status of pregnant women and mothers of small children has worsened. During debates on labor legislation employers lobbied for a legal norm that would allow them firing women in case they did not provide “exhaustive information” about themselves, i.e. about their pregnancy. The efforts of women’s public organizations helped remove this provision from the Labor Code, but in reality it is implemented on a growing scale. Officials from the Federal Service for supervision of labor conditions state that women submit a growing number of such claims. In violation of the CEDAW, labor inspection services and courts do not consider such cases as manifestations of gender discrimination. In 2009, in St.-Petersburg alone there were registered over 700 cases of dismissal of pregnant women and non-payment of allowances to mothers of small children.”⁴⁹²

The *CEDAW Committee* has stated that “while noting the State party’s policy of protecting women against unsafe working conditions, the Committee reiterates its concern about the exclusion of women of childbearing age from a list of more than 400 jobs, which may result in the effective exclusion of women from certain employment sectors.”⁴⁹³

The *Social Institutions and Gender Index* reported that,

“sexual harassment in the workplace is very common in Russia. There is a lack of legal resources to address the issue and public opinion generally views it as a minor problem. Many women put up with such harassment for fear that they will not find another job. The high level of unemployment in Russia exacerbates the problems of trafficking of women and sexual harassment in the workplace.”⁴⁹⁴

⁴⁹⁰ Russian Federation, LABOR CODE OF THE RUSSIAN FEDERATION OF 31 DECEMBER 2001, (Federal Law No. 197-FZ of 2001), available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/60535/65252/E01RUS01.htm>, accessed 21 August 2010

⁴⁹¹ Russian Federation, LABOR CODE OF THE RUSSIAN FEDERATION OF 31 DECEMBER 2001, (Federal Law No. 197-FZ of 2001), available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/60535/65252/E01RUS01.htm>, accessed 21 August 2010

⁴⁹² All-Russian Association Women's Nongovernmental Organisations - Consortium of Women's Non-governmental Associations, Implementation by the Russian Federation of UN Convention on Elimination of All Forms of Discrimination against Women, March 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CWNGOSA_RussianFederation_cedaw46.pdf, accessed 23 August 2010

⁴⁹³ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010..

⁴⁹⁴ Social Institutions and Gender Index, Gender Equality and Social Institutions in Russian Federation, undated, <http://genderindex.org/country/russian-federation>, accessed 23 August 2010.

The *CEDAW Committee* considered that the definition of sexual harassment as “the victim performing sexual acts against his or her will” to be narrow.⁴⁹⁵

2. Gender-based violence

In its 2010 world report, *Amnesty International* reported that violence against women is a persistent and widespread problem in Russia.⁴⁹⁶

In July 2010 the *CEDAW Committee* stated that,

“The Committee is seriously concerned that violence against women in all its forms has increased, both in the private and public spheres. In this respect, the Committee expresses its concern at the absence of a holistic approach to the prevention and elimination of all forms of violence against women.”⁴⁹⁷

The *USDOS* reported that “violence against women and children, including domestic violence, remained a significant problem.”⁴⁹⁸

According to the *CEDAW Committee*,

“due to strong patriarchal values, husbands are generally considered superior to their wives with the right to assert control over them, legitimizing the general opinion that domestic violence is a private issue. Furthermore, social stigma is connected to sexual and domestic violence, pressuring victims to keep silent and resolve any conflicts within the family.”⁴⁹⁹

US newspaper *Newsweek* reports that according to *Amnesty International* “the reason Russia cultivates such a hostile home environment for women [] is not only vodka and industrial decline, but also the complete lack of violence prevention at early stages.”⁵⁰⁰

According to the *CEDAW Committee*, there is a lack of data and information on the incidence of various forms of violence against women and girls.⁵⁰¹

In June 2010 *Amnesty International* reported that women NGO workers and journalists have been victims of violence, particularly in the North Caucasus,

“Women are among those working with local NGOs and journalists who have become victims of abuses, for their peaceful and lawful work promoting and defending the human rights of others, particularly when working on issues related to human rights violations in the North Caucasus. Some of those who have been harassed have left the region. Others have been killed.

⁴⁹⁵ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010..

⁴⁹⁶ Amnesty International Annual Report 2010, 28 May 2010, available from <http://www.unhcr.org/refworld/publisher/AMNESTY/ANNUALREPORT/RUS/4c03a806c.0.html>, accessed 2 September 2010.

⁴⁹⁷ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010..

⁴⁹⁸ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁴⁹⁹ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010..

⁵⁰⁰ *Newsweek*, The Predictable Death of My Friend, 2 September 2010, <http://www.newsweek.com/2010/09/02/domestic-violence-pervades-russian-homes.html>, accessed 2 September 2010.

⁵⁰¹ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010..

Amnesty International is concerned by what appears to be a lack of political will to take measures to stop the harassment and to identify and to bring to justice those responsible for the killings.”⁵⁰²

a. Domestic violence

In March 2010 the *USDOS* reported that,

“Domestic violence remained a major problem. As of March the Ministry of Internal Affairs maintained records on more than 4 million perpetrators of domestic violence. The ministry estimated that a woman died every 40 minutes at the hands of a husband, boyfriend, or other family member and that 80 percent of women had experienced domestic violence at least once in their lives. The ministry also estimated that 3,000 men a year were killed by wives or girlfriends whom they had beaten. However, the reluctance of victims to report domestic violence meant that reliable statistical information on its scope was impossible to obtain.”⁵⁰³

According to *Ria Novosti* Andrei Sinelnikov, deputy director of Russia’s Anna National Center for the Prevention of Violence, quoting Russian Interior Ministry statistics, reported that 14,000 women die annually from domestic violence in Russia.⁵⁰⁴

Amnesty International reported in June 2010 that since the period 1994-1998,

“different government authorities have stated in different media that between 9,000 and 14,000 women per year are being killed by their partners or close family members.²³ Given the fact that the authorities do not maintain centralized disaggregated statistics on domestic violence, the true scale of domestic violence against women in Russia remains unknown.”⁵⁰⁵

In September 2010 *Newsweek* reported that the incidence of domestic violence is much higher in Russia than in other European countries

“Tatiana Melnikova, head of the Duma’s Committee on Social Defense, says that of 21,400 murders in the country last year, 14,000—two thirds—were of women who died in domestic disputes (not counting the ones attributed to other causes or not reported at all to the police). And that number is up 50 percent since 2002. The Interior Ministry reports that at least 34,000 women fall victim to domestic violence every year. Frederica Behr of Amnesty International in Moscow says there are three times as many Russian women murdered at home as in any other European country, and one woman dies by unnatural causes per hour in Russia compared with one per week in the U.K.”⁵⁰⁶

The *USDOS* states that women experienced difficulties in reporting domestic violence and that “law enforcement authorities frequently failed to respond to reports of domestic violence.”⁵⁰⁷ *USDOS* further states that,

⁵⁰² Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

⁵⁰³ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁵⁰⁴ RIA Novosti, Violence against women ‘widespread’ in Russia, says Amnesty International, 27 May 2010, <http://en.rian.ru/russia/20100527/159178795.html>, accessed 2 September 2010.

⁵⁰⁵ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

⁵⁰⁶ *Newsweek*, The Predictable Death of My Friend, 2 September 2010, <http://www.newsweek.com/2010/09/02/domestic-violence-pervades-russian-homes.html>, accessed 2 September 2010.

⁵⁰⁷ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

"The law prohibits battery, assault, threats, and murder, but most acts of domestic violence did not fall within the jurisdiction of the Prosecutor's Office. Victims of these crimes had to prosecute such cases themselves, which was difficult without legal training or state assistance. Consequently, few cases were prosecuted, and there were few convictions. According to a March study by the Smolensk-based Center for Women's Support, police often gave lackluster and inadequate responses to calls reporting domestic violence, at times suggesting that the case "wait until morning." Police were often unwilling to register complaints of domestic violence and frequently discouraged victims from submitting them. A majority of cases filed were either dismissed on technical grounds or transferred to a reconciliation process conducted by a justice of the peace whose focus was on preserving the family rather than punishing the perpetrator. Civil remedies for domestic violence included administrative fines and divorce. The Center for Women's Support asserted that many perpetrators of domestic violence themselves belonged to law enforcement agencies."⁵⁰⁸

In July 2010 *CEDAW* expressed its concern at the increase of violence against women,

"It is particularly concerned that, due to strong patriarchal values, husbands are generally considered superior to their wives with the right to assert control over them, legitimizing the general opinion that domestic violence is a private issue. Furthermore, social stigma is connected to sexual and domestic violence, pressuring victims to keep silent and resolve any conflicts within the family. In addition, the Committee notes with concern that domestic violence cases are often treated as private charges to be filed by the victim, not the prosecutor."⁵⁰⁹

In a September 2010 article, *Newsweek* stated that

"Russia took zero action to join the Stop Domestic Violence Against Women campaign launched by the Council of Europe in 2006. No focus points, no agenda, no law adopted—nothing."⁵¹⁰

In June 2010 *Amnesty International* stated that,

"Some NGOs, in cooperation with police training academies in some parts of Russia including in Saratov Region and in the Republic of Mari El, have run training for police officers on working with victims of domestic violence; in other places, such as the Altai Region, the local administration has supported NGOs setting up shelters and telephone hotlines. These are positive steps, but they are few and far between. For those initiatives to have a real effect on crime prevention and prosecution, Amnesty International considers that they need to be part of a more comprehensive programme by the authorities, aimed at addressing domestic violence in a human rights framework."⁵¹¹

In its 2009 annual report, *Amnesty International* noted that "while some government officials acknowledged the problem in public statements, government support for crisis centres and hotlines was totally inadequate. No measures under Russian law specifically addressed violence against women in the family."⁵¹²

⁵⁰⁸ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁵⁰⁹ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010.

⁵¹⁰ *Newsweek*, The Predictable Death of My Friend, 2 September 2010, <http://www.newsweek.com/2010/09/02/domestic-violence-pervades-russian-homes.html>, accessed 2 September 2010.

⁵¹¹ United Nations General Assembly, Committee on Elimination of Discrimination against Women, 930th & 931st Meetings (AM & PM), "Russian Federation Intent on Legal, Judicial, Social Reforms to Enhance Women's Status, High-level Delegation tell Women's Anti-Discrimination Committee", 15 July 2010, <http://www.un.org/News/Press/docs/2010/wom1812.doc.htm>, accessed 1 September 2010.

⁵¹² Amnesty International Annual Report 2009, 28 May 2009, <http://www.amnesty.org/en/region/russia/report-2009>, accessed 2 September 2010.

The *CEDAW Committee* also reported in 2010 that there is a “lack of studies and surveys on the extent of violence and its root causes” and a “lack of a national programme that provides shelter to victims of domestic violence.”⁵¹³

In July 2010 *CEDAW* stated that a delegate of the Russian Federation reported to them that,

“Regarding combating violence against women, he said his country supported the Secretary-General’s global campaign, which included involving men in that cause. He understood and supported early prevention in that matter, but noted that the recent economic problems were a serious component in circumstances of violence against women. That was being dealt with in both the Russian Government and its social services. For example, a procedure in the Health Ministry had been developed for families in a domestic violence situation. For the first time, families were now taken into account in that context, through, among other things, a commission to handle possible threats to the life of the child. Annual monitoring of those who turned for assistance was in place, and special projects had been initiated as part of the national health plan to tackle bad habits such as alcoholism, which often led to violence against women and children. On the federal level, a fund had been established for children in difficult situations.”⁵¹⁴

According to the *All-Russian Association Women’s Non-governmental Organisations - Consortium of Women’s Non-governmental Associations* “policemen treat cases of domestic violence as “family problems” and do not consider necessary to start criminal proceedings against family aggressors.”⁵¹⁵

The *USDOS* reported that the police are “often unwilling to register complaints of domestic violence and frequently discouraged victims from submitting them.”⁵¹⁶

Several sources report that cases of domestic violence are treated as private cases, in which the victim - rather than a public prosecutor, must press charges, provide evidence and take part in the investigation.⁵¹⁷

According to *All-Russian Association Women’s Nongovernmental Organisations - Consortium of Women’s Non-governmental Associations* private charge cases,

“are initiated only upon application from the victim and are subject to termination following reconciliation of the victim and the defendant. Private charges cases are peculiar in that the charges are filed not by the procurator, but by the victim – a private prosecutor, who must press charges on one’s own, i.e. supply evidence, take part in the investigation, etc.”⁵¹⁸

⁵¹³ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010.

⁵¹⁴ United Nations General Assembly, Committee on Elimination of Discrimination against Women, 930th & 931st Meetings (AM & PM), “Russian Federation Intent on Legal, Judicial, Social Reforms to Enhance Women’s Status, High-level Delegation tell Women’s Anti-Discrimination Committee”, 15 July 2010, <http://www.un.org/News/Press/docs/2010/wom1812.doc.htm>, accessed 1 September 2010.

⁵¹⁵ All-Russian Association Women’s Nongovernmental Organisations - Consortium of Women’s Non-governmental Associations, Implementation by the Russian Federation of UN Convention on Elimination of All Forms of Discrimination against Women, March 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CWNGOSA_RussianFederation_cedaw46.pdf, accessed 23 August 2010.

⁵¹⁶ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁵¹⁷ All-Russian Association Women’s Nongovernmental Organisations - Consortium of Women’s Non-governmental Associations, Implementation by the Russian Federation of UN Convention on Elimination of All Forms of Discrimination against Women, March 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CWNGOSA_RussianFederation_cedaw46.pdf, accessed 23 August 2010; United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010; Committee on the Elimination of Discrimination against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 23 August 2010.

⁵¹⁸ All-Russian Association Women’s Nongovernmental Organisations - Consortium of Women’s Non-governmental Associations, Implementation by the Russian Federation of UN Convention on Elimination of All Forms of Discrimination against Women, March 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/CWNGOSA_RussianFederation_cedaw46.pdf, accessed 23 August 2010.

The *USDOS* reported that,

“Victims of these crimes [domestic violence] had to prosecute such cases themselves, which was difficult without legal training or state assistance. Consequently, few cases were prosecuted, and there were few convictions.”⁵¹⁹

The *USDOS* reports that as a consequence, very few cases were prosecuted and

“a majority of cases filed were either dismissed on technical grounds or transferred to a reconciliation process conducted by a justice of the peace whose focus was on preserving the family rather than punishing the perpetrator.”⁵²⁰

According to the *USDOS* civil remedies for cases of domestic violence include administrative fines and divorce.⁵²¹

According to the *Social Institutions and Gender Index*, “local authorities have established shelters for battered women in some cities, including St Petersburg, but there are no state shelters in Moscow.”⁵²²

Regarding shelters for victims of domestic violence, the *USDOS* reported that,

“there were more than 600 government centers for social rehabilitation and shelters of various types; the number of these that offered services to domestic violence victims was unknown. There were also an estimated 20 crisis centers, with a total of 200 beds, 90 percent of them run by NGOs; three of these were in the Moscow area. Crisis centers did not focus exclusively on violence against women, although some offered services, including temporary shelter, to domestic violence victims.”⁵²³

Amnesty International's 2010 annual report and *Newsweek* reported that there were less than 20 shelters for women escaping domestic violence throughout the country.⁵²⁴

In a briefing to *CEDAW* in June 2010 *Amnesty International* reported that,

“The provision of services for women experiencing domestic violence remains wholly inadequate. As mentioned, there is still no coherent governmental plan in place to address domestic violence; government support for crisis centres and hotlines remains inadequate. There are only 21 shelters for women who have experienced domestic violence in the entire country with a population of 142 million people, while a large research project conducted in 2003 suggests that 18 per cent of Russian women are being subjected regularly to violence from their partners while 70 per cent claimed they had at least once experienced violence in the home. Moreover, many of the shelters are open solely to those who are officially registered as residing in the local region,²⁸ meaning that for the most part only those women who are officially registered to live in the local region can access their

⁵¹⁹ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010

⁵²⁰ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁵²¹ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁵²² Social Institutions and Gender Index, Gender Equality and Social Institutions in Russian Federation, undated, <http://genderindex.org/country/russian-federation>, accessed 23 August 2010.

⁵²³ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁵²⁴ Amnesty International Annual Report 2010, 28 May 2010, available from http://www.unhcr.org/refworld/publisher/AMNESTY/ANNUALREPORT/RUS_4c03a806c.0.html, accessed 2 September 2010; *Newsweek*, The Predictable Death of My Friend, 2 September 2010, <http://www.newsweek.com/2010/09/02/domestic-violence-pervades-russian-homes.html>, accessed 2 September 2010.

services. This restriction applies to Moscow's only shelter which, in a city with a population of 10.5 million inhabitants, provides space for only 10 women."⁵²⁵
In a May 2010 article, *The Moscow News* reported that,

"Moscow currently has a single shelter, housing up to 35 women, serving a population of 10 million. At the moment 15-20 places are taken."⁵²⁶

In September 2010 *Newsweek* reported that in Russia there is one domestic violence shelter for every 7 million people.⁵²⁷ *Newsweek* further reported a telephone hotline and crisis shelter in Moscow.⁵²⁸

In July 2010 *CEDAW Committee* expressed concern at,

"at the lack of a national programme that provides shelter to victims of domestic violence, that the few shelters that do exist in selected cities are extremely limited in their capacity to help these victims and that most shelters restrict access to Russian nationals who are local residents."⁵²⁹

The *USDOS* further reports that, "Official telephone directories contained no information on crisis centers or shelters."⁵³⁰

CEDAW states that a delegate from the Russian Federation reported to them that,

"In the case of domestic violence and housing, this was a serious issue as there were not enough centres and shelters, and they were addressing this situation,"⁵³¹

b. Rape

According to the *Social Institutions and Gender Index*,

"It is difficult to assess the incidence of rape in Russia. Because they receive no protection, victims are reticent to speak out and many withdraw their complaints under the threat of reprisals from the rapist."⁵³²

The *USDOS* reported that according to NGOs, "many women did not report rape or other violence due to social stigma and lack of government support."⁵³³

The *USDOS* report covering 2009 stated that,

⁵²⁵ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

⁵²⁶ The Moscow News, Russia's land of the abused, 28 May 2010, <http://www.mn.ru/society/20100528/187850008.html>, accessed 2 September 2010.

⁵²⁷ Newsweek, The Predictable Death of My Friend, 2 September 2010, <http://www.newsweek.com/2010/09/02/domestic-violence-pervades-russian-homes.html>, accessed 2 September 2010.

⁵²⁸ Newsweek, The Predictable Death of My Friend, 2 September 2010, <http://www.newsweek.com/2010/09/02/domestic-violence-pervades-russian-homes.html>, accessed 2 September 2010.

⁵²⁹ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010.

⁵³⁰ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁵³¹ United Nations General Assembly, Committee on Elimination of Discrimination against Women, 930th & 931st Meetings (AM & PM), "Russian Federation Intent on Legal, Judicial, Social Reforms to Enhance Women's Status, High-level Delegation tell Women's Anti-Discrimination Committee", 15 July 2010, <http://www.un.org/News/Press/docs/2010/wom1812.doc.htm>, accessed 1 September 2010.

⁵³² Social Institutions and Gender Index, Gender Equality and Social Institutions in Russian Federation, undated, <http://genderindex.org/country/russian-federation>, accessed 23 August 2010.

⁵³³ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

“the Syosty call center, which helps victims of sexual abuse, reported in December that it had received 3,534 calls in Moscow during the year.”⁵³⁴

The *USDOS* states that, “spousal or acquaintance rape was not widely perceived as a problem by society or law enforcement authorities.”⁵³⁵

The *USDOS* reports that,

“Rape victims may act as full legal parties in criminal cases brought against alleged assailants and may seek compensation as part of a court verdict without initiating a separate civil action. While members of the medical profession assisted assault victims and sometimes helped identify an assault or rape case, doctors were reluctant to provide testimony in court.”⁵³⁶

The *Social Institutions and Gender Index* reported that,

“[rape] victims must have their complaints recorded by the police and must obtain authorisation to be examined by a doctor. The police often obstruct the complaints procedure by deliberately postponing this authorisation until such time as the medical examination becomes useless in terms of collecting evidence.”⁵³⁷

According to the *USDOS*, since legislation does not prohibit sexual harassment, it remains a widespread problem,

“the lack of legal remedies and limited economic opportunities caused many women to tolerate harassment. Authorities have successfully prosecuted only two sexual harassment cases since 1992. In July 2008 a 22 year old female executive attempted to pursue a sexual harassment suit but lost the case when the judge declared that sexual harassment is necessary to further the human species. A participant in the trial noted that “if Russia were to measure sexual harassment by Western standards, 100 percent of female professionals would report that they had experienced sexual harassment.” According to a 2005 report by *Profil* magazine, 32 percent of women said that they had had sexual relations with their bosses, and 7 percent said that their bosses had raped them. Of the respondents, 80 percent said that they could not achieve promotion without engaging in sexual relations with their male superiors.”⁵³⁸

c. Prostitution

In July 2010 the *CEDAW Committee* reported that,

“owing to the fact that engagement in prostitution is an administrative offence under Russian law, women engaged in prostitution are vulnerable to harassment and various types of abuse by the police who commit such violations with impunity and that no special health protection programmes for women engaged in prostitution have been adopted.”⁵³⁹

⁵³⁴ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁵³⁵ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁵³⁶ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁵³⁷ Social Institutions and Gender Index, Gender Equality and Social Institutions in Russian Federation, undated, <http://genderindex.org/country/russian-federation>, accessed 23 August 2010.

⁵³⁸ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁵³⁹ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010.

The *USDOS* states that,

“Prostitution remained widespread, and some observers noted that the country was a destination for sex tourism. Police worked closely with at least one foreign government to ensure the prosecution of sex tourists. There were reports of persons in prostitution bribing police and of police violence against persons in prostitution. It was widely believed that police were involved in the protection of prostitution.”⁵⁴⁰

In May 2009 *Reuters* reported estimates of 100,000 women working in prostitution in Moscow.⁵⁴¹

Reuters further reported that,

“Police and law enforcement agencies often turn a blind eye to prostitution or ask girls for either a bribe up to 6,000 roubles or free oral sex, several prostitutes said.

Moscow police declined to comment on bribe-taking but said the fine for women selling sex is 2,000 roubles, and much higher for pimps who organize them.”⁵⁴²

Sex Workers’ Rights Advocacy Network reported in November 2009 that sex workers were targeted by law enforcement agencies and that sex workers in Russia’s Northwest district described “subbotnik,” gang rape by police, as the main threat to their safety.⁵⁴³

In February 2010 *Radio Free Europe/Radio Liberty* reported allegations of corruption made by OMON officers, including the claim that

“Officers also complain that the police protect the prostitution business in exchange for money and sexual favors.”⁵⁴⁴

[See also Section E. Women and Girls, 4. Trafficking and Section K. Further Human Rights Considerations, 1.Administration of Justice]

d. Abduction/bride stealing

A delegate from the *Russian Federation* reported to the *CEDAW Committee* in July 2010 that,

“There had been 7,000 reported kidnappings in 2007. In 2009, there had been 5,400 registered cases, which was a 13 per cent drop.”⁵⁴⁵

Reporting in 2010, the *UK Parliamentary Human Rights Group* presented several accounts of abduction in Chechnya between July and October 2009.⁵⁴⁶

Reporting in June 2010 on disappearances in the North Caucasus *Amnesty International* stated that,

⁵⁴⁰ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁵⁴¹ Reuters, In crisis more Russian men want to talk, not sex, 3 May 2009, <http://www.reuters.com/article/idUSTRE54301N20090504>, accessed 23 August 2010

⁵⁴² Reuters, In crisis more Russian men want to talk, not sex, 3 May 2009, <http://www.reuters.com/article/idUSTRE54301N20090504>, accessed 23 August 2010

⁵⁴³ SWAN, Arrest the Violence, November 2009, <http://swannet.org/files/swannet/File/Documents/>, accessed 27 August 2010

⁵⁴⁴ Radio Free Europe/Radio Liberty, Riot police complain of corruption as demonstration rock Russia, 1 February 2010, http://www.rferl.org/content/Riot_Police_Complain_Of_Corruption_As_Demonstrations_Rock_Russia/1945465.html, accessed 26 October 2010

⁵⁴⁵ United Nations General Assembly, Committee on Elimination of Discrimination against Women, 930th & 931st Meetings (AM & PM), “Russian Federation Inten on Legal, Judicial, Social Reforms to Enhance Women’s Status, High-level Delegation tell Women’s Anti-Discrimination Committee”, 15 July 2010, <http://www.un.org/News/Press/docs/2010/wom1812.doc.htm>, accessed 1 September 2010.

⁵⁴⁶ United Kingdom Parliamentary Human Rights Group (PHRG) Report, Chechnya Fact-Finding Mission - 15-19 February 2010, July 2010, available from <http://www.unhcr.org/refworld/docid/4cc7ed2a2.html>, accessed 3 September 2010.

"On 31 October 2009, Zarema Gaisanova, a 40-year-old woman from Grozny, was abducted during a special operation conducted by law enforcement officials in her neighbourhood. Her fate and whereabouts are still unknown. According to official information, on that day law enforcement officials under the command of Chechen President Ramzan Kadyrov were conducting an operation against an armed fighter in the area. Zarema Gaisanova, who used to work for a humanitarian organization, was seen being taken out of her house and driven away. Several human rights organizations, researching the case, have found that the investigation into her enforced disappearance was being hampered by officials and no serious attempt has been made to question those officials, including President Kadyrov, who were reportedly present at the scene of her abduction."⁵⁴⁷

Several sources reported the abduction and killing of NGO researcher Natalia Estemirova in July 2009.⁵⁴⁸

The *UK Parliamentary Human Rights Group* states that,

"Natalia Estemirova, a researcher in Chechnya for "Memorial", left her home at approximately 8:30 a.m. on July 15 and was abducted by unidentified perpetrators. Two witnesses on the balcony of a nearby building were believed to have seen Natalia forced into a white car and heard her cry out that she was being kidnapped before she was driven away. Her body was found with gunshot wounds to the head early that evening, in a forested area over the border with Ingushetia."⁵⁴⁹

The *USDOS* stated that,

"Estemirova had spent more than 10 years documenting cases of killings, torture, and disappearances, which she linked to Chechen authorities. She had received a number of threats, including a direct threat from Chechen president Kadyrov. A month after the killing, Kadyrov made disparaging comments about Estemirova in a radio interview. President Medvedev stated that it was "obvious" that the killing was connected with Estemirova's work and ordered an immediate investigation to find the perpetrators. In October, following delays in the preliminary investigation, an anonymous law enforcement representative issued a statement that there were no leads in the case. No arrests in the case had been made by year's end."⁵⁵⁰

Following a fact-finding mission to Chechnya in February 2010, the *UK Parliamentary Human Rights Group* reported that,

"the continuing traditional practices of bride stealing and forced temporary marriages were seen as particularly problematic, as were other forms of illegal detention. It was felt that there were no effective legal remedies to deal with this."⁵⁵¹

In August 2010 the *Radio Free Europe/Radio Liberty* reported that "women are increasingly being

⁵⁴⁷ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010.

⁵⁴⁸ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010. United Kingdom Parliamentary Human Rights Group (PHRG) Report, Chechnya Fact-Finding Mission - 15-19 February 2010, July 2010, available from <http://www.unhcr.org/refworld/docid/4cc7ed2a2.html>, accessed 3 September 2010. United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁵⁴⁹ United Kingdom Parliamentary Human Rights Group (PHRG) Report, Chechnya Fact-Finding Mission - 15-19 February 2010, July 2010, available from <http://www.unhcr.org/refworld/docid/4cc7ed2a2.html>, accessed 3 September 2010.

⁵⁵⁰ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁵⁵¹ United Kingdom Parliamentary Human Rights Group (PHRG) Report, Chechnya Fact-Finding Mission - 15-19 February 2010, July 2010, available from <http://ehracmos.memo.ru/files/PHRG%20Chechnya%20Mission%20Report%20JUNE%202010.pdf>, accessed 3 September 2010.

abducted and forced into marriage” in Chechnya.⁵⁵²

In June 2010 *Amnesty International* reported that,

“Women’s rights organizations which collect information about polygamy and bride-kidnapping in the North Caucasus have reported that girls as young as 12 are being kidnapped, with their families often too afraid to act. In some cases it has been reported to Amnesty International that young girls have been returned to their families some months later, after having been raped and abused by their “husbands”. Bride-kidnapping has been a phenomenon in the North Caucasus for generations. While in some cases the woman might agree to being “kidnapped”, different women who spoke to Amnesty International highlighted that nowadays, in contrast to the situation 10 or 20 years ago, women and their families are often afraid of resisting the kidnapping or reporting it to the police or prosecutor’s office if the man has a close connection with the authorities or is himself a member of the law enforcement bodies.”⁵⁵³

According to the *Social Institutions and Gender Index*, marriage between adults requires free consent from both spouses, however,

“in some regions where tradition remains strong (for example, Daghestan), consent of the bride’s family still carries heavy weight: brides are sometimes abducted if their parents express opposition to the marriage.”⁵⁵⁴

Following interviews with NGOs Memorial and Civic Assistance in 2008, a *fact-finding mission conducted by the governments of Austria, Belgium and Poland* reported that,

“In Chechnya a custom of kidnapping a bride-to-be is still alive. In compliance with tradition, immediately after kidnapping, negotiations between the families should be started. If it is impossible to reach an agreement, the girl was released. At present, this tradition has taken a more brutal form which makes it hard for women to oppose. It often comes to a situation when a man violently kidnaps a bride-to-be and he has not talked with her parents before, only because he is in the troops of Kadyrov (which means he can do whatever he wants). He simply comes to a house and takes a woman with him, often using violence and intimidating her family. If the man is from Kadyrov’s group, the family has very little chance that any negotiations would be successful. Any opposition to Kadyrov’s people can have negative consequences for the entire family.”⁵⁵⁵

Following an interview with Memorial the *fact-finding mission conducted by the governments of Austria, Belgium and Poland* reported,

“normally the position of the “bride” is protected by traditional customs and values. Nowadays however, it happens that men from within the republican power structures also kidnap women and take them as their wives, but without respecting the traditional customs and not allowing the family of the “brides” to protest against the engagement.”⁵⁵⁶

In June 2010 *Amnesty International* expressed concern that amendments to article 134 of the Russian Criminal Code,

⁵⁵² Radio Free Europe/Radio Liberty, Russian Rights Activist Battles on in Chechnya, 31 August 2010, http://www.rferl.org/content/Russian_Rights_Activist_Battles_On_In_Chechnya/2143949.html, accessed 3 September 2010.

⁵⁵³ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

⁵⁵⁴ Social Institutions and Gender Index, Gender Equality and Social Institutions in Russian Federation, undated, <http://genderindex.org/country/russian-federation>, accessed 23 August 2010.

⁵⁵⁵ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010.

⁵⁵⁶ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010.

"might even further reduce the possibility of young girls being protected from forced marriage and bride-kidnapping and compromise accountability for the perpetrators" by providing that first time offenders who have sex with a minor can avoid criminal liability by marrying their victim.⁵⁵⁷

In October 2010, the *BBC* reported that the incidence of bride stealing had increased in recent years, with estimates that one in five brides in Chechnya were kidnapped,

"Lipkhan Bazaeva, head of the Women's Dignity Centre in Grozny, believes bride-stealing has increased significantly in recent years after two devastating pro-independence wars against Russia brutalised Chechen society.

Her group conducted a survey which found that as many as one in five brides had been stolen."⁵⁵⁸

In October 2010 the *BBC* reported an incidence of bride stealing,

"a 22-year-old student, was grabbed off the street on her way home from college by a man she barely knew. A week later, wearing a high-necked wedding dress and a mournful expression, she was married to Bogdan, her kidnapper."⁵⁵⁹

The *BBC* further described negotiations between the woman's grandfather and representatives from the grooms family,

"It became increasingly clear that Zulikhan would have no say in the matter. Her future was decided by a roomful of elderly men and a young mullah who, it later emerged, had stolen his own wife."⁵⁶⁰

In August 2010 the *BBC* reported that one Chechen who had kidnapped his bride told them that "'It's the law of our grandfathers," he said. "We have to respect our Chechen traditions."⁵⁶¹

In October 2010 the *BBC* reported that Chechnya's spiritual leader and President Kadyrov had declared bride kidnapping as un-Islamic,

"the authorities have announced that imams who facilitate weddings involving kidnapped women risk punishment and possible excommunication.

Last week, after a meeting with Chechnya's religious leader, Mufti Sultan Mirzayev, President Ramzan Kadyrov declared that abducting brides was un-Islamic and must be "eradicated from society".⁵⁶²

The *BBC* reported in October 2010 that an increased financial penalty has been introduced,

"Mr Mirzayev said in the future kidnappers would be hit in the pocket with a 1m-rouble (£21,000) fine, payable to the girl's family.

⁵⁵⁷ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

⁵⁵⁸ BBC, Can Chechen President Kadyrov stamp out bride stealing?, 9 October 2010, <http://www.bbc.co.uk/news/world-europe-11495177>, accessed 4 April 2011

⁵⁵⁹ BBC, Can Chechen President Kadyrov stamp out bride stealing?, 9 October 2010, <http://www.bbc.co.uk/news/world-europe-11495177>, accessed 4 April 2011

⁵⁶⁰ BBC, Can Chechen President Kadyrov stamp out bride stealing?, 9 October 2010, <http://www.bbc.co.uk/news/world-europe-11495177>, accessed 4 April 2011

⁵⁶¹ BBC, Stolen brides and life in exile from Chechnya, 7 August 2010, http://news.bbc.co.uk/1/hi/programmes/from_our_own_correspondent/8891579.stm, accessed 4 April 2011

⁵⁶² BBC, Can Chechen President Kadyrov stamp out bride stealing?, 9 October 2010, <http://www.bbc.co.uk/news/world-europe-11495177>, accessed 4 April 2011

The financial penalty is not new, although it has been drastically increased from 30,000 roubles (£633), but some doubt it will prove a real deterrent.⁵⁶³

The *BBC* reports that the Head of the Women's Dignity Centre in Gorzny has reservations about the effectiveness of the new penalties,

"I worry that people who have arms, who have links to the power structures, will still be able to act with impunity."

Instead of increasing the fine, Mrs Bazaeva would prefer the authorities to enact existing Russian laws which punish kidnapping with up to nine years in prison.

It is not yet clear to what extent President Kadyrov expects law enforcement bodies to get involved. People here struggle to balance the often contradictory forces of Russian law, Islamic Sharia law and Chechen tradition.

When a woman is stolen here, families rarely contact the police - instead, they go to their village imam.

Anyone who believes that the official clampdown on bride-stealing means a brighter future for women's civil and social rights here might be sorely disappointed.⁵⁶⁴

e. Honour crimes

According to the *USDOS*, "honor killings were a problem in some areas, such as the Caucasus region. Observers estimated that 35 to 60 women annually were victims of honor killings in Chechnya."⁵⁶⁵

Radio Free Europe/RadioLiberty states that following the killing of seven young women by their male relatives in November 2008, Chechen president Ramzan Kadyrov told journalists in March 2009 that they were rightfully shot in an honour killing because they had "loose morals", adding that "if a woman runs around and if a man runs around with her, both of them are killed."⁵⁶⁶

According to the *USDOS*, "a Chechen NGO that worked to counsel perpetrators of honor killings faced harassment by local authorities, who threatened to shut it down and reportedly made a veiled death threat against its director."⁵⁶⁷

[See also Section E. Women and Girls, 3. Women/girls violating traditional norms or practices, particularly in Muslim communities]

f. North Caucasus

⁵⁶³ BBC, Can Chechen President Kadyrov stamp out bride stealing?, 9 October 2010, <http://www.bbc.co.uk/news/world-europe-11495177>, accessed 4 April 2011

⁵⁶⁴ BBC, Can Chechen President Kadyrov stamp out bride stealing?, 9 October 2010, <http://www.bbc.co.uk/news/world-europe-11495177>, accessed 4 April 2011

⁵⁶⁵ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁵⁶⁶ Radio Free Europe/Radio Liberty, As Hit Men Strike, Concern Grows Among Chechen Exiles, 12 March 2009, http://www.rferl.org/content/As_Hit_Men_Strike_Concern_Grows_Among_Chechen_Exiles/1508931.html, accessed 3 September 2010; The St. Petersburg Times, Chechen President Kadyrov Defends Honor Killings, 3 March 2009, http://www.sptimes.ru/index.php?story_id=28409&action_id=2, accessed 3 September 2010; United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁵⁶⁷ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

Reporting in June 2010 *Amnesty International* states that women have been victims of violence by state authorities in North Caucasus,

“Russian and international human rights organizations have collected a large number of cases of violence against women committed by Russian soldiers and law enforcement officials in the North Caucasus.”⁵⁶⁸

Further *Amnesty International* reports that in Chechnya,

“Women have been both the direct and indirect victims in the armed conflict in Chechnya and its aftermath and have suffered abuses of their rights by military and law enforcement officials as well as by non-state actors. In the overwhelming majority of such cases no one has been brought to justice.”⁵⁶⁹

In July 2010 *CEDAW* reported that the,

“Committee is particularly concerned at the increasing rate of violence against women and killings of women in the Chechen Republic of the Russian Federation as well as harmful traditional practices, such as honour killings and bride-kidnapping. The Committee also notes with concern that such cases of violence and killings are rarely documented, prosecuted and punished.”⁵⁷⁰

In June 2010 *Amnesty International* stated that it continues to document abuses committed by state and non state actors in the North Caucasus region including rape, enforced disappearances, abductions, acts of torture, and extrajudicial executions “characterized by an almost complete impunity for human rights violations.”⁵⁷¹

Amnesty International has further reported reprisal attacks against those who seek justice for the violations,

“According to information available to Amnesty International, only one official, Colonel Yuri Budanov, has been held to account by the Russian authorities for violence against women during the armed conflict. He was sentenced in 2003 to 10 years’ imprisonment on charges of abduction and murder of Kheda Kungaeva, a young Chechen woman he had abducted in 2000 from her home in Tangi-Shu in Chechnya and had reportedly raped⁴ and killed. Yuri Budanov was released in January 2009, just a few days before the murder of the lawyer who represented the family of Kheda Kungaeva, Stanislav Markelov. Among other things, on behalf of the family, Stanislav Markelov had contested the early release of Yuri Budanov.”⁵⁷²

Amnesty International reports that women have been threatened for seeking justice and demanding investigations, leading to some leave Russia and seek asylum,

“Amnesty International has spoken to many women who have organized demonstrations against enforced disappearances in the North Caucasus, travelled to sites of mass graves to see if they were able to identify bodies and filed numerous complaints with the authorities about human rights violations they and their relatives had been subjected to. Many reported

⁵⁶⁸ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

⁵⁶⁹ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

⁵⁷⁰ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010.

⁵⁷¹ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

⁵⁷² Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

that they had faced threats and intimidation when seeking information and demanding an investigation.”⁵⁷³

Amnesty International further reports that it,

“has researched a number of cases of harassment and intimidation against women human rights defenders, several of them working in the North Caucasus. Women taking up cases of torture, ill-treatment, enforced disappearance and forced confessions of alleged members of armed groups, have faced allegations that they were “supporting terrorists”.

In 2009 alone, six human rights activists and journalists, including three women, mainly working on or in the North Caucasus, were killed, most likely for their work in defence of the rights of others. Several of them had been threatened before. Others were forced to leave the country for fear of their lives. They faced harassment and intimidation before their departures and had been branded as traitors and enemies of Russia by non-state actors and government officials alike.

To date those responsible have not been brought to justice. Relatives and colleagues of those murdered in the North Caucasus fear that those who ordered the killings, as well as the direct perpetrators of the crimes might go unpunished.

This fear is perpetuated by the fact that the murderers of other human rights defenders and journalists, who were killed in previous years, have not been brought to justice, nor have the authorities identified individuals who may have ordered these allegedly politically motivated killings.”⁵⁷⁴

Amnesty International reports that a women’s NGO in Dagestan has been the target of abuse due to their human rights activities

“The non-governmental organization (NGO) Mothers of Dagestan for Human Rights, founded in 2007 by relatives of victims of enforced disappearances, investigates allegations of enforced disappearances and campaigns to bring those responsible to justice. Since the start of their human rights work, the NGO has faced numerous threats by officials and non-state actors. In November 2008, at a conference on combating extremism, the then-Minister of Interior of Dagestan reportedly suggested publicly that extremists should be shot. The same Minister reportedly also said that members of the Mothers of Dagestan for Human Rights should receive “a bullet to the head”. In August 2009 the office of the NGO was destroyed in an arson attack and in the same month leaflets were distributed in Makhachkala, the capital of Dagestan, calling for a blood feud against members of the NGO, who were accused of supporting members of armed groups.”⁵⁷⁵

3. Women/girls violating traditional norms or practices

The *CEDAW Committee* reported in July 2010,

“the persistence of practices, traditions, patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. In this respect, the Committee is concerned at the State party’s repeated emphasis on the role of women as mothers and caregivers. The Committee is concerned that such customs and practices perpetuate discrimination against women and girls; that this is reflected in

⁵⁷³ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

⁵⁷⁴ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

⁵⁷⁵ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

their disadvantageous and unequal status in many areas, including in education, public life, decision-making, marriage and family relations, and the persistence of harmful traditional practices, honour killings, bridal kidnappings and violence against women; and that, thus far, the State party has not taken effective and systematic action to modify or eliminate stereotypes and negative traditional values and practices”.⁵⁷⁶

In July 2010 the *CEDAW Committee* expressed,

“its serious concern at the situation of ethnic minority women in the State party. The Committee notes with concern that the State party has not adopted comprehensive anti-discrimination legislation aimed at protecting ethnic minorities, in particular Chechens, Roma and persons of African origin. It is further concerned that traditional female stereotypes are most prevalent in the ethnic communities. In addition, the Committee regrets the lack of information provided with regard to human rights education offered to ethnic minority women, including education on gender equality..”⁵⁷⁷

According to the *International Campaign Against Honour Killing*, in April 2009 a father hired killers to assassinate his daughter after his friends reproached him for being negligent, since she wore skirts showing her knees, an insult that “could only be washed away by blood.”⁵⁷⁸

In June 2010 *Amnesty International* reported that,

“The two armed conflicts and a high level of violence in the Chechen Republic over the last 15 years have had serious impact on traditions and social norms and existing patterns of gender discrimination have become more acute. In recent years, the authorities in the Chechen Republic have conducted a campaign reportedly aimed to encourage the spiritual and moral upbringing of the Chechen population. Some aspects of this campaign may constitute an interference with women’s human rights.”⁵⁷⁹

In June 2010 *Amnesty International* reported that mandatory headscarves, bride kidnapping, denial of property and parental rights and honour killings had been used as part of a campaign to enforce gender roles in the North Caucasus.⁵⁸⁰

Following a fact-finding mission to Chechnya in February 2010, the *UK Parliamentary Human Rights Group* reported that Chechen women were treated with “humiliation, discrimination and even abuse,” adding that “the situation was complicated: the constitution provided rights, yet tradition and sharia law held women back.”⁵⁸¹

A fact-finding mission by the governments of Austria, Belgium and Poland reported that,

“Almost all organizations [interviewed] mentioned that at present the position of women is under mounting pressure in Chechnya. The rights and liberties of women seem to be more and more limited. The authorities promote the local traditions and a “correct” Islamic way of life.”⁵⁸²

⁵⁷⁶ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010.

⁵⁷⁷ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010.

⁵⁷⁸ Stop Honour Killings, Father orders daughter killed over short skirt, 14 April 2009, <http://www.stophonourkillings.com/?q=node/3522>, accessed 3 September 2010.

⁵⁷⁹ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010.

⁵⁸⁰ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010.

⁵⁸¹ United Kingdom Parliamentary Human Rights Group (PHRG) Report, Chechnya Fact-Finding Mission - 15-19 February 2010, July 2010, available from <http://ehracmos.memo.ru/files/PHRG%20Chechnya%20Mission%20Report%20JUNE%202010.pdf>, accessed 3 September 2010.

⁵⁸² Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010.

Radio Free Europe/Radio Liberty reported in August 2010 that in Chechnya “among the alarming recent developments is the rise of abuses against women.”⁵⁸³

Several sources report that Chechen president Ramzan Kadyrov has made public discriminatory remarks against women⁵⁸⁴

According to a *fact finding mission conducted by the governments of Austria, Belgium and Poland*,

“On 11th November, 2008 Ramzan Kadyrov said: “I am really disturbed with the way our women are dressed. Our fiancées are sometimes almost – excuse me this word – naked, with uncovered head in the company of their mothers-in-law and her fiancé’s relatives. They are walking on the streets wearing short skirts and loose hair. I would like Chechen women to look like a real Muslim, who respects traditions and customs of our nation.” On 24th September, 2008 during an interview for the *Komsomolska Pravda*, he told to the correspondent: “I have the right to criticize my wife and she cannot do it. In Chechnya a wife stays at home. A woman should know where she belongs...a woman should give us lots of love. She is our property. A man is her owner. In our country, if a woman behaves inappropriately, the whole responsibility for that is on her husband, father and brother. In accordance with our traditions, if her behavior is not appropriate, her relatives kill her. It happens that a husband kills his wife and a brother kills his sister. This is the reason why our boys are in prison. But as a president I cannot allow killing. So let them even wear shorts.”⁵⁸⁵

Amnesty International reports on the same interview, but with a different emphasis in the translation with regard to wearing shorts,

“In an interview given in September 2008 to the Russian newspaper *Komsomolskaya Pravda*, President Ramzan Kadyrov told the journalist that he supported polygamy, that a wife was not allowed to criticize her husband, although a husband does have a right to criticize his wife, as she is his property. “Here, if a woman goes naked, if she behaves improperly, her husband, father and brother are responsible. According to our traditions, if a woman is unfaithful, her relatives will kill her. It does not matter what I think as a man, as a president I cannot allow murder. That is why women should not wear shorts.”⁵⁸⁶

The *USDOS* reports that Kadyrov is alleged to be “intentionally promoting Islamic values to tighten his authoritarian rule and to co-opt Islamist separatists.”⁵⁸⁷

According to reports from *Amnesty International*, *Radio Free Europe/Radio Liberty* and the *USDOS*, Kadyrov has promoted polygamy.⁵⁸⁸

⁵⁸³ Radio Free Europe/Radio Liberty, Russian Rights Activist Battles on in Chechnya, 31 August 2010, http://www.rferl.org/content/Russian_Rights_Activist_Battles_On_In_Chechnya/2143949.html, accessed 3 September 2010.

⁵⁸⁴ Radio Free Europe/Radio Liberty, As Hit Men Strike, Concern Grows Among Chechen Exiles, 12 March 2009, http://www.rferl.org/content/As_Hit_Men_Strike_Concern_Grows_Among_Chechen_Exiles/1508931.html, accessed 3 September 2010; The St. Petersburg Times, Chechen President Kadyrov Defends Honor Killings, 3 March 2009, http://www.sptimes.ru/index.php?story_id=28409&action_id=2, accessed 3 September 2010; United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁵⁸⁵ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010.

⁵⁸⁶ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010

⁵⁸⁷ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁵⁸⁸ Amnesty International, Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session, July 2010, June 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/AI_RussianFederation46.pdf, accessed 22 October 2010. Radio Free Europe/Radio Liberty, Russian Rights Activist Battles on in Chechnya, 31 August 2010, http://www.rferl.org/content/Russian_Rights_Activist_Battles_On_In_Chechnya/2143949.html, accessed 3 September 2010; United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

Several sources reported that he had issued a decree prohibiting women and girls to enter public buildings, schools and universities without a headscarf, which violates Russian law and is enforced by Chechen authorities.⁵⁸⁹

In August 2010 *Radio Free Europe/Radio Liberty* further reported that "men have begun harassing women on the streets deemed not to be covered enough."⁵⁹⁰

In June 2010 *Human Rights Watch* and *Radio Free Europe/Radio Liberty* reported that uncovered women were pelted with paintball guns in the streets by men, including law enforcement officers,⁵⁹¹ which resulted in at least one women being hospitalised.⁵⁹²

Radio Free Europe/Radio Liberty reported that "local media said there were around 12 such attacks" and that "fliers from the self-proclaimed paintballers appeared in the city of Gudermes, site of Kadyrov's opulent residence, warning women that if they did not cover their heads the attackers will be "forced to resort to tougher measures."⁵⁹³

Human Rights Watch reports that on 3 July 2010 the Chechen president told the TV station "Grozny" that he was willing to "award a commendation" to the men involved in these actions and that "the targeted women's behavior deserved this treatment and that they should be ashamed to the point of "disappearing from the face of the earth."⁵⁹⁴

In October 2010 the *BBC* reported that President Kadyrov had publicly praised the actions of men who had attacked women whom they considered not to be modestly dressed,

"Since June, unidentified men with paintball guns have driven round the centre of Grozny shooting at women with uncovered heads. Leaflets were pinned on doors and scattered on the pavements which urged women to dress more modestly or face the consequences:

"Today we have sprayed you with paint, but this is only a warning!!! Don't compel us to have recourse to more persuasive measures!"

On state television, Mr Kadyrov said he did not know who was responsible for the attacks, but added: "When I find them, I will express my gratitude."⁵⁹⁵

Human Rights Watch reports that since the start of Ramadan in August 2010, they have received

⁵⁸⁹ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010.; Human Rights Watch, Russia: Stop Forced Dress Code for Women in Chechnya, 24 August 2010, <http://www.hrw.org/en/news/2010/08/24/russia-stop-forced-dress-code-women-chechnya>, accessed 3 September 2010; Radio Free Europe/Radio Liberty, Russian Rights Activist Battles on in Chechnya, 31 August 2010, http://www.rferl.org/content/Russian_Rights_Activist_Battles_On_In_Chechnya/2143949.html, accessed 3 September 2010; United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁵⁹⁰ Radio Free Europe/Radio Liberty, Russian Rights Activist Battles on in Chechnya, 31 August 2010, http://www.rferl.org/content/Russian_Rights_Activist_Battles_On_In_Chechnya/2143949.html, accessed 3 September 2010.

⁵⁹¹ Human Rights Watch, Russia: Stop Forced Dress Code for Women in Chechnya, 24 August 2010, <http://www.hrw.org/en/news/2010/08/24/russia-stop-forced-dress-code-women-chechnya>, accessed 3 September 2010; Radio free Europe/Radio Liberty, Paintball Attacks On Chechen Women Prompt Outrage, 18 June 2010, http://www.rferl.org/content/Paintball_Attacks_On_Chechen_Women_Prompt_Outrage/2076078.html, accessed 3 September 2010.

⁵⁹² Human Rights Watch, Russia: Stop Forced Dress Code for Women in Chechnya, 24 August 2010, <http://www.hrw.org/en/news/2010/08/24/russia-stop-forced-dress-code-women-chechnya>, accessed 3 September 2010.

⁵⁹³ Radio free Europe/Radio Liberty, Paintball Attacks On Chechen Women Prompt Outrage, 18 June 2010, http://www.rferl.org/content/Paintball_Attacks_On_Chechen_Women_Prompt_Outrage/2076078.html, accessed 3 September 2010.

⁵⁹⁴ Human Rights Watch, Russia: Stop Forced Dress Code for Women in Chechnya, 24 August 2010, <http://www.hrw.org/en/news/2010/08/24/russia-stop-forced-dress-code-women-chechnya>, accessed 3 September 2010.

⁵⁹⁵ BBC, Can Chechen President Kadyrov stamp out bride stealing?, 9 october 2010, <http://www.bbc.co.uk/news/world-europe-11495177>, accessed 4 April 2011

"numerous reports from Chechnya about women being harassed in the streets of Grozny, the republic's capital, for not covering their hair and/or wearing clothes deemed too revealing."⁵⁹⁶

According to *Human Rights Watch*, besides harassing women, groups of men claiming to belong to the Islamic High Council also handed out leaflets with detailed description of appropriate Islamic dress for females, including headscarves, skirts below the knees and sleeves below the elbow.⁵⁹⁷ *Human Rights Watch* also reported that those alleged members of the Islamic High Council were joined by groups of angry young men and law enforcement officers.⁵⁹⁸

In August 2010 *Reuters* reported that women had been harassed and physically assaulted for not wearing head scarves during the month of Ramadan,

"Residents and witnesses told Reuters that bearded men in traditional Islamic dress have been roaming the streets both on foot and in cars since Ramadan started on Aug. 11, demanding bare-headed women wear a headscarf.

"Two men came up to me, one furiously fingering a prayer bead, and said it wasn't pretty to have a bare head during Ramadan," 38-year old Markha Atabayeva told Reuters in the Chechen capital Grozny. "They instilled such fear in me".

Atabayeva was one of at least a dozen women who told of harassment or attacks. One of the women's assailants told Reuters "hundreds" of women had been warned.

Atabayeva said earlier she had seen a group of men with automatic rifles taunting women for not wearing headscarves.

A woman in her mid-30s said she was punched in the face by a man in Islamic dress after refusing to put on a headscarf he had given her.

The men's action follows a radical order earlier this week from Chechnya's spiritual leader to shut all cafes during the month of Ramadan [ID:nLDE67H17B], as well as paintball attacks on bareheaded women in June."⁵⁹⁹

Following interviews with Russian NGOs Memorial and Civic Assistance, a *fact-finding mission in 2008 conducted by the governments of Austria, Belgium and Poland* reports,

"Women, who want to leave their husbands, would probably have to leave their children as well. In Chechnya, according to the tradition, children belong to a husband and they must stay with him or with his family. Single women, who gave birth to children from an informal relationship, are regarded as the ones who live against Islamic rules. This is why they are exposed to a real danger and also in this case the children are considered to belong to the man."⁶⁰⁰

According to *Amnesty International*, Chechen women are targeted by security forces, "both in response to terrorist bombings carried out by Chechen women and to put pressure on male relatives suspected of being rebels."⁶⁰¹

⁵⁹⁶ Human Rights Watch, Russia: Stop Forced Dress Code for Women in Chechnya, 24 August 2010, <http://www.hrw.org/en/news/2010/08/24/russia-stop-forced-dress-code-women-chechnya>, accessed 3 September 2010.

⁵⁹⁷ Human Rights Watch, Russia: Stop Forced Dress Code for Women in Chechnya, 24 August 2010, <http://www.hrw.org/en/news/2010/08/24/russia-stop-forced-dress-code-women-chechnya>, accessed 3 September 2010.

⁵⁹⁸ Human Rights Watch, Russia: Stop Forced Dress Code for Women in Chechnya, 24 August 2010, <http://www.hrw.org/en/news/2010/08/24/russia-stop-forced-dress-code-women-chechnya>, accessed 3 September 2010.

⁵⁹⁹ Reuters, Women without headscarves targeted in Muslim Chechnya, 21 August 2010, <http://www.reuters.com/article/2010/08/21/idUSLDE67J13Q>, accessed 4 April 2011

⁶⁰⁰ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010..

⁶⁰¹ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

In July 2010 *Radio Free Europe/Radio Liberty* reported that the Russian National Counterterrorism Committee (NAK) arrested six women aged between 15 and 29 identified as potential suicide bombers in Makhachkala. Four of them were widows of Islamic militant fighters and two of them were reported to have previous convictions for illegal possession of weapons.⁶⁰²

In April 2010 *Radio Free Europe/Radio Liberty* reported that,

“following the March 29 attacks on the Moscow subway, when two female suicide bombers killed dozens of rush-hour commuters, law enforcement has indeed been paying close attention to the widows and sisters of militants killed by Russian forces in the volatile North Caucasus region.”⁶⁰³

The *Radio Free Europe/Radio Liberty* also reported that the advocacy group Mothers of Daghestan for Human Rights announced it would file a lawsuit against the local daily "Komsomolskaya Pravda" for publishing the photographs of 22 women who law-enforcement officials say could potentially become suicide bombers.⁶⁰⁴

[See also Section H. Freedom of Religion; 1.a Muslims]

4. Trafficking in persons

Articles 127.1 and 127.2 of the Russian Criminal Code state,

“Article 127.1. Human Beings' Trafficking

1. Human beings' trafficking, that is, a human being's purchase and sale or his recruiting, transportation, transfer, harbouring or receiving for the purpose of his exploitation - shall be punishable by deprivation liberty for a term of up to five years.

2. The same deed committed:

- a) in respect of two or more persons;
- b) in respect of a known minor;
- c) by a person through his official position;
- d) moving the victim across the State Border of the Russian Federation or illegally keeping him abroad;
- e) using forged documents, as well as seizing, concealing or destroying the documents certifying the identity of the victim;
- f) with application of force or with the threat of applying it;
- g) for the purpose of cutting out the victim's organs and tissues - shall be punishable by deprivation of liberty for a term from three to 10 years.

3. The deeds provided for by Parts One and Two of this Article:

- a) which have entailed the victim's death by negligence, the infliction of major damage to the victim's health or other grave consequences;
- b) committed in a way posing danger to the life or health of many people;
- c) committed by an organized group - shall be punishable by deprivation of liberty for a term from eight to 15 years.

⁶⁰² Radio free Europe/Radio Liberty, Daghestan Rights Activists Not Convinced Arrested Women Planned Suicide Bombings, 13 July 2010, http://www.rferl.org/content/Daghestan_Human_Rights_Activists_Not_Convinced_Arrested_Women_Planned_Suicide_Bombings/2098793.html, accessed 3 September 2010.

⁶⁰³ Radio free Europe/Radio Liberty, Daghestani Rights Group Plans To Sue Over 'Black Widow' Photos, 21 April 2010, http://www.rferl.org/content/Daghestani_Rights_Group_Plans_To_Sue_Over_Black_Widow_Photos/2020505.html, accessed 3 September 2010.

⁶⁰⁴ Radio free Europe/Radio Liberty, Daghestani Rights Group Plans To Sue Over 'Black Widow' Photos, 21 April 2010, http://www.rferl.org/content/Daghestani_Rights_Group_Plans_To_Sue_Over_Black_Widow_Photos/2020505.html, accessed 3 September 2010.

Note. 1. The person who has committed for the first time the deed provided for by Part One or Item "a" of Part Two of this Article, has voluntarily released the victim and has contributed to solving the crime shall be released from criminal liability, if there are no other formal components of a crime in his acts.

2. The exploitation of a person shall mean in this Article the use of the engagement in prostitution by other persons and other forms of sexual exploitation, slave labour (services), subjection.

Article 127.2 Use of Slave Labour

1. Using the labour of a person in respect of which authority is exercised which is akin to ownership, where the person cannot refuse to carry out works (services) for reasons independent of him - shall be punishable by deprivation of liberty for a term of up to five years.

2. The same deed committed:

- a) in respect of two or more persons;
- b) in respect of a known minor;
- c) by a person through his official position;
- d) with the use of blackmail, violence or with the threat of using it;
- e) with the seizure, concealment or destruction of the documents certifying the identity of the victim - shall be punishable by deprivation of liberty for a term from three to 10 years.

3. The deeds provided for by Parts One and Two of this Article which have entailed the victim's death by negligence, infliction of major damage to the victim's health or other grave consequences, or which have been committed by an organized group - shall be punishable by deprivation of liberty for a term of from eight to 15 years."⁶⁰⁵

According to the *USDOS Trafficking in Persons Report 2010*, "these penalties are commensurate with punishments prescribed for other serious crimes, such as rape."⁶⁰⁶

CEDAW reports a high prevalence of trafficking in Russia, "which has increased more than sixfold during the reporting period."⁶⁰⁷

According to the *CEDAW Committee* and the *USDOS Country Report on Human Rights Practices 2009 and Trafficking in Persons Report 2010*, Russia is a source, transit and destination country for men, women and children trafficked for forced labour and sexual exploitation.⁶⁰⁸

The *USDOS Country Report on Human Rights Practices 2009* stated that,

"Men, women, and children were trafficked to the country for forced labor, especially in the construction, agricultural, fishing, and manufacturing sectors. Countries of origin included Armenia, Azerbaijan, Belarus, Ghana, Kazakhstan, Kyrgyzstan, Moldova, Nigeria,

⁶⁰⁵ The Criminal Code of the Russian Federation, No.63-FZ of June 13, 1996 (with Amendments and Addenda of May 27, June 25, 1998, February 9, 15, March 18, July 9, 1999, March 9, 20, June 19, August 7, November 17, December 29, 2001, March 4, 14, May 7, June 25, July 24, 25, October 31, 2002, March 11, April 8, July 4, 7, December 8, 2003, July 21, 26, December 28, 2004) Adopted by the State Duma on May 24, 1996. Adopted by the Federation Council on June 5, 1996, available from <http://www.legislationline.org/download/action/download/id/1697/file/0cc1acff8241216090943e97d5b4.htm/preview>, accessed 21 August 2010

⁶⁰⁶ United States Department of State, *Trafficking in Persons Report 2010*, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁶⁰⁷ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010.

⁶⁰⁸ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010; United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010; United States Department of State, *Trafficking in Persons Report 2010*, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

Tajikistan, Ukraine, Uzbekistan, and Vietnam. Destination countries included Bahrain, China, Germany, Greece, Israel, Italy, Netherlands, and the United Arab Emirates. The exploitation of children in the production of child pornography for Internet distribution was a significant problem.”⁶⁰⁹

The *USDOS Country Report on Human Rights Practices 2009* reported that “women were trafficked within, to, and from the country for prostitution Those trafficked to the country for this purpose often came from neighboring countries and from Asia and Africa.”⁶¹⁰

The *USDOS Trafficking in Persons Report 2010* stated that Russian women,

“are subjected to conditions of forced prostitution or are victims of sex trafficking in a number of countries, including South Korea, China, Japan, Turkey, Greece, South Africa, Germany, Poland, Italy, Israel, Spain, Vietnam, Thailand, Australia, New Zealand, and the Middle East.”⁶¹¹

According to the *Social Institutions and Gender Index*, “some sources estimate that as many as half of these women are unaware that they are being recruited for prostitution, and are subsequently subjected to significant psychological and physical violence.”⁶¹²

According to the *USDOS Country Report on Human Rights Practices 2009*, “sex traffickers typically targeted unemployed women and girls between the ages of 14 and 45, with those between the ages of 15 and 25 being the primary targets.”⁶¹³ The *USDOS* further reported that traffickers often used false promises of legitimate work to deceive victims, as well as coercion.⁶¹⁴

The *USDOS Country Report on Human Rights Practices 2009* further states that,

“Victims of labor trafficking often surrendered their passports or other documentation to their employers, despite passage of a 2007 migration law requiring workers to register directly with the state. Labor traffickers controlled their victims by such means as withholding their wages, the use and threat of force, threats to report them to authorities, and confiscating their travel or personal identity documents.”⁶¹⁵

CEDAW expressed concern at the lack of data concerning investigations, prosecutions and penalties, and comments on Russia’s failure to address the root causes of trafficking,

“the Committee regrets the lack of disaggregated data on the number of victims of trafficking, including minors, and compensation received as well as statistics on complaints, investigations, prosecutions and penalties imposed on the perpetrators of such crimes. It is also concerned at the failure of the State party to address the root causes of trafficking, which impedes the effects of the State party to address the trafficking problem in a serious way.”⁶¹⁶

⁶⁰⁹ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁶¹⁰ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁶¹¹ United States Department of State, Trafficking in Persons Report 2010, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁶¹² Social Institutions and Gender Index, Gender Equality and Social Institutions in Russian Federation, undated, <http://genderindex.org/country/russian-federation>, accessed 23 August 2010.

⁶¹³ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁶¹⁴ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁶¹⁵ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁶¹⁶ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010.

According to *USDOS*, the Ministry of the Interior is the agency responsible for collecting statistics on the number of investigations and convictions related to human trafficking.⁶¹⁷

The *USDOS* Country Report on Human Rights Practices 2009 reports on the number of investigations of trafficking cases

“Authorities used both anti-trafficking statutes and traditional criminal law to prosecute human traffickers. The maximum sentences are 15 years’ imprisonment for trafficking and forced labor, eight years for imprisonment and recruitment into prostitution, 10 years for organizing a prostitution business, and 15 years for the manufacture and distribution of child pornography. The law does not define child pornography or criminalize simple possession of such material. Victims in trafficking cases received protection under the witness protection law.

During the year the government sustained its investigation efforts. The Ministry of the Interior collects and reports statistics on the number of investigations opened and indictments filed. In 2008, using the trafficking provision of the criminal code authorities initiated investigations of 95 cases (down 15 percent over 2007) and filed indictments in 68 (up 4.6 percent). Using the forced labor provision of the criminal code they initiated investigations of 16 cases (down 59 percent over 2007) and filed indictments in seven (down 71 percent). During the first half of the year, authorities began 63 investigations for trafficking and four for forced labor.”⁶¹⁸

According to the *USDOS* Trafficking in Persons Report 2010, in 2009 there were 102 trafficking-related investigations, 99 prosecutions and 76 convictions against 111, 81 and 38 in 2008.⁶¹⁹

The *USDOS* Trafficking in Persons Report 2010 reported that,

“the government did not report sentencing data for trafficking offenders convicted in 2009, however, based on reports in the media, at least 24 trafficking offenders were convicted and prescribed sentences ranging from six months to 13 years’ imprisonment in 2009.”⁶²⁰

According to the *USDOS* Country Report on Human Rights Practices 2009,

“A court in Stavropol Krai gave nine defendants prison sentences of six months to 13 years in prison for organizing prostitution and trafficking; a court in the Tula region sentenced six members of an organized prostitution ring to eight and one-half to 10 years on similar charges; a court in Moscow sentenced three members of a criminal group to terms of 10 to 12 years for trafficking in persons, including minors, by means of slave labor and illegal detention; and a court in the Krasnodar Territory sentenced four persons to terms of four to nine years for using slave labor and human trafficking to extract recyclable material from a landfill.”⁶²¹

The *USDOS* Country Report on Human Rights Practices 2009 states that some public officials were charged or investigated for trafficking offences,

“A senior military officer and 10 other defendants were on trial in the Moscow District Military Court for organizing an international sex trafficking syndicate involving more than 100 women and girls from Russia, other former Soviet republics, and Southeast Asia to

⁶¹⁷ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁶¹⁸ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁶¹⁹ United States Department of State, Trafficking in Persons Report 2010, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁶²⁰ United States Department of State, Trafficking in Persons Report 2010, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁶²¹ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

Western Europe and the Middle East between 1999 and 2007; a junior police officer was arrested on suspicion of trafficking women to the United Arab Emirates; two junior police officers were arrested for trafficking women for sexual exploitation within the country; and a senior district police commissioner in the Astrakhan region was under investigation for taking passports and travel documents from migrants and forcing them to work as agricultural laborers.”⁶²²

The *USDOS Trafficking in Persons Report 2010* reported that in January 2010, a senior police officer from Astrakhan was sentenced to eight years imprisonment for seizing passports from agricultural migrant workers.⁶²³ According to the *USDOS Trafficking in Persons Report 2010*, several sources reported in February 2010 that a high level official in the Ministry of Internal Affairs was involved in a forced labour trafficking network operating between 2006 and 2008.⁶²⁴

In a July 2010 report the *CEDAW Committee* stated,

“the Committee is further concerned at the lack of special legislative and other measures for the protection of women and girls from recruitment agencies engaging in trafficking in persons and from marriage agencies specializing in marriage with foreign citizens. In addition, it is concerned at the limited information provided on the existence and implementation of regional and bilateral memorandums of understanding and/or agreements with other countries on trafficking, including within the Commonwealth of Independent States.”⁶²⁵

The *United States Department of Labor* reports that in December 2008, the criminal code was amended to eliminate the element of “exploitation” from the statutory definition of trafficking.⁶²⁶ According to the *USDOS Trafficking in Persons Report 2010*, the Russian government has “demonstrated important law enforcement efforts during the reporting period.”⁶²⁷

However, the *USDOS Trafficking in Persons Report 2010* further states that “the federal government did not demonstrate significant efforts to raise awareness and prevent trafficking over the reporting period; however, a local government in the Russian Far East conducted outreach to students at schools and universities to sensitize them to the prevalence of trafficking”.⁶²⁸

According to the *USDOS Trafficking in Persons Report 2010*, “the Russian government demonstrated very limited efforts to protect and assist victims”, as made “inadequate efforts to identify victims”.⁶²⁹ The *USDOS Trafficking in Persons Report 2010* also reported that “the government did not track the number of victims assisted by local governments and NGOs.”⁶³⁰

According to *USDOS Trafficking in Persons Report 2010* some victims received limited assistance at regional and municipal-run government-funded domestic violence and homeless shelters,

⁶²² United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁶²³ United States Department of State, *Trafficking in Persons Report 2010*, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁶²⁴ United States Department of State, *Trafficking in Persons Report 2010*, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁶²⁵ Committee on the Elimination of Discrimination against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010.

⁶²⁶ United States Department of Labor, 2008 Findings on the Worst Forms of Child Labor - Russia, 10 September 2009, available from <http://www.unhcr.org/refworld/docid/4aba3ec75.html>, accessed 6 September 2010.

⁶²⁷ United States Department of State, *Trafficking in Persons Report 2010*, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁶²⁸ United States Department of State, *Trafficking in Persons Report 2010*, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁶²⁹ United States Department of State, *Trafficking in Persons Report 2010*, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁶³⁰ United States Department of State, *Trafficking in Persons Report 2010*, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

although the majority of victims were identified and assisted by international organisations or NGOs.⁶³¹

USDOS Trafficking in Persons Report 2010 states that in 2009 IOM and NGOs assisted 143 victims of trafficking.⁶³² According to the *USDOS Trafficking in Persons Report 2010* some municipalities had agreements with NGOs to refer victims for assistance, although “there was no national policy or system of victim referrals.”⁶³³ The *USDOS Trafficking in Persons Report 2010* reported that foreign or Russian victims in regions that were not those of their habitual residency encountered difficulties in accessing state-run assistance programmes limited to registered residents.⁶³⁴ The *USDOS Trafficking in Persons Report 2010* reports that due to lack of funding, in November 2009 a shelter and rehabilitation centre operated by IOM was closed. The centre opened in March 2006 and until its closure assisted 423 victims of sex and labour trafficking.⁶³⁵

According to *The Moscow News*, in 2010 the European Court for Human Rights in Strasbourg ruled that the governments of Russia and Cyprus failed to protect a Russian girl who was trafficked to Cyprus for sexual exploitation and murdered, and both governments were to pay compensation to her family.⁶³⁶

⁶³¹ United States Department of State, *Trafficking in Persons Report 2010*, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁶³² United States Department of State, *Trafficking in Persons Report 2010*, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁶³³ United States Department of State, *Trafficking in Persons Report 2010*, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁶³⁴ United States Department of State, *Trafficking in Persons Report 2010*, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁶³⁵ United States Department of State, *Trafficking in Persons Report 2010*, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁶³⁶ The Moscow News, Russian father wins sex trafficking case, 1 February 2010, <http://www.mn.ru/news/20100201/55407511.html>, accessed 4 October 2010.

F. Children

1. Domestic legal framework

Provisions relating to children's rights in Russia are contained in the Constitution (Articles 7 and 38), the Russian Family Code and the 1998 Federal Law on Basic Guarantees of the Rights of the Child in the Russian Federation⁶³⁷. The Constitution provides for the protection of childhood, article 38 establishes that "care for children, their upbringing shall be equally the right and obligation of parents."⁶³⁸

The Family Code has sections on several aspects of children's rights, such as the rights and the duties of parents and children in the family (Section IV), the establishment of the children's descent (Chapter 10), the rights of underage children (Chapter 11), the alimony obligations of parents and of children (Section V, Chapter 13), the forms of upbringing, identification and accommodation of children left without parental care (Section VI, Chapter 18), adoption of children (Chapter 19), guardianship and trusteeship over children and foster families (Chapters 20 and 21).⁶³⁹

In 2008 Russia signed the UN Convention on the Rights of the Child and ratified the optional protocol of the Convention on the Rights of the Child on the involvement of children in armed conflict.⁶⁴⁰

In its 2008 national report submitted to the United Nations General Assembly the *Russian Federation* stated that,

"A series of laws have been passed to provide a legal basis for countering social distress among children and families.

[] For example, there are federal laws such as the Rights of the Child in the Russian Federation (Fundamental Guarantees) Act, the Social Assistance for Orphans and Children Lacking Parental Support (Additional Guarantees) Act, and the Prevention of Child Neglect and Juvenile Delinquency (Fundamentals) Act."⁶⁴¹

According to a *US Library of Congress* report on children's rights in Russia,

"child protection policy is also affected by the implementation of relevant provisions of such legislative acts, as the Civil Code, Labor Code, Housing Code, Criminal Code, Criminal Correctional Code, Fundamentals of Health Care Legislation, Federal Law on State Assistance to Individuals having Minor Children, Federal Law on State Support of Youth and Children's Organizations, Federal Law on Social Assistance, and many others."⁶⁴²

⁶³⁷ The Constitution of the Russian Federation, 12 December 1993, available from <http://www.unhcr.org/refworld/docid/3ae6b59f4.html>, accessed 23 August 2010; The Family Code of the Russian Federation, 29 December 1995, available from http://www.divorceinrussia.com/objectdata/THE_FAMILY_CODE_OF_THE_RUSSIAN_FEDERATION.doc, accessed 1 September 2010;

⁶³⁸ The Constitution of the Russian Federation, 12 December 1993, available from <http://www.unhcr.org/refworld/docid/3ae6b59f4.html>, accessed 23 August 2010.

⁶³⁹ The Family Code of the Russian Federation, 29 December 1995, available from http://www.divorceinrussia.com/objectdata/THE_FAMILY_CODE_OF_THE_RUSSIAN_FEDERATION.doc, accessed 1 September 2010.

⁶⁴⁰ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010. United Nations Treaty Collection, Status of Treaties – 1989 Convention of the Rights of the Child (CRC), undated, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidsg_no=IV-11&chapter=4&lang=en, accessed 3 September 2010

⁶⁴¹ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

⁶⁴² Library of Congress, Children's Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

According to the *US Library of Congress*,

“After the Convention was ratified, Russia attempted to bring its domestic legislation in accordance with international obligations in the field of children’s rights protection. The Federal Law on Basic Guarantees of the Rights of the Child in the Russian Federation of July 21, 1998 repeats all the provisions of the CRC.”⁶⁴³

On 24 September 2008 Russia ratified the 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict⁶⁴⁴, at the time of writing in October 2010 Russia had not ratified the 2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.⁶⁴⁵

According to the *US Library of Congress*,

“different pieces of Russian legislation do not follow the definition of children provided by the CRC uniformly. Despite the fact that article 1 of the CRC states that everyone under eighteen years of age is recognized as a child, most specialized health care programs in Russia do not include children older than fourteen, or older than sixteen, if a child is disabled. Parental consent for medical procedures is required for children under sixteen, and tax legislation treats minors under sixteen, and between sixteen and eighteen years of age differently.”⁶⁴⁶

The Federal Law on Prevention of Orphanhood and Crimes Committed by Minors establishes the rights of orphaned children and of those who have violated the law.⁶⁴⁷

The *USDOS* reported that according to data provided by the Ministry of Internal Affairs, 91,584 of the 2,563,000 crimes recorded between January and October 2009 were committed by minors or with their complicity, which was a 6.1% decrease compared with the same period in 2008.⁶⁴⁸

The *US Library of Congress* states that the prosecution of underage offenders is not carried out by special juvenile courts,

“because of the general workload increase and low number of judges, criminal cases in regard to minors, which make up approximately twelve percent of all criminal cases tried by the Russian courts, are usually resolved within several years, while the minors await their trials in detention centers.”⁶⁴⁹

According to the *USDOS*, as of 1 June 2009, there were 62 facilities (VTKs) holding 8,500 juvenile prisoners,

“conditions in the VTKs were significantly better than in the ITKs, but some juveniles in the VTKs and juvenile SIZO cells reportedly suffered from beatings and rape. While juveniles were generally held separately from adults, there were two prisons in Moscow and one in

⁶⁴³ Library of Congress, Children’s Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁴⁴ United Nations Treaty Collection, Status of Treaties – 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict, undated, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&lang=en, accessed 3 September 2010.

⁶⁴⁵ United Nations Treaty Collection, Status of Treaties – 2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, undated, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&lang=en, accessed 3 September 2010.

⁶⁴⁶ Library of Congress, Children’s Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁴⁷ Library of Congress, Children’s Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁴⁸ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁶⁴⁹ Library of Congress, Children’s Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

St. Petersburg where children and adults were not separated.”⁶⁵⁰

Radio Free Europe/Radio Liberty reported in May 2010 that the administration of the Samara region, in western Russia, has introduced a “children’s curfew.”⁶⁵¹ *Radio Free Europe/Radio Liberty* state that the local law established that no children under 18 years old can be present in any public space without their parents or a responsible adult between 11 pm and 6 am during the summer and between 10 pm and 6 am during winter.⁶⁵² According to *Radio Free Europe/Radio Liberty*, it also prohibits underage persons to be in public spaces “that might affect their health and intellectual, moral, and psychological development, such as sex shops, nightclubs, and liquor stores.”⁶⁵³ Parents and owners of businesses at which minors are found are subjected to fines.⁶⁵⁴

In its 2008 national report submitted to the UN General Assembly the *Russian Federation* states that,

“There are social service institutions for families and children in all the constituent entities of the Russian Federation (including psychological and educational assistance centres, emergency psychological assistance hotlines and other such services).”⁶⁵⁵

According to the *US Library of Congress*, the social welfare system in Russia includes monetary support to particular vulnerable groups, as well as a

“system of social and psychological support to minors who find themselves in difficult circumstances. These include orphans; homeless children; children with disabilities; victims of armed conflicts, natural calamities, catastrophes, and domestic violence; children forced into prostitution; juvenile criminals; and children involved in drug use”.⁶⁵⁶

UNICEF state that in 2005 an Association of Children’s Rights Ombudspersons was set up in 24 Russian regions at regional and municipal levels.⁶⁵⁷ Other sources mention that 23⁶⁵⁸ or 25⁶⁵⁹ out of 87 constituent regions have established a regional Ombudsperson. *UNICEF* reports in October 2009 that Alexei Golovan was appointed to the newly created post of Federal Children’s Rights Ombudsperson.⁶⁶⁰

The *USDOS* reports that,

“in December Golovan was replaced with lawyer and Public Chamber member Pavel Astakhov. According to the *Moscow Times*, authorities dismissed Golovan at the behest of Russian Orthodox groups who objected to his support for a juvenile justice system separate from that for adults.”⁶⁶¹

⁶⁵⁰ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁶⁵¹ Radio Free Europe/Radio Liberty, Russia’s Samara introduces ‘children’s curfew’, 15 May 2010, available from <http://www.unhcr.org/refworld/docid/4bfcb37c.html>, accessed 19 August 2010.

⁶⁵² Radio Free Europe/Radio Liberty, Russia’s Samara introduces ‘children’s curfew’, 15 May 2010, available from <http://www.unhcr.org/refworld/docid/4bfcb37c.html>, accessed 19 August 2010.

⁶⁵³ Radio Free Europe/Radio Liberty, Russia’s Samara introduces ‘children’s curfew’, 15 May 2010, available from <http://www.unhcr.org/refworld/docid/4bfcb37c.html>, accessed 19 August 2010.

⁶⁵⁴ Radio Free Europe/Radio Liberty, Russia’s Samara introduces ‘children’s curfew’, 15 May 2010, available from <http://www.unhcr.org/refworld/docid/4bfcb37c.html>, accessed 19 August 2010.

⁶⁵⁵ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008,

⁶⁵⁶ http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

⁶⁵⁷ Library of Congress, Children’s Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁵⁸ *UNICEF*, *UNICEF* applauds creation of the position of the Child Rights Ombudsperson at the national level, 23 October 2009, http://www.unicef.org/infobycountry/russia_51536.html, accessed 2 September 2010.

⁶⁵⁹ Library of Congress, Children’s Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁶⁰ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁶⁶¹ *UNICEF*, *UNICEF* applauds creation of the position of the Child Rights Ombudsperson at the national level, 23 October 2009, http://www.unicef.org/infobycountry/russia_51536.html, accessed 2 September 2010.

United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

UNICEF and USDOS report that the Ombudspersons, at the regional or national level, have the responsibilities of monitoring the activities of other government agencies regarding children's rights, conducting independent investigations concerning violations, inspecting public institutions dealing with minors, establishing councils of public experts, conducting independent evaluation of legislation affecting children, representing children's interests in court, and writing an annual report.⁶⁶²

According to the USDOS, "in a number of schools in the Moscow and Volgograd Oblasts, there were school ombudsmen dealing with children and families and identifying potential conflicts and violations of rights of children."⁶⁶³

2. Access to education and health care

a. Education

Article 43 of the Russian Constitution provides for the universal right to education and that pre-school, secondary and high vocational education shall be free,⁶⁶⁴

"1. Everyone shall have the right to education.

2. Guarantees shall be provided for general access to and free pre-school, secondary and high vocational education in state or municipal educational establishments and at enterprises.

3. Everyone shall have the right to receive on a competitive basis a free higher education in a state or municipal educational establishment and at an enterprise.

4. The basic general education shall be free of charge. Parents or persons in law parents shall enable their children to receive a basic general education.

5. The Russian Federation shall establish federal state educational standards and support various forms of education and self-education."⁶⁶⁵

The Ministry of Science and Education and its regional branches are responsible for the state's policy on education.⁶⁶⁶

In its 2008 national report submitted to the United Nations General Assembly the *Russian Federation* stated that,

"[] Access free of charge to preschool, basic general and secondary vocational education at State and municipal educational institutions is guaranteed. Basic general education is compulsory.

[] Everyone has the right to compete for a free higher education at State or municipal educational institutions.

⁶⁶² UNICEF, UNICEF applauds creation of the position of the Child Rights Ombudsperson at the national level, 23 October 2009, http://www.unicef.org/infobycountry/russia_51536.html, accessed 2 September 2010; United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁶⁶³ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁶⁶⁴ The Constitution of the Russian Federation, 12 December 1993, available from <http://www.unhcr.org/refworld/docid/3ae6b59f4.html>, accessed 23 August 2010.

⁶⁶⁵ The Constitution of the Russian Federation, Article 43, 12 December 1993, available from <http://www.unhcr.org/refworld/docid/3ae6b59f4.html> accessed 23 August 2010.

⁶⁶⁶ Official Website of the Government of the Russian Federation, Ministry of Education and Science of the Russian Federation, <http://www.government.ru/eng/power/33/>, accessed 2 September 2010.

[] One of the most important aspects of State policy in the field of education is ensuring that children with disabilities can exercise their right to education. Russia has institutionalized special (remedial) schools. There were 1,884 such schools in operation in the academic year 2007/08.”⁶⁶⁷

The *US Library of Congress* reports that,

“Primary and secondary education in Russian schools is combined, and children between six and eighteen years of age attend the twelve-year school. A ten-year school education is mandatory, according to the Federal Law on Education. Obtaining mandatory secondary education is a constitutional responsibility of each citizen. The obligation to attend school is to be enforced in regard to each individual under fifteen years of age.”⁶⁶⁸

According to the *US Library of Congress*,

“the curriculum and program of schools are developed by the federal Ministry of Science and Education, but some regional variations, depending on local initiatives and/or specifics, are allowed.”⁶⁶⁹

The *US Library of Congress* reports of higher education institutions, “about one-fifth of the seats is reserved, according to the federal government plan, for tuition-free education of students with the best grades; the rest are fee based.”⁶⁷⁰

The *US Library of Congress* states that some children are outside of the formal education system,

“Another great problem is providing education to children who happened to stay outside the established education system. These are children of refugees and migrants, children with deviant behavior, children with insufficient knowledge of the Russian language, and children with behavioral and/or mental problems. The schools try to eliminate such students, who after being excluded from schools remain without supervision. Legislation provides for placing such children into boarding schools.”⁶⁷¹

According to statistics provided by *UNICEF*, the literacy rate for young people between 14 and 25 years old in 2004-2008 was 100% for males and females.⁶⁷² The gross ratio of enrollment in primary school for the period 2005 – 2009 was 96% and in secondary education 86% for males and 83% for females.⁶⁷³

b. Healthcare

The Fundamentals of Russian Federation Legislation on Health Care establishes the basic principles of health care for minors, including free medical assistance in all public health facilities and free immunization.⁶⁷⁴

⁶⁶⁷ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

⁶⁶⁸ Library of Congress, Children's Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁶⁹ Library of Congress, Children's Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁷⁰ Library of Congress, Children's Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁷¹ Library of Congress, Children's Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁷² UNICEF, Statistics – Russian Federation, updated 2 March 2010, http://www.unicef.org/infobycountry/russia_statistics.html#67, accessed 3 September 2010.

⁶⁷³ UNICEF, Statistics – Russian Federation, updated 2 March 2010, http://www.unicef.org/infobycountry/russia_statistics.html#67, accessed 3 September 2010.

⁶⁷⁴ Library of Congress, Children's Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

The *US Library of Congress* reports that many regions legislated to create state legal norms that provide for additional protection of children's health.⁶⁷⁵ However, the *US Library of Congress* further states that despite the legal provisions, in practice budget limitations prevent the implementation of such rights in several regions.⁶⁷⁶

In its 2008 national report submitted to the United Nations General Assembly the *Russian Federation* states,

"The implementation of a national priority project in the field of health is a key factor in State policy. In 2007 alone, funding for immunization came to 6.1 billion rubles. The decline in the infant mortality rate has accelerated; between 2006 and 2007 it fell by 7.8 per cent."⁶⁷⁷

According to *UNICEF* statistics, 98-99% of children under 1 year old are immunized.⁶⁷⁸ The under-5 mortality rate in 2008 was 13 per 1,000 live births and between 1990 and 2008 the under-5 mortality rate reduced 4.1% per year.⁶⁷⁹

According to the *US Library of Congress* the rights of disabled children are contained in the Family Code, Fundamentals of Health Legislation and some twenty federal and 800 state legislative acts.⁶⁸⁰ The *US Library of Congress* further states that the Federal Law on Social Protection of People With Disabilities provides a definition of disability, the responsibilities of different authorities and the economic, legal and social measures to support disabled persons, including children.⁶⁸¹

3. Child labour

The Labour Code determines that the usual age of employment is sixteen years old, although in special cases a minor may start working at fifteen or even fourteen in special circumstances.⁶⁸²

According to the *US Library of Congress*,

"the procedure of receiving approvals and permits for hiring a minor under sixteen is cumbersome, and employers usually do not hire minors under sixteen in order to avoid bureaucratic problems."⁶⁸³

The Labour Code provides that minors should undergo a medical examination before being hired and annually and that they cannot work overtime, at night or during weekends or holidays.⁶⁸⁴ The working hours for minors between 16 and 18 years old are 36 hours per week and 24 hours for those under 16 years old.⁶⁸⁵ The Labour Code also prescribes a list of jobs prohibited for minors

⁶⁷⁵ Library of Congress, Children's Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁷⁶ Library of Congress, Children's Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁷⁷ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

⁶⁷⁸ UNICEF, Statistics – Russian Federation, updated 2 March 2010, http://www.unicef.org/infobycountry/russia_statistics.html#67, accessed 3 September 2010.

⁶⁷⁹ UNICEF, Statistics – Russian Federation, updated 2 March 2010, http://www.unicef.org/infobycountry/russia_statistics.html#67, accessed 3 September 2010.

⁶⁸⁰ Library of Congress, Children's Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁸¹ Library of Congress, Children's Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁸² Labor Code of the Russian Federation, 31 December 2001, available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/60535/65252/E01RUS01.htm>, accessed 2 September 2010.

⁶⁸³ Library of Congress, Children's Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁸⁴ Labor Code of the Russian Federation, 31 December 2001, available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/60535/65252/E01RUS01.htm>, accessed 2 September 2010.

⁶⁸⁵ United States Department of Labor, 2008 Findings on the Worst Forms of Child Labor – Russia, 10 September 2009, available from <http://www.unhcr.org/refworld/docid/4aba3ec75.html>, accessed 6 September 2010.

due to their negative health impact, including work with hazardous materials, underground work.⁶⁸⁶

In February 2003, Russia ratified the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,⁶⁸⁷ and according to the *US Library of Congress*, it made amendments in domestic laws.⁶⁸⁸ A provision prohibiting forced labour was added to the Labour Code (Article 4) and provisions prohibiting trade in minors, mercenary activities, recruitment of children to participate in the military, involvement of minors in antisocial behaviour and criminal activities were added to the Criminal Code (Chapter 20).⁶⁸⁹

The *US Library of Congress* states that although such crimes are punishable by an average of six years imprisonment, enforcement “remains inadequate, and orphans, children of migrants, and those from impoverished families are often objects of such crimes.”⁶⁹⁰ The Federal Labour and Employment Service (FLES) is the government agency responsible for monitoring child labour violations.⁶⁹¹

According to the *US Department of Labor*,

“large numbers of children are found working in the streets of major cities, where they are engaged in begging and work in the informal economy. This includes work in retail services, street vending, washing or repairing cars, shining shoes, making deliveries, carrying heavy loads, cleaning, and collecting trash. In rural areas, children primarily work in agriculture”.⁶⁹²

The *US Department of Labor* reports that,

“working street children may be involved in illegal activities such as prostitution, pornography, selling drugs, or selling stolen goods. Homeless and orphaned children are particularly vulnerable to exploitation or becoming engaged in criminal activities.”.⁶⁹³

The *US Department of Labor* also reported that children from neighbouring countries, rural areas or smaller towns migrated or were trafficked to be exploited in major urban areas.⁶⁹⁴

4. Child abuse

According to the *USDOS Country Report on Human Rights Practices* covering events in 2009,

“child abuse was a widespread problem. The law did not adequately protect children from

⁶⁸⁶ Labor Code of the Russian Federation, 31 December 2001, available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/60535/65252/E01RUS01.htm>, accessed 2 September 2010.

⁶⁸⁷ International Labour Organisation (ILO), Status of Ratifications of the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (C182), <http://www.ilo.org/ilolex/cgi-lex/ratific.pl?C182>, accessed 2 September 2010.

⁶⁸⁸ Labor Code of the Russian Federation, 31 December 2001, available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/60535/65252/E01RUS01.htm>, accessed 2 September 2010.

⁶⁸⁹ Labor Code of the Russian Federation, 31 December 2001, available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/60535/65252/E01RUS01.htm>, accessed 2 September 2010; Russian Federation Penal Code, 13 June 1996, available from <http://www.russian-criminal-code.com/PartII/SectionVII/Chapter20.html>, accessed 23 August 2010.

⁶⁹⁰ Library of Congress, Children's Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁶⁹¹ The Official website of the Government of the Russian Federation, Federal Service for Labour and Employment, <http://www.government.ru/eng/power/31/>, accessed 6 September 2010; United States Department of Labor, 2008 Findings on the Worst Forms of Child Labor - Russia, 10 September 2009, available from <http://www.unhcr.org/refworld/docid/4aba3ec75.html>, accessed 6 September 2010.

⁶⁹² United States Department of Labor, 2008 Findings on the Worst Forms of Child Labor - Russia, 10 September 2009, available from <http://www.unhcr.org/refworld/docid/4aba3ec75.html>, accessed 6 September 2010.

⁶⁹³ United States Department of Labor, 2008 Findings on the Worst Forms of Child Labor - Russia, 10 September 2009, available from <http://www.unhcr.org/refworld/docid/4aba3ec75.html>, accessed 6 September 2010.

⁶⁹⁴ United States Department of Labor, 2008 Findings on the Worst Forms of Child Labor - Russia, 10 September 2009, available from <http://www.unhcr.org/refworld/docid/4aba3ec75.html>, accessed 6 September 2010.

abuse, and the majority of child abuse cases were not subject to legal action.”⁶⁹⁵

Quoting 2005 data from *The Moscow Helsinki Group*, the *USDOS* reported that approximately two million children under 14 years old were victims of domestic violence each year.⁶⁹⁶

Pavel Astakhov, the Russian presidential children’s rights commissioner, told *Newsweek* that

“108,000 children fell victim to domestic violence last year, about 2,000 died at the hands of their parents, and some 100,000 children ran away from their parents’ violent treatment to live in the streets.”⁶⁹⁷

According to the *USDOS*,

“at a public roundtable on children’s rights in January 2008, a representative of the Ministry of Internal Affairs stated that approximately 2,000 children died annually from violence, most of it domestic. As of year’s end, there were approximately 5,000 active court cases against parents for abuse and neglect of their children.”⁶⁹⁸

The *USDOS* also reported on the number of crimes committed against children,

“Aleksandr Batrikhin, the head of the investigative committee of the General Prosecutor’s Office, estimated that more than 196,000 crimes of violence against children were recorded in 2008, including 1,900 that resulted in death. More than 12,000 children were reported missing. In the first nine months in 2008, 784 sexual offenses against children were reported. Many observers believed that the number of such crimes was underreported.”⁶⁹⁹

Radio Free Europe/Radio Liberty reports that there is no clear system or one stop procedure to report or monitor violence against children,

“despite help centers and hotlines designed for particular problems, there is no established one-stop procedure for processing the entire spectrum of psychological, physical, or sexual traumas a young person may endure. For these children, there is almost nowhere to turn. “Unfortunately, there is no system in our country to effectively expose and prevent violence against children,” laments child psychologist Aleksandr Shadura. “There are some efforts, mainly from nongovernmental organizations. But right now there is no clear system.”⁷⁰⁰

The *USDOS* reports that,

“although there was no nation-wide telephone hotline for reporting child abuse, the Presidential Administration, in conjunction with foreign governments, provided grants through the National Charity Foundation to local NGOs such as the National Foundation for the Prevention of Cruelty to Children (NFPCC) to train staff and strengthen local hotlines about child abuse across the country. The NFPCC was a prominent child welfare NGO in Russia.”⁷⁰¹

The *USDOS* stated that “while the government paid some attention to child abuse, it did not

⁶⁹⁵ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁶⁹⁶ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁶⁹⁷ Newsweek, The Predictable Death of My Friend, 2 September 2010, <http://www.newsweek.com/2010/09/02/domestic-violence-pervades-russian-homes.html>, accessed 2 September 2010.

⁶⁹⁸ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁶⁹⁹ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁷⁰⁰ Radio Free Europe/Radio Liberty, Why Are Russia’s Children Killing Themselves?, 28 June 2010, http://www.rferl.org/content/Why_Are_Russias_Children_Killing_Themselves_/2084753.html, accessed 3 September 2010.

⁷⁰¹ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

generally link it to the broader problem of domestic violence".⁷⁰²

Ria Novosti reports that in 2009 State Duma Deputy Anton Belyakov proposed amendments to Russia's Criminal Code, including chemical castration for child rapists, but the bill was rejected.⁷⁰³

In June 2010 *Ria Novosti* reports that Russia's ombudsman for children's rights, Pavel Astakhov, expressed concern that a "pedophile lobby" in the Russian parliament was hindering the adoption of harsher punishments for people who rape children.⁷⁰⁴

Radio Free Europe/Radio Liberty reported in June 2010 that,

"an estimated 2,500 children and teenagers commit suicide every year in Russia, an estimate that is twice the per-capita average of Western countries like France, the United States, and the United Kingdom. And the number is on the rise, with psychologists saying the evaporation of social safety nets has made life difficult for children and parents alike."⁷⁰⁵

Radio Free Europe/Radio Liberty reports on numbers of homeless children,

"There are thought to be as many as 2 million homeless children in Russia. One out of every 70 children is believed to be living in an orphanage."⁷⁰⁶

Quoting a December 2008 report from the NGO Children's Rights, the *USDOS* reported that each year some 40,000 children ran away from home and 20,000 from orphanages to escape abuse and neglect.⁷⁰⁷

The *USDOS* reported that during 2008 more than 12,000 children were missing in Russia.⁷⁰⁸

5. Orphans and Adoption

In its 2008 national report submitted to the United Nations General Assembly the *Russian Federation* stated that,

"The prevention of orphanhood is one of the main fields of action of the Russian authorities. There has been a decline in the number of orphans and children lacking parental support. In 2004, some 132,500 such children were registered; in 2005, approximately 133,000 were; in 2006, about 127,100; and in 2007, the figure fell to 124,000.

[] In 2007 alone, some 126,000 children were placed in foster care with Russian families (as against 106,000 in 2006). For the first time, the number of international adoptions fell twice as fast as domestic adoptions; the number of domestic adoptions was up by nearly 15 per cent over the 2006 figure. In 2007, the Russian education system included 1,688 institutions for orphans and children lacking parental support."⁷⁰⁹

⁷⁰² United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁷⁰³ *RiaNovosti*, Russian official suggests 'pedophile lobby' blocks castration law, 9 June 2010, <http://en.rian.ru/news/20100609/159363874.html>, accessed 7 September 2010.

⁷⁰⁴ *RiaNovosti*, Russian official suggests 'pedophile lobby' blocks castration law, 9 June 2010, <http://en.rian.ru/news/20100609/159363874.html>, accessed 7 September 2010.

⁷⁰⁵ *Radio Free Europe/Radio Liberty*, Why Are Russia's Children Killing Themselves?, 28 June 2010, http://www.rferl.org/content/Why_Are_Russias_Children_Killing_Themselves_/2084753.html, accessed 3 September 2010.

⁷⁰⁶ *Radio Free Europe/Radio Liberty*, Why Are Russia's Children Killing Themselves?, 28 June 2010, http://www.rferl.org/content/Why_Are_Russias_Children_Killing_Themselves_/2084753.html, accessed 3 September 2010.

⁷⁰⁷ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁷⁰⁸ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁷⁰⁹ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

The *USDOS* reports that the Russian Ministry of Education and Science reported that in 2008 there were approximately 120,000 new orphans every year, out of which 74,000 found foster families.⁷¹⁰

Radio Free Europe/Radio Liberty reported in June 2010 that the number of homeless children in Russia is up to 2 million and that one out of every 70 children is believed to live in an orphanage.⁷¹¹

The *USDOS* noted that “homeless children often engaged in criminal activities, received no education, and were vulnerable to drug and alcohol abuse. Some young girls on the streets turned to, or were forced into, prostitution, often to survive.”⁷¹²

Quoting *UNICEF* figures, BBC reported that some 140,000 children live in orphanages waiting for adoption by Russian or foreign families.⁷¹³

The Voice of Russia reports that in August 2010, Pavel Astakhov, Children’s Rights Ombudsman told journalists that,

““At present some Russian 700,000 children need the care of the state. So the issue of adoption legislation have gained a greater than ever importance. In the last several years we came to realize that we must remedy the situation with orphaned children. We also learnt that we have too few children – 26 million or so. This number in the United States, for one, is 72 million. Demographers say Russia is facing the problem of reduction of children’s population, so by 2025 their number can fall to 22 million or so””.”⁷¹⁴

According to the *BBC*, the majority of Russian children adopted by foreign families go to the United States.⁷¹⁵ Different sources report that in 2009 the number of Russian children adopted in the US was between 1,586⁷¹⁶ and 1,800.⁷¹⁷

According to *USA Today*,

“the numbers have declined sharply in recent years — with only 1,586 U.S. adoptions from Russia last year, compared with more than 5,800 in 2004. The decline is due in part to concerns by U.S. parents about reports of fetal alcohol syndrome and other problems faced by some Russian children.”⁷¹⁸

In early 2010 several sources reported that an American adoptive mother sent a seven year-old boy back to Moscow unaccompanied with a note saying that she didn’t want him, causing social, political and diplomatic reactions.⁷¹⁹

⁷¹⁰ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁷¹¹ Radio Free Europe/Radio Liberty, Why Are Russia’s Children Killing Themselves?, 28 June 2010, http://www.rferl.org/content/Why_Are_Russias_Children_Killing_Themselves_/2084753.html, accessed 3 September 2010.

⁷¹² United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁷¹³ BBC News, Russia and US discuss adoptions, 29 April 2010, <http://news.bbc.co.uk/1/hi/8650894.stm>, accessed 7 September 2010.

⁷¹⁴ The Voice of Russia, Children are not commodity, 24 August 2010, <http://english.ruvr.ru/2010/08/24/17056760.html>, accessed 7 September 2010.

⁷¹⁵ BBC News, Russia and US discuss adoptions, 29 April 2010, <http://news.bbc.co.uk/1/hi/8650894.stm>, accessed 7 September 2010.

⁷¹⁶ USA Today, Disputes continue over adoptions of Russian children, 15 April 2010, http://www.usatoday.com/news/world/2010-04-15-russia-us-adoptions_N.htm, accessed 7 September 2010.

⁷¹⁷ The Washington Times, Russia, U.S. reach adoption accord, 12 May 2010, <http://www.washingtontimes.com/news/2010/may/12/russia-us-reach-adoption-accord/?page=2>, accessed 7 September 2010.

⁷¹⁸ USA Today, Disputes continue over adoptions of Russian children, 15 April 2010, http://www.usatoday.com/news/world/2010-04-15-russia-us-adoptions_N.htm, accessed 7 September 2010.

⁷¹⁹ BBC News, Russia and US discuss adoptions, 29 April 2010, <http://news.bbc.co.uk/1/hi/8650894.stm>, accessed 7 September 2010; The Washington Times, Russia, U.S. reach adoption accord, 12 May 2010, <http://www.washingtontimes.com/news/2010/may/12/russia-us-reach-adoption-accord/?page=2>, accessed 7 September 2010; USA Today, Disputes continue over adoptions of Russian children, 15 April 2010, http://www.usatoday.com/news/world/2010-04-15-russia-us-adoptions_N.htm, accessed 7 September 2010.

According to *The Washington Times*, the incident

“caused some officials to demand a freeze on foreign adoptions. Russia's parliament, however, defeated a motion Friday to suspend adoptions to the United States. Mr. Astakhov confirmed on Wednesday that adoptions to the U.S. have not been “legally suspended” but said they are “effectively suspended” as Russian courts will not rule on adoption cases as long as there is uncertainty about the children's safety in that country.”⁷²⁰

Following the incident of the returned boy, the Russian Parliament set up a special commission led by the Children's Rights Ombudsman, who, according to *The Voice of Russia*, “insists that the number of foreign adoption agencies in Russia should be reduced.”⁷²¹ The incident also prompted a renegotiation of adoption terms by the Russian and American governments.⁷²²

In May 2010 *The Washington Times* reported that the two governments reached an agreement on a new bilateral accord on adoption of Russian children.⁷²³ According to *The Washington Times*,

“the new deal will make it obligatory for adoption agencies as well as adoptive parents to report on their child's health and living conditions, and to “open the door” for social workers to check the facts reported [...] Russia also has accepted a U.S. proposal to allow adoptions only through U.S.-accredited agencies, the ombudsman said. These agencies work in compliance with the Hague Adoption Convention, to which Russia, however, is not a signatory yet. Some 3,000 U.S. families are estimated to be in various stages of adopting children now from Russia.”⁷²⁴

According to the *BBC*, there have been reports of Russian children dying of neglect or being killed by their adoptive parents, the total number is reported to amount 16 deaths.⁷²⁵

6. Early/forced marriage

Article 13 of the Russian Family Code establishes that,

“the marriageable age shall be established as eighteen years. In the presence of valid reasons the bodies of the local self-government at the residence of persons wishing to enter into a marriage may, at a request of such persons, permit entering into a marriage to persons who have reached the age of sixteen years. The procedure and the terms, because of whose existence a marriage may be entered into, by way of an exception, with account for specific circumstances, before reaching the age of sixteen years, may be laid down by the laws of the subjects of the Russian Federation”.⁷²⁶

The *Social Institutions and Gender Index* reported that,

⁷²⁰ The Washington Times, Russia, U.S. reach adoption accord, 12 May 2010, <http://www.washingtontimes.com/news/2010/may/12/russia-us-reach-adoption-accord/?page=2>, accessed 7 September 2010.

⁷²¹ The Voice of Russia, Children are not commodity, 24 August 2010, <http://english.ruvr.ru/2010/08/24/17056760.html>, accessed 7 September 2010.

⁷²² BBC News, Russia and US discuss adoptions, 29 April 2010, <http://news.bbc.co.uk/1/hi/8650894.stm>, accessed 7 September 2010; The Voice of Russia, Children are not commodity, 24 August 2010, <http://english.ruvr.ru/2010/08/24/17056760.html>, accessed 7 September 2010; The Washington Times, Russia, U.S. reach adoption accord, 12 May 2010, <http://www.washingtontimes.com/news/2010/may/12/russia-us-reach-adoption-accord/?page=2>, accessed 7 September 2010; USA Today, Disputes continue over adoptions of Russian children, 15 April 2010, http://www.usatoday.com/news/world/2010-04-15-russia-us-adoptions_N.htm, accessed 7 September 2010.

⁷²³ The Washington Times, Russia, U.S. reach adoption accord, 12 May 2010, <http://www.washingtontimes.com/news/2010/may/12/russia-us-reach-adoption-accord/?page=2>, accessed 7 September 2010.

⁷²⁴ The Washington Times, Russia, U.S. reach adoption accord, 12 May 2010, <http://www.washingtontimes.com/news/2010/may/12/russia-us-reach-adoption-accord/?page=2>, accessed 7 September 2010.

⁷²⁵ BBC News, Russia and US discuss adoptions, 29 April 2010, <http://news.bbc.co.uk/1/hi/8650894.stm>, accessed 7 September 2010.

⁷²⁶ The Family Code of the Russian Federation, 29 December 1995, available from http://www.divorceinrussia.com/objectdata/THE_FAMILY_CODE_OF_THE_RUSSIAN_FEDERATION.doc, accessed 1 September 2010.

“many Russian women marry young and early marriage appears to be common although not a pervasive problem. A 2004 United Nations report estimated that 11 per cent of Russian girls between 15 and 19 years of age were married, divorced or widowed.”⁷²⁷

In July 2010 the *CEDAW Committee* noted “the persistence of early marriages of girls and polygamy, especially in the Northern Caucasus. The Committee is also concerned about the lack of a legal framework for de facto unions and the resulting precarious situation in which women in such unions may find themselves when their relationship breaks down and there is a need for a division of property and assets without the benefit of adequate prior contractual agreement.”⁷²⁸

7. Forced recruitment/child soldiers

According to article 59 of the Constitution,

“1. Defence of the Fatherland shall be a duty and obligation of citizens of the Russian Federation.

2. A citizen shall carry out military service according to the federal law.

3. A citizen of the Russian Federation shall have the right to replace military service by alternative civilian service in case his convictions or religious belief contradict military service and also in other cases envisaged by the federal law.”⁷²⁹

The *US Central Intelligence Agency* reports on age criteria for military draft in Russia,

“18-27 years of age for compulsory or voluntary military service; males are registered for the draft at 17 years of age; service obligation - 1 year (conscripts can only be sent to combat zones after 6 months training); reserve obligation to age 50.”⁷³⁰

According to *The Coalition to Stop the Use of Child Soldiers*, reporting in 2008,

“in 2006 the government introduced an amendment to the Law on Military Obligations and Military Service to shorten the duration of military service. In 2007 the length of service was cut from 24 months to 18, and to one year for conscripts with a higher education. In 2008 all conscripts, regardless of educational background, would do one year’s service. Alternative service for conscientious objectors remained at 1.75 times the length of conscription, 1.5 times for those willing to do civilian jobs in the military.”⁷³¹

The Coalition to Stop the Use of Child Soldiers further states that,

“boys aged 15 or 16 had to undergo basic military training in their final year at school. Some orphans and other children deprived of parental care were “adopted” by military units, lived in military barracks and received military training in school. Boys and girls studying at Military Educational Institutes from the age of 16 were regarded as being on military service”.⁷³²

⁷²⁷ Social Institutions and Gender Index, Gender Equality and Social Institutions in Russian Federation, undated, <http://genderindex.org/country/russian-federation>, accessed 23 August 2010.

⁷²⁸ The Washington Times, Russia, U.S. reach adoption accord, 12 May 2010, <http://www.washingtontimes.com/news/2010/may/12/russia-us-reach-adoption-accord/?page=2>, accessed 7 September 2010.

⁷²⁹ The Constitution of the Russian Federation, 12 December 1993, available from <http://www.unhcr.org/refworld/docid/3ae6b59f4.html>, accessed 23 August 2010.

⁷³⁰ CIA, World Factbook: Russia, 19 August 2010, <https://www.cia.gov/library/publications/the-world-factbook/geos/rs.html>, accessed 6 September 2010.

⁷³¹ Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008 - Russian Federation, 20 May 2008, <http://www.childsoldiersglobalreport.org/content/russian-federation>, accessed 6 September 2010.

⁷³² Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008 - Russian Federation, 20 May 2008, <http://www.childsoldiersglobalreport.org/content/russian-federation>, accessed 6 September 2010.

In a 2004 report, *The Coalition to Stop the Use of Child Soldiers* stated that,

“children from the age of 14 reportedly enlisted in armed groups opposing Russian rule and fought in factional groups to protect territory from rival armed groups and the Russian forces. A few under-18s, including boys and girls, were reportedly involved in suicide bombings and other incidents in which explosives were strapped [sic] to their bodies.”⁷³³

According to *The Coalition to Stop the Use of Child Soldiers*’ 2008 global report, “Under-18s were reportedly recruited into opposition separatist forces in the Chechen Republic and other parts of the north Caucasus.”⁷³⁴

8. Rape and Sexual Exploitation

[See also Section E. Women and Girls]

The Penal Code prescribes that involving minors in prostitution is punishable by up to 4 years imprisonment.⁷³⁵ Under the Penal Code the trafficking of minors is punished by up to five years of imprisonment or between 3-10 years if the offence is repeated, practiced against two or more minors, includes the removal of a minor abroad, intends sexual exploitation or for organ removal.⁷³⁶

The *USDOS* reports that the Public Security Police Service is responsible for investigating sex crimes against children, including prostitution and pornography.⁷³⁷

According to the *US Department of Labor*,

“Moscow and St. Petersburg are hubs of child trafficking and child commercial sexual exploitation. Children are trafficked to these cities internally, and from Moldova, Ukraine, Belarus and Kazakhstan, and forced into begging or prostitution. Both girls and boys are trafficked for prostitution, child sex tourism, and pornography. St. Petersburg and the northwestern border areas of Russia are popular destinations for sex tourists from wealthier Western European nations, particularly neighboring Scandinavian countries. Russia is a major producer and distributor of child pornography on the Internet.”⁷³⁸

According to the *USDOS*, Russian children, and particularly homeless children and orphans, were exploited for child pornography, the *USDOS* stated that “the exploitation of children in the production of child pornography for Internet distribution was a significant problem.”⁷³⁹

The *USDOS* further states that

“The country was a major producer and distributor of Internet child pornography, leading to confirmed cases of child sex trafficking and child sex tourism. Traffickers often targeted homeless children and children in orphanages for sexual exploitation. Moscow and St. Petersburg were destinations for children trafficked within Russia and from Ukraine and

⁷³³ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004 - Russian Federation*, November 2004, <http://www.child-soldiers.org/document/get?id=924>, accessed 6 September 2010.

⁷³⁴ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008 - Russian Federation*, 20 May 2008, <http://www.childsoldiersglobalreport.org/content/russian-federation>, accessed 6 September 2010.

⁷³⁵ Russian Federation Penal Code, 13 June 1996, available from <http://www.russian-criminal-code.com/PartII/SectionVII/Chapter20.html>, accessed 23 August 2010.

⁷³⁶ Russian Federation Penal Code, 13 June 1996, available from <http://www.russian-criminal-code.com/PartII/SectionVII/Chapter20.html>, accessed 23 August 2010.

⁷³⁷ United States Department of Labor, *2008 Findings on the Worst Forms of Child Labor - Russia*, 10 September 2009, available from <http://www.unhcr.org/refworld/docid/4aba3ec75.html>, accessed 6 September 2010.

⁷³⁸ United States Department of Labor, *2008 Findings on the Worst Forms of Child Labor - Russia*, 10 September 2009, available from <http://www.unhcr.org/refworld/docid/4aba3ec75.html>, accessed 6 September 2010.

⁷³⁹ United States Department of State, *2009 Country Reports on Human Rights Practices*, 11 March 2010, <http://www.state.gov/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

Moldova for purposes of sexual exploitation and forced begging.”⁷⁴⁰

The *USDOS* reports that in some areas child sex tourism has declined, due to police investigations and cooperation with foreign law agencies,

“Child sex tourism by men from Western Europe and the United States to western Russia, particularly to St. Petersburg, declined. According to experts the decline resulted from aggressive police investigations and cooperation with foreign law enforcement agencies. In one such case, an American was prosecuted in the United States for raping girls he obtained from an orphanage on the outskirts of St. Petersburg.

Authorities used both anti-trafficking statutes and traditional criminal law to prosecute human traffickers. The maximum sentences are 15 years’ imprisonment for trafficking and forced labor, eight years for imprisonment and recruitment into prostitution, 10 years for organizing a prostitution business, and 15 years for the manufacture and distribution of child pornography. The law does not define child pornography or criminalize simple possession of such material. Victims in trafficking cases received protection under the witness protection law.”⁷⁴¹

Quoting data from the General Prosecutor's Office, the *USDOS* reported that “the number of child pornography investigations increased threefold in the four year period ending in 2007” and that in 2008 331 cases of child pornography were registered, 159 were investigated and 157 ended in indictments.”⁷⁴²

Regarding the government’s response to child pornography, the *USDOS* reported that,

“While authorities working on the issue viewed child pornography as a serious problem, the law prohibiting it lacked important details and authorities seldom invoked it. The law does not define child pornography, criminalize its possession, or provide for effective investigation and prosecution of cases of child pornography. Courts often dismissed criminal cases because of the lack of clear standards. When a court convicted a suspect, it frequently imposed the minimum sentence, often probation. Authorities investigated and prosecuted relatively few child cases involving pornography cases, creating an environment in which it proliferated.”⁷⁴³

The *USDOS* reports that,

“The government has created two federal resources to respond to the threat of child pornography through the Internet: the Russian Safer Internet Center, established in 2008 with a hotline to receive information on illegal content sources with a view to getting them closed, and the Friendly Runet Foundation created during the year with the direct participation of, and working in close partnership with, the federal Interior Ministry, which also has a hotline for reporting of Internet sources with illegal content.”⁷⁴⁴

9. Trafficking in persons

[See also Section E. Women and Girls and Section F. Children, 8. Rape and Sexual Exploitation]

⁷⁴⁰ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁷⁴¹ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁷⁴² United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁷⁴³ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

⁷⁴⁴ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 23 August 2010.

According to the *US Library of Congress*, “Russia has a unique role in the international sale and trafficking of children because it is simultaneously a resource for future victims and a recipient of trafficked persons from the former Soviet states.”⁷⁴⁵

A 2006 Report commissioned by the *UN/IOM Working Group on Trafficking in Human Beings* stated that child trafficking in Russia occurred within the country and across borders with different purposes: commercial sexual exploitation (including prostitution and production of pornography), labour exploitation, begging, organ and tissue transplants and illegal adoption.⁷⁴⁶

According to the *USDOS*, “traffickers often targeted homeless children and children in orphanages for sexual exploitation. Moscow and St. Petersburg were destinations for children trafficked within Russia and from Ukraine and Moldova for purposes of sexual exploitation and forced begging.”⁷⁴⁷

Quoting Russian police statistics, the *US Library of Congress* reports that,

“between thirty and sixty thousand women, most of whom are minors, are transported out of Russia for purposes of sexual exploitation annually. In most cases, minors are taken in and out of Russia under the pretext of employment abroad. According to police information, criminal groups conduct abductions of young and minor women regularly, especially in economically depressed areas”.⁷⁴⁸

The *USDOS* 2010 Trafficking in Persons Report claimed that the Russian government is taking steps to combat child trafficking.⁷⁴⁹

The *USDOS* 2010 Trafficking in Persons Report stated that the creation of the Children’s Rights Ombudsman in September 2009 “may lead to improved efforts to prevent child trafficking; however, the ombudsman’s mandate currently does not include specific anti-human trafficking responsibilities.”⁷⁵⁰

The *USDOS* also reported that “experts continue to credit a decrease in the number of child trafficking victims in these cities [Moscow and St. Petersburg] to aggressive police investigations and Russian cooperation with foreign law enforcement.”⁷⁵¹

⁷⁴⁵ Library of Congress, Children’s Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁷⁴⁶ Elena V. Tiurukanova with the Institute for Urban Economics for the UN/IOM Working Group on Trafficking in Human Beings, Human Trafficking in the Russian Federation – Inventory and Analysis of the Current Situation and Responses, 2006, http://www.childtrafficking.org/pdf/user/Unicef_RussiaTraffickingMar06.pdf, accessed 15 September 2010.

⁷⁴⁷ United States Department of State, 2009 Country Reports on Human Rights Practices, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 1 September 2010.

⁷⁴⁸ Library of Congress, Children’s Rights: Russian Federation, updated 30 August 2010, <http://www.loc.gov/law/help/child-rights/russia.php>, accessed 2 September 2010.

⁷⁴⁹ United States Department of State, Trafficking in Persons Report 2010, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁷⁵⁰ United States Department of State, Trafficking in Persons Report 2010, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

⁷⁵¹ United States Department of State, Trafficking in Persons Report 2010, 14 June 2010, <http://www.state.gov/documents/organization/143188.pdf>, accessed 8 September 2010.

G. Lesbian, Gay, Bisexual and Transgender (LGBT) Persons

1. Domestic legal framework

Homosexuality was decriminalized in the Russian Federation in 1993.⁷⁵²

Consenting same sex acts are legal,⁷⁵³ the *International Lesbian and Gay Association (ILGA)* reports that the age of consent is equal for all sexual acts.⁷⁵⁴ *ILGA* further reports that same sex partnerships are not legally recognized.⁷⁵⁵

According to *The Moscow Helsinki Group*, disseminating information on homosexuality to minors is banned in Ryazan oblast,

“The ban on the dissemination of information on homosexual relations has already been legalized in Ryazan oblast. The oblast Duma adopted the addenda to the local law on administrative contraventions on May 24, 2006: “Article 3.13. Public actions aimed at the propaganda of homosexuality (sodomy and lesbianism) among the minors.”⁷⁵⁶

The Moscow Helsinki Group reports that the Criminal Code distinguishes between heterosexual rape (article 131) and violent sexual acts including sodomy and lesbian acts (article 132).⁷⁵⁷

Article 132 states,

“Article 132. Violent Sexual Actions

1. Pederasty, lesbianism, or any other sexual actions with the use of violence or with the threat of its use against the victim or against other persons, or with the taking advantage of the helpless condition of the victim, shall be punishable by deprivation of liberty for a term of three to six years.

2. The same deeds:

- a) abolished
- b) committed by a group of persons, a group of persons under a preliminary conspiracy, or an organized group;
- c) connected with the threat of murder or the infliction of grave injury, or committed with especial cruelty against the victim party or other persons;
- d) entailing the infection of the victim with a venereal disease;
- e) committed against an obvious juvenile, shall be punishable by deprivation of liberty for a term of four to ten years.

⁷⁵² Moscow Helsinki Group, Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, November 2009, Page 10, <http://www.mhg.ru/files/engl/LGBT%20-%202009.pdf>, accessed 4 October 2010. Radio Free Europe/Radio Liberty, Lesbian couple takes on Russian state in same-sex marriage, 22 July 2009,

http://www.rferl.org/content/Lesbian_Couple_Takes_On_Russian_State_In_Fight_For_SameSex_Marriage/1782697.html, accessed 4 October 2010. Voice of America News, Russian gays protest against Moscow Mayor, 21 September 2010,

⁷⁵³ <http://www.voanews.com/english/news/europe/Russian-Gays-Protest-Against-Moscow-Mayor-103460279.html>, 4 October 2010 International Lesbian and Gay Association, Russia, undated, http://www.ilga-europe.org/home/guide/country_by_country/russia, accessed 4 October 2010. The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, page 6,

⁷⁵⁴ http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

International Lesbian and Gay Association, Russia, undated, http://www.ilga-europe.org/home/guide/country_by_country/russia, accessed 4 October 2010

⁷⁵⁵ International Lesbian and Gay Association, Russia, undated, http://www.ilga-europe.org/home/guide/country_by_country/russia, accessed 4 October 2010

⁷⁵⁶ Moscow Helsinki Group, Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, November 2009, Page 43, <http://www.mhg.ru/files/engl/LGBT%20-%202009.pdf>, accessed 4 October 2010

⁷⁵⁷ Moscow Helsinki Group, Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, November 2009, Page 10, <http://www.mhg.ru/files/engl/LGBT%20-%202009.pdf>, accessed 4 October 2010.

3. Deeds specified in the first and second parts of this Article, if they:
 - a) have entailed, by negligence, the death of the victim;
 - b) have entailed, by negligence, the infliction of grave injury to the victim, the infection of the victim with HIV, or other grave consequences;
 - c) have been committed against a person who obviously has not reached 14 years of age, shall be punishable by deprivation of liberty for a term of eight to 15 years.”⁷⁵⁸

The Moscow Helsinki Group report that,

“The Criminal Code of RF considers together and equalizes the crimes that consist in compulsion to perform sexual actions (art. 133) and sexual relations or other sexual actions with a person who has not attained 16 years of age (art. 134), regardless of their homosexual or heterosexual nature (i. e. the age of consent to heterosexual and homosexual relations is equal), and the liability in both cases is stipulated within the same framework.”⁷⁵⁹

Article 133 states that,

“Article 133. Compulsion to Perform Sexual Actions

Compulsion of a person to enter into illicit relations, pederasty, lesbianism, or the commission of other sexual actions by means of blackmail, threat of destruction, damage, or taking of property, or with the advantage of material or any other dependence of the victim, shall be punishable by a fine in the amount up to 120 thousand roubles, or in the amount of the wage or salary, or any other income of the convicted person for a period up to one year, or by corrective labour for a term of up to two years, or by deprivation of liberty for a term of up to one year.”⁷⁶⁰

2. Treatment of LGBT persons (including those in the military)

Russian NGO *The Inter-Regional Social Movement “Russian LGBT Network”* (*Russian LGBT Network*) states that Article 63 of the Russian Criminal Code provides for increased sentences where hatred of a social groups is a motive, however they state that crimes against “sexual inviolability” were not included,

“A number of amendments aimed at enhancing sentences for hate crimes were introduced in the Russian Criminal Code. In particular, the motive of hatred against a social group was considered as aggravating circumstance (Article 63), a similar motive for a crime was introduced as a qualifying feature in a series of the crimes. However, firstly, crimes against sexual inviolability are not among such special crimes, and secondly, there have not been any cases of prosecutions for crimes committed on the grounds of homophobia or transphobia: thus, in the case on the governor of Tambov oblast Oleg Betin’s statement “Tolerance?! To hell! Faggots must be torn apart and their pieces should be thrown to the wind!... This rotten nest must be wiped out!” the court did not recognize persons of

⁷⁵⁸ The Criminal Code of the Russian Federation, No.63-FZ of June 13, 1996 (with Amendments and Addenda of May 27, June 25, 1998, February 9, 15, March 18, July 9, 1999, March 9, 20, June 19, August 7, November 17, December 29, 2001, March 4, 14, May 7, June 25, July 24, 25, October 31, 2002, March 11, April 8, July 4, 7, December 8, 2003, July 21, 26, December 28, 2004) Adopted by the State Duma on May 24, 1996. Adopted by the Federation Council on June 5, 1996, available from <http://www.legislationline.org/download/action/download/id/1697/file/0cc1acff8241216090943e97d5b4.htm/preview>, accessed 4 October 2010

⁷⁵⁹ Moscow Helsinki Group, *Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation*, November 2009, Page 10, <http://www.mhg.ru/files/engl/LGBT%20-%202009.pdf>, accessed 4 October 2010.

⁷⁶⁰ The Criminal Code of the Russian Federation, No.63-FZ of June 13, 1996 (with Amendments and Addenda of May 27, June 25, 1998, February 9, 15, March 18, July 9, 1999, March 9, 20, June 19, August 7, November 17, December 29, 2001, March 4, 14, May 7, June 25, July 24, 25, October 31, 2002, March 11, April 8, July 4, 7, December 8, 2003, July 21, 26, December 28, 2004) Adopted by the State Duma on May 24, 1996. Adopted by the Federation Council on June 5, 1996, available from <http://www.legislationline.org/download/action/download/id/1697/file/0cc1acff8241216090943e97d5b4.htm/preview>, accessed 4 October 2010

homosexual orientation as a social group despite provided opinion of a famous Russian sociologists and sexologists, Prof. Igor Kon.”⁷⁶¹

Russian NGO, the *Russian LGBT Network* state that anti-discrimination legislation is interpreted to not cover discrimination on the grounds of sexual orientation,

“Notwithstanding that Russia has acceded to several international instruments on human rights (Covenant on Civil and Political Rights, Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of discrimination against Women, European Convention for the Protection of Human Rights and Fundamental Freedoms, European Social Charter), which recognize non-discrimination principle as one of the basic, there is no legislation in the Russian Federation which prohibits explicitly discrimination on the grounds of sexual orientation or gender identity. Existing Anti-Discrimination legislation has been continuously interpreted to not cover discrimination on the grounds of sexual orientation or gender identity.”⁷⁶²

According to the *Russian LGBT Network*,

“Consensual sexual relations between women have not been prosecuted in Russia. In 1999 Russia has moved to the International Statistical Classification of Diseases and Related Health Problems of the 10th Revision, which rejects the consideration of homosexuality as pathology, while rendering transsexuality as a mental disease.”⁷⁶³

The *Russian LGBT Network* reports that the legal process for a transgender person to officially change their name or gender marker is unclear “consequently, transgender people are left out in a medical and legal limbo.”⁷⁶⁴

The *Russian LGBT Network* reported that in 2010 a new directive was given which concluded that “the change of civil gender can only occur after the surgical procedure,” the NGO states that therefore “Transgender people, who are not able or willing to undergo medical treatment, are thus denied access to documents, recognizing their gender identity.”⁷⁶⁵

The *Russian LGBT Network* states that,

“For the majority of transgender people, the process to receive documents reflecting their gender identity may endure one to two years; in areas with a lack of professionals it might even be longer. Despite the legal regulation it is necessary to firstly be under psychological supervision to obtain the permission to undergo surgery. The surgery is followed by another psychological survey, on which the recommendation is produced to change documents. Often this recommendation is challenged by the civil registry, forcing the applicant to go to court extending the procedure even more. In this time, many transgender people are facing impoverishment and unemployment as they find it difficult to find a job with documents not

⁷⁶¹ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, page 6, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁷⁶² The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁷⁶³ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁷⁶⁴ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, page 7, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁷⁶⁵ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, page 7, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

matching their appearance; or to keep a job while serving the often required stationary or ambulant psychological supervision for up to several weeks.”⁷⁶⁶

Several sources report that although decriminalized, homosexuality is treated with intolerance and discrimination in practice.⁷⁶⁷

Referring to public remarks made by the Mayor of Moscow and the dispersal of a demonstration protesting a ban on gay rights rallies *Voice of America News* reported in September 2010 that,

“Legally, Russia, as a member of the Council of Europe, has to guarantee the freedom of expression and assembly. Russia decriminalized homosexuality in 1993, but in the streets the reality is clearly very different as intolerance remains widespread.”⁷⁶⁸

The *Russian LGBT Network* states in a July 2010 shadow report to CEDAW that,

“Despite participation of the Russian Federation in many international treaties, including CEDAW, which stipulate the principle of equal rights for all people, and establishing the principle of non-discrimination in the Constitution of the Russian Federation, homosexual and bisexual women, as well as transgender people are excluded from the social context and are subjected to discrimination and violence in many areas of life.”⁷⁶⁹

The *Russian LGBT Network* further state that,

“LBT people are constantly exposed to violence and discrimination associated with their sexual orientation or gender identity at the individual, institutional and structural level – starting from family and ending with official bodies and political context.”⁷⁷⁰

The *Russian LGBT Network* states that lesbian, bisexual and transsexual people experience discrimination “including domestic violence; recognition of gender identity of the person; discrimination and violence against LBT human rights defenders; violation of the rights to education and health; discrimination in employment and in family relations.”⁷⁷¹

In September 2010 *Radio Free Europe* reported,

“Homosexuality could be punished with prison in Soviet times. Russia has since decriminalized homosexuality but intolerance remains very widespread, with nationalists and ultra-Orthodox believers saying homosexuals should be punished or treated in hospital.

Polls have shown more than 80 percent of Russians regard homosexuality as immoral.

⁷⁶⁶ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, page 8, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁷⁶⁷ Radio Free Europe/Radio Liberty, Russian gay rights activists defy ban on St Petersburg rally, 26 June 2010, http://www.rferl.org/content/Russian_Gay_Rights_Activists_Defy_Ban_On_St_Petersburg_Rally/2083427.html, accessed 4 October 2010. Voice of America News, Russian gays protest against Moscow Mayor, 21 September 2010, <http://www.voanews.com/english/news/europe/Russian-Gays-Protest-Against-Moscow-Mayor-103460279.html>, 4 October 2010. The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁷⁶⁸ Voice of America News, Russian gays protest against Moscow Mayor, 21 September 2010, <http://www.voanews.com/english/news/europe/Russian-Gays-Protest-Against-Moscow-Mayor-103460279.html>, 4 October 2010

⁷⁶⁹ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁷⁷⁰ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁷⁷¹ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

Moscow Mayor Yury Luzhkov has described gay rallies as satanic and vowed not to allow them in his city.”⁷⁷²

The *Russian LGBT Network* report that,

“The negative and intolerant attitude towards LBT people clearly presents itself in the Russian society. Thus, the results of the public opinion poll, conducted by the Fund “Public Opinion” in 44 Russian regions in March 2010, shows that 43 % of the respondents condemned gays and lesbians (and another 20 % found it difficult to answer). In April 2010, the International LGBT Film Festival “Side by Side” was conducted in Novosibirsk, but the reaction of the public expressed in the comments to the coverage of this event in the media was mostly very negative. In a survey of more than 11.000 inhabitants, conducted by a leading city portal in response to the intense discussion of the festival, it was found that 22 % of respondents took a grave view of people of “non-traditional sexual orientation” and regarded them as “sick”, while another 35 % did not care one way or another as long as “they [LGBT people] do not make themselves known.”⁷⁷³

A Poll conducted by the *Russian LGBT Network* in Tyumen showed that “that 69.23 % of lesbian and 33 % of bisexual women was subject to physical violence after the age of 16.”⁷⁷⁴

The *Moscow Helsinki Group* report that there is an under reported of hate crimes against homosexuals,

“Only in rare cases hate crimes against homosexuals become known to the law enforcement bodies and the public. Usually, victims do not address to the police, prosecutor’s office or court and avoid disclosing the problem fearing homophobia on the part of authorities.”⁷⁷⁵

The *Moscow Helsinki Group* further state that homosexuals also “fear the consequences of such complaints”⁷⁷⁶

The *Moscow Helsinki Group* cite instances where that police have not recorded homophobic motivations for crimes and have not taken action against individuals attacking homosexuals,⁷⁷⁷

“Usually, police officers refuse to record homophobic reasons of attackers in the reports. This happened in the case of skinheads’ attack on a couple of gays in Novosibirsk: “We were held there till six in the morning, the police officers were brutal to us; they did not want skinheads and the fact that the reason for their attack was hate to be mentioned in the report. They issued the resolution for the forensic medical expertise only two days later” says one of the victims.”⁷⁷⁸

The *Moscow Helsinki Group* reports several instances of hate crimes including,

⁷⁷² Radio Free Europe/Radio Liberty, Russian gay rights activists defy ban on St Petersburg rally, 26 June 2010, http://www.rferl.org/content/Russian_Gay_Rights_Activists_Defy_Ban_On_St_Petersburg_Rally/2083427.html, accessed 4 October 2010

⁷⁷³ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁷⁷⁴ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁷⁷⁵ Moscow Helsinki Group, Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, November 2009, Page 25, <http://www.mhg.ru/files/engl/LGBT%20-%202009.pdf>, accessed 4 October 2010

⁷⁷⁶ Moscow Helsinki Group, Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, November 2009, Page 30, <http://www.mhg.ru/files/engl/LGBT%20-%202009.pdf>, accessed 4 October 2010

⁷⁷⁷ Moscow Helsinki Group, Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, November 2009, Page 31, <http://www.mhg.ru/files/engl/LGBT%20-%202009.pdf>, accessed 4 October 2010

⁷⁷⁸ Moscow Helsinki Group, Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, November 2009, Page 31, <http://www.mhg.ru/files/engl/LGBT%20-%202009.pdf>, accessed 4 October 2010

"At the beginning of October 2007, a young man called Denis was killed in Yekaterinburg near the night club "Moloko," where parties for gays and lesbians are organized. Several attackers inflicted him numerous injuries and an open skull fracture. They wrote the word "queer" on the chest of their victim with his own blood. The information on this case was immediately closed to the public. When the friends of the killed man came to the police department to find out about the progress of the investigation, they were told that nothing of what they were saying had happened. The relatives refuse to provide any information either. According to unconfirmed information, the guilty persons have appeared before the court and have been sentenced with probation.

In Shabrovsk village, Sverdlovsk oblast, two local inhabitants were arrested on suspicion of brutal murder of another villager. The prosecutor's office of Sverdlovsk oblast declared that the body of the killed person with cut wounds on the neck, head and with a brain injury was found on the snow near his house on 28 February 2008. On 5 March, two villagers aged 17 and 19 were arrested. They owned the murder. One of them was accused of "murder" and the other of "premeditated infliction of average bodily damage." People from the prosecutor's office said that the murder had been based on personal hostility as the accused considered the victim to be of a non-traditional sexual orientation."⁷⁷⁹

The Moscow Helsinki Group further report the deliberate targeting of homosexuals for attack,

"Purposeful "gay hunting" cases become more and more frequent. Criminals meet their victims in gay-clubs or other meeting places of homosexuals, worm themselves into their confidence, then beat them up or kill them.

"An acquaintance of mine set a meeting with a new pen pal in the summer of 2007. Nobody came to the meeting, but when he wanted to leave the place, he was overtaken by a group of men and somebody punched him on the head from the rear. As a result, he fainted and woke up in the hospital with head injuries" (Sasha, 28, Omsk City).

"Many heterosexuals meet gays on the Internet already full of hatred for this group of people, and if they do not manage to wreak their anger at the "first date," they threaten on the Internet with beating up, rape or death" (Evgenii, 20, Omsk City)."⁷⁸⁰

The Moscow Helsinki Group states that police attitudes to homosexuals can be discriminatory,

"Despite the cancellation of criminal liability for voluntary homosexual relations between adult people, the process of decriminalization of homosexuality in Russia is still not completed. The attitude of police towards homosexuality leads to permanent continuation of aggression and crimes against gay and lesbian people on the part of law enforcement structures.

Under the pretext of operational-investigative measures they perform illegal apprehensions (both individual and mass apprehensions) of people, solely based on their actual or perceived homosexuality, they interfere with people's personal lives, collect personal information.

Investigation structures use the information about citizens' personal life in order to threaten, blackmail them and determine them to give the "right" declarations."⁷⁸¹

⁷⁷⁹ Moscow Helsinki Group, Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, November 2009, Page 25, <http://www.mhg.ru/files/engl/LGBT%20-%202009.pdf>, accessed 4 October 2010

⁷⁸⁰ Moscow Helsinki Group, Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, November 2009, Page 26, <http://www.mhg.ru/files/engl/LGBT%20-%202009.pdf>, accessed 4 October 2010

⁷⁸¹ Moscow Helsinki Group, Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, November 2009, Page 59, <http://www.mhg.ru/files/engl/LGBT%20-%202009.pdf>, accessed 4 October 2010

The Moscow Helsinki Group reports several instances of law enforcement officers assaulting homosexuals, they report that on 31 August 2008 the Special Rapid Response Detachment raided a gay club,

“According to the witness Igor N., the SRRD broke in the club at midnight. The SRRD announced its presence with filthy language, dish breaking, furniture rolling-over and firing in the air. They ordered everybody to lie on the floor face down and put their arms behind the heads. Some of the visitors were kicked on different parts of their body; others were cut by the broken glass. Then the male visitors were accompanied to the bus with kicks of the SRRD officers who created a corridor. “People were sitting on each other’s legs, in some cases even two on one person. The order was to turn off the cell phones and keep silent” Igor told.

The apprehended persons were brought to the Department for Combating Organized Crime and Racketeering. Accompanied again with kicks they entered a room and were told to stand facing the wall holding their arms behind the head. The police officers continued humiliating the “Hunter” visitors: they were calling them “fucking queers,” “fags.” “Then, they were told to do press-ups, squat and stand in a dog-fashion position. All this was filmed on personal cell phones of the “police officers” and was, of course, accompanied by obscene words, wild laughter and offences of a common and personal nature” Igor adds. The creation of a database, which was the purpose for bringing the club visitors there, started after the “exercises.” People were photographed in two projections; their address was recorded with the purpose of their visit to Krasnoyarsk if their place of residence was not in the city; their wallets were checked as well as the business cards that were there; their SMS were read and the video-files watched in their cell phones. According to Igor, this is how the owners of cell phones were ascertained as gays.”⁷⁸²

The *Russian LGBT Network* state that violence against lesbians, bisexual and transgender people is widespread,

“Domestic violence against LBT people is also widespread. Similar to other cases, in 2008 in Voronezh a lesbian girl was subjected to a beating and degrading treatment by her brother. Her brother and his friends were aware of her sexual orientation, and treated this fact with intolerance. The girl did not report the incidence to the police, because her brother frightened her by saying that “his people are everywhere, and in authorities.” In 2009, in one of the Siberian cities, a young lesbian woman was periodically subjected to physical violence, deprivation of liberty and harassment by her former girlfriend. The girl also did not apply to the police, because she was afraid that she would be discriminated against or harassed because of her sexual orientation. In 2009, the case of the murder of a transsexual person was reported in the media. A transsexual woman was killed by her husband after he learned his wife’s personal history. There is no specific legislation on domestic violence in Russia (there is neither a separate article in the Criminal Code nor a special law), therefore, specific sanctions against it are not introduced (for example, a protection order). The high level of prejudice and homophobia on the part of law enforcement bodies leads to the high level of under-reporting and latency for such crimes.”⁷⁸³

According to the *Russian LGBT Network* LBT human rights activists have been subject to violence by state and non state actors,

“Discrimination and violence against LBT human rights defenders in Russia is widespread, and such actions are committed by both non-state actors and representatives of the public

⁷⁸² Moscow Helsinki Group, Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, November 2009, Page 33, <http://www.mhg.ru/files/engl/LGBT%20-%202009.pdf>, accessed 4 October 2010

⁷⁸³ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

authorities. Until today all public events in support of human rights of LGBT people were prohibited by Russian authorities and sufficient protection from homophobic motivated violence has not been provided by law enforcement agencies.”⁷⁸⁴

The *BBC* reports that,

“There have been many attacks on members of the gay community - they also say they risk being sacked by their employers and shunned by their families.”⁷⁸⁵

The *Russian LGBT Network* reports a lack of programmes aimed at increasing tolerance and a lack of statistical monitoring of hate crimes against LGT people,

“The Government does not conduct any programmes for the development of tolerance with respect to LBT people for either the public or professionals, including law enforcement officials. Statistics of hate crimes against LBT people, as well as other violations of the rights of this group of people and discrimination against them are not kept. However, monitoring researches conducted by mainstream and LGBT human rights organizations are providing up-to-date data. References to “traditional values” to justify homophobic and transphobic actions, as well as support of patriarchal values and gender-stereotypical patterns of behavior are widely used in the media and reinforced at the political level.”⁷⁸⁶

The *Moscow Helsinki Group* reports that the media portrays LGBT people negatively,⁷⁸⁷

“The publications in mass media related to LGBT issues are scandalous, biased and, generally, contain the so called “hate speech.””⁷⁸⁸

The *Russian LGBT Network* report that a gay rights NGO was refused registration with the authorities,

“In May 2010, in Arkhangelsk, the Region Office of the Ministry of Justice refused registration of amendments to the charter of NGO “Rakurs.” This organization, registered in 2007 as a womanrights organization, actually carried out projects and programs related to the protection of the rights of homosexual and bisexual women and to their social adaptation. In connection with this, the organization’s leadership made a decision on amending the charter by specifying as its purposes “the protection of human dignity, rights and legitimate interests of the victims of homophobia and discrimination based on sexual orientation and gender identity – lesbian, gay, bisexual and transgender people (LGBT); as well as socio-psychological and cultural support and adaptation of LGBT people.” The Region Office of the Ministry of Justice refused the state registration of the amendments because of their contradiction to the law. As was stated in the decision of the Office, it could be concluded on the basis of the above purposes that the organization “plans to carry out activities aimed at propaganda of non-traditional sexual orientation and at the negation of the role of a family in society ... It is impossible to create a family, as well as to conclude a marriage between persons of non-traditional sexual orientation. Family is a social institution, and at the same time is a social mechanism of human reproduction. Furthermore, in terms of reproductive biology, the natural sexual orientation is heterosexual one, which is inherent for the overwhelming majority of people. Consequently, the NGO’s

⁷⁸⁴ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, page 8, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁷⁸⁵ BBC, Gay protest broken up in Moscow, 16 May 2009, <http://news.bbc.co.uk/1/hi/8053181.stm>, accessed 4 October 2010

⁷⁸⁶ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁷⁸⁷ Moscow Helsinki Group, Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, November 2009, Page 54-57, <http://www.mhg.ru/files/engl/LGBT%20-%202009.pdf>, accessed 4 October 2010

⁷⁸⁸ Moscow Helsinki Group, Situation of Lesbians, Gays, Bisexuals and Transgenders in the Russian Federation, November 2009, Page 52, <http://www.mhg.ru/files/engl/LGBT%20-%202009.pdf>, accessed 4 October 2010

purposes aimed at inciting social hatred between heterosexual and homosexual people, which is contrary to the Law on Countering Extremist Activity.”⁷⁸⁹

Several sources have referred to the ban and dispersal of gay rights rallies in St Petersburg and Moscow.⁷⁹⁰

The *BBC* and *France24* report that at least 20 demonstrators were arrested at a banned gay pride rally in Moscow timed to coincide with the final of the Eurovision song contest on 16 May 2009.⁷⁹¹

Referring to several gay pride marches throughout Europe on 16/17 May 2009, *Amnesty International* reported that

“The mood was very different in Moscow as police violently dispersed demonstrators at the Slavic Pride march, which had been banned by the authorities.

Media reports suggest that between 25 and 80 activists were arrested as they protested against discrimination of LGBT people. Riot police charged the group and several people were detained.”⁷⁹²

ILGA report that the gay pride march was banned in 2005, 2006, 2007, 2008, 2009.⁷⁹³

Radio Free Europe/Radio Liberty reports that 25 demonstrators marched at a gay pride rally in Moscow, despite its ban, on 29 May 2010,

““Today, for the first time in five years, the Gay Pride was held peacefully in Moscow,” Alekseyev [gay rights activists] told RFE/RL's Russian Service. “There were no excesses and not a single arrest. This is the first time that no one was detained at a Moscow Gay Pride.” []

Since the inaugural attempt to hold the event in 2006, which erupted in clashes with police and anti-gay onlookers, annual Gay Pride rallies have been marred by violence and arrests.”⁷⁹⁴

In June 2010 *Radio Free Europe/Radio Liberty* reported on demonstrations by approximately “three dozen” gay rights protesters in St Petersburg, which was “quickly broken up by police and five activists were briefly detained.”⁷⁹⁵

According to *Radio Free Europe/Radio Liberty*,

⁷⁸⁹ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁷⁹⁰ Voice of America News, Russian gays protest against Moscow Mayor, 21 September 2010, <http://www.voanews.com/english/news/europe/Russian-Gays-Protest-Against-Moscow-Mayor-103460279.html>, 4 October 2010. Radio Free Europe/Radio Liberty, Russian gay-rights activist says released after two day detention, 18 September 2010, http://www.rferl.org/content/Russian_GayRights_Activist_Says_Released_After_TwoDay_Detention/2161477.html, accessed 4 October 2010. Radio Free Europe/Radio Liberty, Gay-rights activist arrested in Moscow, 21 September 2010, http://www.rferl.org/content/Gay_Activists_Arrested_In_Moscow/2164419.html, accessed 4 October 2010. Radio Free Europe/Radio Liberty, Russian gay rights activists defy ban on St Petersburg rally, 26 June 2010, http://www.rferl.org/content/Russian_Gay_Rights_Activists_Defy_Ban_On_St_Petersburg_Rally/2083427.html, accessed 4 October 2010

⁷⁹¹ BBC, Gay protest broken up in Moscow, 16 May 2009, <http://news.bbc.co.uk/1/hi/8053181.stm>, accessed 4 October 2010. France24, Moscow police disperse gay rights protesters, 17 May 2009, <http://www.france24.com/en/20090516-moscow-warns-clampdown-eurovision-gay-protesters-russia-eurovision>, accessed 4 October 2010

⁷⁹² Amnesty International, Mixed weekend for LGBT marches, 18 May 2009, <http://www.amnesty.org/en/news-and-updates/news/mixed-weekend-lgbt-marches-20090518>, accessed 4 October 2010

⁷⁹³ International Lesbian and Gay Association, Russia, undated, http://www.ilga-europe.org/home/guide/country_by_country/russia, accessed 4 October 2010

⁷⁹⁴ Radio Free Europe/Radio Liberty, Gay pride march held in Moscow despite ban, 29 May 2010, http://www.rferl.org/content/Gay_Pride_March_Held_In_Moscow_Despite_Ban/2056258.html, accessed 4 October 2010

⁷⁹⁵ Radio Free Europe/Radio Liberty, Russian gay rights activists defy ban on St Petersburg rally, 26 June 2010, http://www.rferl.org/content/Russian_Gay_Rights_Activists_Defy_Ban_On_St_Petersburg_Rally/2083427.html, accessed 4 October 2010

"organizers only revealed the location of the demonstration at the last moment to outwit riot police.

They say the subterfuge was needed to avoid a repeat of the violence that has marred previous attempts to hold Gay Pride parades, when police, nationalists, and ultra-Orthodox believers beat protesters."⁷⁹⁶

In September 2010 *Voice of America News* reported that then Russian Mayor had "called homosexuals "satanic" and stopped attempts to hold a gay pride rally in the city."⁷⁹⁷ *Voice of America News* further reported that demonstrators protesting the ban were dispersed by police,

"Busloads of riot police, phalanxes of policewomen in bullet proof vests, and German shepherds tugging at their leashes greeted a small gathering of gay activists outside Moscow's City Hall to demand the resignation of Mayor Yuri Luzhkov.

Police officers strong armed the activists into waiting prison buses. Policemen with bullhorns urged journalists to move along."⁷⁹⁸

Radio Free Europe/Radio Liberty reported that, according to Russian news agencies,

"at least 10 gay-rights activists protesting against the antihomosexual stance of Moscow Mayor Yury Luzhkov have been arrested.

One of those in custody is the head of a gay-rights association, Nikolai Alekseyev.

The activists had handcuffed themselves to a railing, and shouted slogans protesting the mayor's views. The protest was not authorized by the police.

Luzhkov has repeatedly banned gay-rights marches in the Russian capital, and described homosexual acts as "satanic."⁷⁹⁹

With reference to Mayor Luzhkov's public statements about homosexuals gay rights activists, Nikolai Alekseyev, told *Voice of America News*,

"He said we are satanic people, that we are responsible for the HIV epidemic in the city," said Alekseyev. "He said that we are weapons of mass destruction of the West, and that we are immoral and all the possible things, all the nasty thing about gay people. Even though he was very easily and without any problems shaking the hands of homosexuals mayors of European cities - including the Mayor of Paris, the Mayor of Berlin."⁸⁰⁰

In October 2010 *Voice of America News* reported that the European Court of Human Rights had fined Russia for banning homosexual parades in Moscow, stating that the risk of disturbance from a demonstration was not enough to justify banning the parade,

⁷⁹⁶ Radio Free Europe/Radio Liberty, Russian gay rights activists defy ban on St Petersburg rally, 26 June 2010, http://www.rferl.org/content/Russian_Gay_Rights_Activists_Defy_Ban_On_St_Petersburg_Rally/2083427.html, accessed 4 October 2010

⁷⁹⁷ Voice of America News, Russian gays protest against Moscow Mayor, 21 September 2010, <http://www.voanews.com/english/news/europe/Russian-Gays-Protest-Against-Moscow-Mayor-103460279.html>, 4 October 2010

⁷⁹⁸ Voice of America News, Russian gays protest against Moscow Mayor, 21 September 2010, <http://www.voanews.com/english/news/europe/Russian-Gays-Protest-Against-Moscow-Mayor-103460279.html>, 4 October 2010

⁷⁹⁹ Radio Free Europe/Radio Liberty, Gay-rights activist arrested in Moscow, 21 September 2010, http://www.rferl.org/content/Gay_Activists_Arrested_In_Moscow/2164419.html, accessed 4 October 2010

⁸⁰⁰ Voice of America News, Russian gays protest against Moscow Mayor, 21 September 2010, <http://www.voanews.com/english/news/europe/Russian-Gays-Protest-Against-Moscow-Mayor-103460279.html>, 4 October 2010

"The Strasbourg-based court ruled Thursday that gay rights organizer Nikolai Alexeyev was discriminated against based on sexual orientation. It ordered Russia to pay more than \$41,000 in damages and court costs to Alexeyev."⁸⁰¹

The *Russian LGBT Network* report several instances where the peaceful assembly of LGBT groups was interrupted by police or non state actors including the following,

"In Yekaterinburg 3 masked men attacked participants at the public discussion "Dialogue about Homophobia" on April 7, 2010. During the discussion, which was heated but non-violent, the men stormed the event, threw smoke bombs and tear gas into the room and left the scene. About 30 people attending and the experts received a slight shock, but continued the discussion afterwards in different premises. The organizers will file a complaint against the attackers.

In Tyumen, representatives of NGO "Rainbow House" while trying to hold a peaceful rally "Tolerance Tree" in support of LGBT rights during the All-Russian event "Week Against Homophobia" were faced with the arbitrary behavior of the police. The police came to the place of the event and banned it referring to the prohibition by the city administration. The human rights defender, who participated in the action, tried to explain to the authorities the illegality of the ban and quoted the right of activists to assemble peacefully. However, all her efforts were unsuccessful.

On April 9, 2010, the same organization "Rainbow House" was prevented from holding a round table "Protecting the right of vulnerable groups from discrimination." The meeting was targeted at representatives of NGO, regional ministries, law enforcement agencies, journalists and LGBT people. Representatives of the local Ministries of Education and Youth had agreed previously to attend. The Development Fund Tyumen, where the Round table was first planned to be held, received calls from their funding organization in Moscow with explicit orders to not hold the event at their premises. The alternative venue, a hotel was quickly found. However, the hotel management still confirmed by 2pm at the day of the event, but cancelled at 5pm. Thus, the event had to be canceled altogether."⁸⁰²

In September 2010 *Radio Free Europe/Radio Liberty* reports claims from a gay rights activist, Nikolai Alekseyev, that he was kidnapped by unidentified men who took him to a police station where he was held for two days in which he was pressured into withdrawing a complaint about Moscow authorities ban of gay rights rallies,

"Russia's top gay-rights activist says he was kidnapped and pressured by his captors to withdraw a complaint against Moscow authorities from the European Court of Human Rights.

Nikolai Alekseyev resurfaced early on September 18 in Moscow after being arrested at the capital's Domodedovo airport late on September 15 as he prepared to board a flight to Geneva. He had been missing since, and his friends and colleagues had feared for his life."⁸⁰³

Radio Free Europe/Radio Liberty reports that many homosexuals feel pressure to keep their sexuality hidden,

⁸⁰¹ Voice of American News, European Court fines Russia for banning gay parades, 21 October 2010, <http://www.voanews.com/english/news/europe/European-Court-Fines-Russia-for-Banning-Gay-Parades-105452798.html>, accessed 26 October 2010

⁸⁰² The Inter-Regional Social Movement "Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, page 9, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁸⁰³ Radio Free Europe/Radio Liberty, Russian gay-rights activist says released after two day detention, 18 September 2010, http://www.rferl.org/content/Russian_GayRights_Activist_Says_Released_After_TwoDay_Detention/2161477.html, accessed 4 October 2010

"opinion polls continue to show a strong opposition among the Russian public to homosexual lifestyles.

[]

There are no open homosexuals in Russian society, even in the entertainment industry, apart from one veteran camp singer, Boris Moiseyev.

The Russian Orthodox Church, whose influence is growing in modern Russia, is vehemently opposed to same-sex marriage and maintains that homosexuality is a sin.

"We believe that marriage is a union between one man and one woman," Vsevolod Chaplin, a spokesman for the church, told RFE/RL. "History clearly shows that such trends like homosexual relationships and lesbianism do not make a person happy."

Life as a gay person may be improving in Russia's big cities, where gay communities are getting bigger and increasingly vocal. But for many gays and lesbians, says Fedotova-Fet, their sexuality remains something that has to be hidden away.

"If a person wants a career, to be more or less successful, he'll hide that he's gay," she says. "I have lots of gay friends who are fairly successful and pretend they're straight and even get married. If you're gay, you're marginal."⁸⁰⁴

The *Russian LGBT Network* reports that some homosexuals are reluctant to reveal their sexuality in the workplace,

"The need to hide one's sexual orientation is a serious stress factor, which reduces the quality of life of LBT people. Disclosure of sexual orientation of a person most frequently leads to their dismissal in Russian towns, after which it is practically impossible for the affected person to find a new job in the same town."⁸⁰⁵

The *Russian LGBT Network* reports that a specific issue for transgender people,

"is the difficulty related to the discrepancy between their gender identity and their documents, including the work record book. One of the causes of such problems is the absence of special legal provisions on replacement of the transsexual persons' documents."⁸⁰⁶

The *Russian LGBT Network* reports that a trainee teacher who was a lesbian was forced to choose between 'correcting' her behaviour or leaving college,

"In 2008 in Saint Petersburg, a 20-year-old lesbian girl reported she had been discriminated in the teaching college where she had studied. Once the director of the college learned about her sexual orientation, she and her girlfriend were constantly called to the dean's office, and had to attend compulsory discussions with the psychologist who was trying to "correct" the girls. After that incident, most of the students stopped talking to them, and teachers began to present unreasonable demands, threatening not to provide grades until the girls "corrected" themselves. The girl was reprimanded about her appearance (e.g., short hair), she was told that she did not correspond to "the Russian teacher image."

⁸⁰⁴ Radio Free Europe/Radio Liberty, Lesbian couple takes on Russian state in same-sex marriage, 22 July 2009, http://www.rferl.org/content/Lesbian_Couple_Takes_On_Russian_State_In_Fight_For_SameSex_Marriage/1782697.html, accessed 4 October 2010

⁸⁰⁵ The Inter-Regional Social Movement "Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, page 9, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁸⁰⁶ The Inter-Regional Social Movement "Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, page 12, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

Finally, the girl was asked to choose between: loving men, leaving the college of her own free will, or being expelled.”⁸⁰⁷

The *Russian LGBT Network* reports that there have been cases in which attempts have been made to limit LGBT people’s parental rights,

“Two such cases have been recorded by us in 2009. The fathers of children of homosexual women who had lived previously in heterosexual marriages, tried to deprive the women of their parental rights. In one case, the father did not let the mother see the child, turned the child against the mother, and used violence against the mother and grandmother of the child several times when they tried to meet with the girl. In 2010, a similar case of a transsexual parent, the biological mother, was documented. After the divorce, the child remained with the biological father, and the latter refused to accept any financial assistance from the transsexual parent. Nevertheless, the transsexual parent provided material assistance to his child and sent gifts for the child as far as it was possible. After a time, the biological father of the child brought a claim to deprive the transsexual parent of parental rights, because of the gender identity of his former partner.”⁸⁰⁸

On 2 February 2010 *Time Magazine* reported that,

“In Russia, people “who have problems with their identity and sexual preferences,” as the military guidelines put it, are allowed to serve only during times of war.”⁸⁰⁹

However, also on 2 February 2010 a *BBC* news broadcast reported that in Russia

“there is still an awful lot of prejudice against the gay community here, but ironically the Russian army does allow gay men to enter the ranks, it needs as many people as possible because there is still conscription going on every year. But it would be pretty much impossible for anybody who was gay entering the Russian military to be open about it because the Russian military is a particularly brutal institution. It’s estimated that hundreds of new conscripts are killed every year as a result of abuse and bullying or hazing as its also known. So as I say, anybody who is gay entering the Russian army would have to keep very quiet about it.”⁸¹⁰

On 3 February 2010 *Reuters* reported that,

“Russia is one of the very few other countries in the world with a blurred line. In Russia, the policy holds that “well-adjusted homosexuals” are permitted to serve in a “normal capacity.” But those alleged to have “sexual identity problems” are to be drafted only during wartime.”⁸¹¹

3. Treatment of people with HIV and AIDS

[See also Section K. Further Human Rights Considerations; 5. Access to healthcare and education]

⁸⁰⁷ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, page 12, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁸⁰⁸ The Inter-Regional Social Movement “Russian LGBT Network, Shadow Report, Discrimination and violence against lesbian and bisexual women and transgender people in Russia, Submitted to the 46th CEDAW session, New York, USA, 13-30 July 2010, page 13, http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/LGBTNetwork_RussianFederation46.pdf, accessed 4 October 2010

⁸⁰⁹ *Time Magazine*, Brief history of gays in the military, 2 February 2010, <http://www.time.com/time/nation/article/0,8599,1958246,00.html>, accessed 4 October 2010

⁸¹⁰ CORI transcription; BBC, Contrasting attitudes to being gay in the military, 2 February 2010, <http://news.bbc.co.uk/1/hi/world/europe/8494621.stm>, accessed 4 October 2010

⁸¹¹ Reuters, Where gays do serve, openly, in the military, 3 February 2010, <http://blogs.reuters.com/global/2010/02/03/where-gays-do-serve-openly-in-the-military/>, accessed 4 October 2010

International HIV and AIDS charity, *Avert*, reports that men who have sex with men are,

“a relatively small proportion of total HIV cases in the region [Russia, Eastern Europe and Central Asia] in comparison to Western European and North American nations [] However, it is believed that the epidemic is thriving among this group but is being kept hidden and underreported due to a reluctance by MSM to reveal the cause of their infection for fear of stigmatisation.”⁸¹²

UNAIDS reports that,

“there are no state-funded HIV prevention programmes for MSM in Russia.

“Governments everywhere are reluctant to spend money on sex workers, on drug users, but MSM comes at the top of the reluctance list. It is probably the last programmes that the governments will start,” says Roman Gailevich, *UNAIDS* Regional Programme adviser.”⁸¹³

UNICEF reports that in Russia there is “pervasive stigma associated with the disease.”⁸¹⁴

French news source *Agence France Presse (AFP)* reports that “discrimination is still the norm rather than the exception for many people living with the condition.”⁸¹⁵ *AFP* stated that in Russia “many HIV-positive people hide their status from their peers and employers for fear of ostracism.”⁸¹⁶

AFP further report that people living with HIV face stigmatisation,

“fear and suspicion of people with the virus has been slow to change.

“Our society does not accept people living with HIV,” said Vladimir Mayanovsky, head of the All-Russian Union of People Living with HIV, a non-governmental organisation.

“Eighty percent of the people you might have been sitting and drinking tea with before, will turn away from you once you admit having the virus.”

“Many people still think the infection can be had through dirty dishes or mosquito bites, so of course people are afraid to live with an HIV-positive person,” he said.

It is common for HIV-positive Russians to be pressured into leaving small towns and villages if their status becomes public, according to *Doverie*, or *Trust*, a support group that runs a hotline in Moscow.”⁸¹⁷

AFP report an HIV positive woman who is married with two HIV negative children was not permitted by authorities to gain custody of her 10 year old brother who is living in an orphanage, the authorities cited her HIV positive status, as an incurable disease, as the reason for refusal.”⁸¹⁸

⁸¹² Avert, HIV and AIDS in Russia, Eastern Europe and Central Asia, undated, <http://www.avert.org/aids-russia.htm>, accessed 26 October 2010

⁸¹³ UNAIDS, Hidden HIV epidemic amongst MSM in Eastern Europe and Central Asia, 26 January 2009, http://www.unaids.org/en/KnowledgeCentre/Resources/FeatureStories/archive/2009/20090126_MSMUkraine.asp, accessed 4 October 2010

⁸¹⁴ UNICEF, Blame and banishment; The underground HIV epidemic affecting children in Easter Europe and Central Asia., 2010, Page 53, http://www.unicef.org/media/files/UNICEF_Blame_and_Banishment.pdf, accessed 4 October 2010

⁸¹⁵ Agence France Presse, Beauty queen's woes reflect HIV stigma in Russia, 29 November 2009, <http://www.google.com/hostednews/afp/article/ALeqM5iLi-4AGhJifO7y-twn2JjPaDt0Q>, accessed 4 October 2010

⁸¹⁶ Agence France Presse, Beauty queen's woes reflect HIV stigma in Russia, 29 November 2009, <http://www.google.com/hostednews/afp/article/ALeqM5iLi-4AGhJifO7y-twn2JjPaDt0Q>, accessed 4 October 2010

⁸¹⁷ Agence France Presse, Beauty queen's woes reflect HIV stigma in Russia, 29 November 2009, <http://www.google.com/hostednews/afp/article/ALeqM5iLi-4AGhJifO7y-twn2JjPaDt0Q>, accessed 4 October 2010

⁸¹⁸ Agence France Presse, Beauty queen's woes reflect HIV stigma in Russia, 29 November 2009, <http://www.google.com/hostednews/afp/article/ALeqM5iLi-4AGhJifO7y-twn2JjPaDt0Q>, accessed 4 October 2010

UNICEF reports that children born to HIV positive mothers are at risk of abandonment,

“Across Eastern Europe, children born to HIV-positive mothers have a much higher risk than others of being abandoned at or soon after birth. Their removal from their mother, their family and community is an expression of both the stigma surrounding the HIV disease and of the multiple hardships that overwhelm many disadvantaged women.”⁸¹⁹

Further *UNICEF* state that,

“In the Russian Federation and Ukraine, about 6 to 10 per cent of children born to HIV-positive mothers are abandoned in maternity wards, paediatric hospitals and residential institutions, with little opportunity for foster care, adoption or family reunification.^{16,18} While the relative proportion of children abandoned at birth by these mothers has been decreasing, the number of HIV-positive pregnancies has grown, creating a steady increase in the cumulative numbers of children abandoned to state care overall.”⁸²⁰

⁸¹⁹ UNICEF, *Blame and banishment; The underground HIV epidemic affecting children in Eastern Europe and Central Asia*, 2010, http://www.unicef.org/media/files/UNICEF_Blame_and_Banishment.pdf, accessed 4 October 2010

⁸²⁰ UNICEF, *Blame and banishment; The underground HIV epidemic affecting children in Eastern Europe and Central Asia*, 2010, Page 21, http://www.unicef.org/media/files/UNICEF_Blame_and_Banishment.pdf, accessed 4 October 2010

H. Freedom of Religion

1. Domestic legal framework

Article 29 of the Russian Constitution, adopted in 1993, states,

- “1. Everyone shall be guaranteed the freedom of ideas and speech.
2. The propaganda or agitation instigating social, racial, national or religious hatred and strife shall not be allowed. The propaganda of social, racial, national, religious or linguistic supremacy shall be banned.
3. No one may be forced to express his views and convictions or to reject them.”⁸²¹

The Russian constitution provides for freedom of religion, the equality of all religions before the law, and the separation of the church and the state.⁸²²

The preamble to Federal Law No. 125-FZ, adopted in 1997, On the Freedom of Conscience and Religious Associations states,

“affirming the right of each person to freedom of conscience and freedom of religious profession, as well as to equality before the law irrespective of religious affiliation and convictions;

assuming that the Russian federation is a secular state;

recognizing the special role of Orthodoxy in the history of Russia and in the establishment and development of its spirituality and culture;

respecting Christianity, Islam, Buddhism, Judaism, and other religions, constituting an integral part of the historical heritage of the peoples of Russia;

considering it important to cooperate in the achievement of mutual understanding, toleration, and respect in matters of freedom of conscience and freedom of religious profession”⁸²³

Article 3, section 2, of Federal Law No. 125-FZ On the Freedom of Conscience and Religious Associations states,

“The human and civil rights to freedom of conscience and freedom of religious profession may be restricted by federal law only to the extent necessary to protect the bases of the constitutional order, morality, health, rights, and legal interests of individuals and citizens and to secure the defense of the country and state security.”⁸²⁴

Article 1 of Federal Law No. 114-FZ On Counteracting Extremist Activity, adopted in 2002, states,

⁸²¹ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

⁸²² The Constitution of the Russian Federation, 1993, <http://www.constitution.ru/en/10003000-03.htm>, accessed 2 September 2010. US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010

⁸²³ Federal Law No. 125-FZ, adopted in 1997, On the Freedom of Conscience and Religious Associations, available from <http://www.religlaw.org/document.php?DocumentID=72>, accessed 27 August 2010

⁸²⁴ Federal Law No. 125-FZ, adopted in 1997, On the Freedom of Conscience and Religious Associations, available from <http://www.religlaw.org/document.php?DocumentID=72>, accessed 27 August 2010

“Extremist Organization—a social or religious organization, or other organization, in relation to which a court has issued a decision on the liquidation or prohibition of activities in connection with the commission of extremist activity, which has entered into force based on the foundations provided in the present Federal Law.”⁸²⁵

In its 2008 national report, submitted to the United Nations General Assembly the *Russian Federation* stated that,

“There are currently religious organizations of over 66 confessions registered and functioning in the country. The right to operate without hindrance applies not only to religious organizations registered according to the established procedure, but also to religious groups that have not registered with the Government.”⁸²⁶

The *USDOS* states in a 2009 report the following statistics from the Russian Ministry of Justice,

“According to a statement by a representative of the Ministry of Justice in May 2009, 23,078 religious organizations were registered as of January 1, 2009, 1,115 more than January 2008. In June 2008 these groups broke down as follows: Russian Orthodox (12,586), Muslim (3,815), Protestant (several denominations totaling 3,410), Jehovah's Witnesses (402), Jewish (286), Orthodox Old Believers (283), Roman Catholic (240), Buddhist (200), and other denominations. The majority of Russia's large economic immigrant population comes from Muslim countries in Central Asia and the Caucasus.”⁸²⁷

A report by *Freedom House* in January 2010 reports that religious freedoms are subject to restriction by the Russian authorities, and that certain groups face harassment:

“Freedom of religion is respected unevenly. A 1997 law on religion gives the state extensive control and makes it difficult for new or independent congregations to operate. Orthodox Christianity has a privileged position, and in 2009 the president authorized religious instruction in the public schools. Regional authorities continue to harass non-traditional groups, such as Jehovah's Witnesses and Mormons. In February 2009, the Justice Ministry empowered an Expert Religious Studies Council to investigate religious organizations for extremism and other possible offenses.”⁸²⁸

According to *Minority Rights Group (MRG)*, legislation passed in 1997 on religious practice grants protected status to the four founding religions recognized by the state, the Russian Orthodox Church, Buddhism, Islam and Judaism and there is in practice a privileged status accorded to the Russian Orthodox Church.⁸²⁹

The *USDOS* states that the Federal Registration Service and some officials prevent some religious minorities from registering or acquiring property: these minorities include the Church of Scientology and the Jehovah's Witnesses.⁸³⁰ The *USDOS* further reports that the restitution of religious property seized by the Communist regime as still problematic, especially for Muslim and Protestant groups.⁸³¹

⁸²⁵ Federal Law No. 114-FZ On Counteracting Extremist Activity, adopted in 2002, available from <http://www.religlaw.org/document.php?DocumentID=697>, accessed 28 August 2010

⁸²⁶ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

⁸²⁷ *USDOS*, International Religious Freedom Report 2009, 2009, <http://www.state.gov/g/drl/rls/irf/2009/127333.htm>, accessed 27 August 2010

⁸²⁸ *Freedom House*, “Freedom in the World - Russia (2010)”, January 2010, http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2010&country=7904&pf, accessed 5 September 2010

⁸²⁹ *Minority Rights Group (MINORITY RIGHTS GROUP)*, State of the World's Minorities and Indigenous Peoples 2010, Russia, 1 July 2010, <http://www.minorityrights.org/download.php?id=849>, accessed 25 September 2010

⁸³⁰ US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010

⁸³¹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

In March 2010 the *USDOS* reported on the status of religions in the Russian Federation stating,

“Religious groups are not required to register with the government for members to practice their faith, but all religious groups that want legal status (needed in order to open bank accounts, purchase property, or enter into contracts) must register. The law prevents religious groups that have existed in the country for less than 15 years from registering as legal organizations.”⁸³²

Reporting on the 1997 law ‘On the Freedom of Conscience and Religious Associations’, *The International Coalition for Religious Freedom*, a US-based NGO, states

“The law gives the government the right to determine whether or not a religious body complies with its own creed. If it is determined by official government experts that any church is not acting in accordance with its creed the government has the right to close the church.

The language of the bill states that “religious organizations may be liquidated” if they advocate home schooling, oppose military service, place limitations on medical treatment, preach “religious animosity,” or “represent a threat to the security of the state.”⁸³³

The May 2010 annual report of the *United States Commission on International Religious Freedom (USCIRF)* states that certain groups face difficulties in establishing a place in which to worship,

“Building or renting worship space remains difficult for a number of religious communities, including Jehovah’s Witnesses, the Church of Jesus Christ of Latter-day Saints (Mormons), Pentecostal congregations, Orthodox groups that do not recognize the Moscow Patriarchate, Molokans, and Old Believer communities.

Protestant, Catholic, Muslim and some Orthodox congregations also allege inordinate official interest in fire safety and other details in regard to their worship buildings, which may result in court-ordered fines, temporary closures or official demolition threats. In 2009 and 2010, Russian regional and local officials denied building permits or confiscated buildings already in use by religious communities.”⁸³⁴

The Norwegian NGO *Forum 18* stated in a June 2009 report that new powers enhanced the authorities’ capacities to investigate the conduct of religious groups,

“Orders signed by Russia’s Justice Minister Aleksandr Konovalov on 18 February and 3 March 2009 appointed 24 members – all but one new – to the Ministry’s Expert Council for Conducting State Religious-Studies Expert Analysis. They also greatly expanded the Council’s powers, allowing it to investigate the activity, doctrines, leadership decisions, literature and worship of any registered religious organisation and recommend action to the Ministry.”⁸³⁵

According to the April 2010 report of the *SOVA Center for Information and Analysis*, a Russian NGO, in Russia there continued an observable decline in religious freedom,

⁸³² US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁸³³ The International Coalition for Religious Freedom, Russia Country Profile, November 2009, http://religiousfreedom.com/index.php?option=com_content&view=article&id=237&Itemid=29NGO-ICRF-GENERAL-Russia.pdf, accessed 12 August 2010

⁸³⁴ USCIRF, USCIRF Eleventh Annual Report on Religious Freedom in the World, May 2010, pp.279-280, http://www.uscifr.gov/images/annual_report_2010.pdf, accessed 27 August 2010

⁸³⁵ Forum 18, RUSSIA- Widespread protests at new “Inquisition”, 2 June 2009, http://www.forum18.org/Archive.php?article_id=1303, accessed 27 August 2010

"The year 2009 was characterized by the same freedom of conscience problems as were the previous few years. []

We observed few, if any cases of inappropriate liquidation of religious organizations. But these positive developments do not mean that the overall situation is changing for the better, quite the contrary.

There are still many cases of discrimination against certain religious minorities."⁸³⁶

According to the report 'State of the World's Minorities and Indigenous Peoples 2010', published by the NGO *Minority Rights Group International* in July 2010, the government established a body to investigate the activities of religious organizations,

"In 2009, the Russian government established the Expert Religious Studies Council, which has been criticized for its over-broad mandate. The Council has among its powers the right to investigate religious groups at the time of registration and their written materials."⁸³⁷

According to the *USDOS* in 2009, restrictions were placed on certain minority groups practicing their faiths in Russia,

"Conditions remained largely the same for most religious groups, and government policy continued to contribute to the generally free practice of religion for most of the population. Some federal agencies, such as the Department of Non-Profit Organizations within the Ministry of Justice, and many local authorities continued to restrict the rights of a few religious minorities. Legal obstacles to registration under a complex 1997 law "On Freedom of Conscience and Associations" (the 1997 Law) continued to seriously disadvantage some religious groups viewed as non-traditional. There were indications that the security services, including the Federal Security Service (FSB), treated the leadership of some Islamic and non-traditional groups, including Jehovah's Witnesses, as security threats."⁸³⁸

The May 2010 annual report of the *USCIRF* notes a general decline in freedoms connected to religious worship, stating,

"Religious freedom conditions in Russia continue to deteriorate. In the past year, the government increased its use of anti-extremist legislation against religious groups that are not known to use or advocate violence. National and local government officials also harass religious groups they view as non-traditional and Muslims through enforcement of other laws.

Difficulties include: denials of registration; detention and harassment of members of religious communities; and delays and refusals to permit construction of or grant permits to rent places of worship. Russian officials continue to describe certain religious and other groups as alien to Russian culture and society, thereby contributing to a climate of intolerance.

Continued high levels of xenophobia and intolerance, including anti-Semitism, have resulted in violent and sometimes lethal hate crimes. Despite increased prosecution for violent hate crimes, the Russian government chronically has failed to address these serious problems consistently or effectively."⁸³⁹

⁸³⁶ SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

⁸³⁷ Minority Rights Group International, Peoples under Threat 2010, 2010, <http://www.minorityrights.org/9885/peoples-under-threat/peoples-under-threat-2010.html#countries>, accessed 8 September 2010

⁸³⁸ USDOS, International Religious Freedom Report 2009, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127333.htm>, accessed 27 August 2010

⁸³⁹ USCIRF, USCIRF Eleventh Annual Report on Religious Freedom in the World, May 2010, p.272, http://www.uscifr.gov/images/annual_report_2010.pdf, accessed 21 August 2010

A January 2010 *Associated Press* news article reports that increased state support of the Russian Orthodox Church is inhibiting the activities of smaller faith groups,

"In its annual report on religions freedoms, Moscow's independent Liberty of Conscience Institute expressed concern that growing state support for the Russian Orthodox Church is coming at the expense of minority denominations.

[]

Sergei Buryanov, who jointly chairs the institute, accused Russian authorities of using legislation designed to fight extremism to stifle dissent. Russia is witnessing "a large-scale and systematic persecution" of religious minorities that mainly targets Muslims, he said. Recent moves against the Jehovah's Witnesses in Russia has also alarmed religious-freedoms activists."⁸⁴⁰

In 2009, according to the *USDOS*, law enforcement agencies and state bodies were responsible for the harassment of minority religious groups,

"There were credible reports that individuals within the federal security services and other law enforcement agencies harassed minority religious groups, investigated them arbitrarily for purported criminal activity and violations of tax laws, and pressured landlords to renege on contracts with them."⁸⁴¹

In October 2009 the *UN Human Rights Committee* reported that minority religious groups face threats of intimidation and harassment, and that authorities fail to fully investigate victims' complaints concerning such attacks,

"The Committee expresses its concern at reports of an increasing number of hate crimes and racially motivated attacks against ethnic and religious minorities, as well as persistent manifestations of racism and xenophobia in the State party, including reports of racial profiling and harassment by law enforcement personnel targeting foreigners and members of minority groups. The Committee is also concerned about the failure on the part of the police and judicial authorities to investigate prosecute and punish hate crimes and racially motivated attacks against ethnic and religious minorities, often qualified merely as "hooliganism", with charges and sentences that are not commensurate with the gravity of the acts. (arts. 6,7, 20 and 26)."⁸⁴²

The May 2010 Annual Report of the *United States Commission on International Religious Freedom* states that respect for freedom of religion by the authorities differs widely across the country,

"Official respect for freedom of religion or belief varies widely over Russia's vast territory depending on the personal views of regional Ministry of Justice officials or even governors.

[]

Moreover, government respect for the legal rights of a religious community is often dependent on that group's relationship with individual state officials."⁸⁴³

The *Slavic Centre for Law and Justice*, a Russian NGO, reported in June 2010 that the state is increasingly involved in influencing debate over religious matters,

"Unfortunately, ideological clichés (such as suspiciousness towards the West and towards believers of other faiths, as well as the promotion of imagery of them being criminal and

⁸⁴⁰ San Francisco Chronicle, Russian activists/ Religious freedoms at risk, <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/01/30/MNBU1BN7F5.DTL>, accessed 27 August 2010

⁸⁴¹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁸⁴² UN Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant - Concluding observations of the Human Rights Committee - Russian Federation, 12-30 October 2009, p.5, available at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CCPR/C/RUS/CO/6&Lang=E>

⁸⁴³ USCIRF, USCIRF Eleventh Annual Report on Religious Freedom in the World, May 2010, p.273, http://www.uscifr.gov/images/annual_report_2010.pdf, accessed 21 August 2010

destructive "sects") still hold some meaning for the bureaucracy and are often broadcast in the mass media.

The growing number of problems and cases involving the direct discrimination of religious minorities on the part of the State is contradicted by a change in the social climate and the expansion of public discussion to include religion problems."⁸⁴⁴

a. Muslims

The *US Commission on International Religious Freedom* reported in May 2010 that those with particularly strong Islamic beliefs were subject to violence and intimidation,

"The post-Soviet revival of Islam, along with the ongoing violence throughout the North Caucasus, compound difficulties for the Russian government in dealing with its 20 million Muslims, the country's second largest religious community.

[]

Human rights groups report that, particularly in the North Caucasus, Muslims perceived as "overly observant" have been killed, disappeared, or arrested on vague official accusations of alleged Islamist extremism or for allegedly displaying Islamist sympathies, without any proven relationship to Islamist militancy.

There are also at least 200 cases of Muslims who have been imprisoned on the basis of evidence, including banned religious literature, drugs, or weapons, allegedly planted by the police. Persons suspected of involvement in alleged Islamist extremism have also reportedly been subjected to torture and ill-treatment in pre-trial detention, prisons, and labor camps."⁸⁴⁵

In May 2010 the *USCIRF* further reported on the frequency of attacks on Muslims,

"In 2009, according to a leading Russian human rights group, at least 71 people were killed and at least 33 injured in racist/Neo Nazi violence. [] Individuals from Central Asia and the Caucasus, who are predominantly Muslim, were the most frequent victims in xenophobic attacks."⁸⁴⁶

A report by *Sova Center for Information and Analysis*, a Russian NGO that monitors issues and incidents related to racism in the country, notes the difficulties of Muslim groups in obtaining permission to build places of worship,

"In 2009, as in previous years, many religious organizations faced difficulties relating to construction and use of religious buildings. Muslims faced such problems particularly often.

The local administration in Perm does not permit Muslims to build a cultural center, which includes a mosque. The bureaucrats insist on public hearings, despite the fact that the prosecutor's office has confirmed they are not necessary in this particular case."⁸⁴⁷

A July 2009 report by *Forum 18* notes the Russian Supreme Court ruling that outlaws a specific Islamic group, stating that the Ombudsman for Human Rights was critical of the decision,

⁸⁴⁴ Slavic Center for Law & Justice, Property Rights, 27 July 2010, http://www.sclj.org/press_releases/10-0727.htm , accessed 21 August 2010

⁸⁴⁵ USCIRF, USCIRF Eleventh Annual Report on Religious Freedom in the World, May 2010, p.273, http://www.uscifr.gov/images/annual_report_2010.pdf, accessed 21 August 2010

⁸⁴⁶ USCIRF, USCIRF Eleventh Annual Report on Religious Freedom in the World, May 2010, p.283, http://www.uscifr.gov/images/annual_report_2010.pdf, accessed 21 August 2010

⁸⁴⁷ SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

"Russia's Supreme Court banned "the international religious organisation Nurdzhular" as extremist on 10 April 2008.

[]

Russia's Ombudsman for Human Rights denounced the Moscow trial even before its verdict. "No form of opposition to citizens due to their choice of world view (religious or non-religious) is contained in the books and brochures, still less calls for religious hatred and intolerance," Vladimir

Lukin declared. "It is very important that we do not allow interference in the convictions and beliefs of millions of citizens on the poorly grounded, unproven pretext of fighting against extremism, as this really could provoke wide-scale violations of their right to freedom of belief."⁸⁴⁸

A November 2009 report by the NGO *The International Coalition for Religious Freedom* states that in Chechnya certain Muslim groups denied registration,

"Tensions arising from the Chechen conflict have brought numerous Muslim communities under scrutiny and organizations suspected of extremist or "Wahabi" leanings have been denied registration."⁸⁴⁹

According to the *USDOS* in 2009, a Moscow publisher was prosecuted for activities connected with the publication of Islamic texts,

"In March authorities charged Aslambek Ezhayev, the Moscow based publisher of *The Personality of a Muslim* by Arab theologian Muhammad Ali Al Hashimi Ezhayev, with copyright violations and use of harmful software. These charges replaced an earlier charge of inciting religious hatred. The trial began in Lyublino District Court in Moscow on March 24; Ezhayev was convicted on July 3 and fined 50,000 rubles (\$1,650) for unlawful use of computer software."⁸⁵⁰

A June 2010 *Forum 18* report states that Salafi Muslims are believed to advocate violence and have been linked to Wahhabism,

"In Dagestan Forum 18 found that Salafis - advocates of what they regard as a pure form of Islam as practised by the earliest Muslims - are informally referred to as Wahhabis regardless of whether they reject violence. Elsewhere in Russia, Wahhabism is usually understood as the belief in the legitimacy of violence in the pursuit of Islamic ideals."⁸⁵¹

According to a report by *Interfax* in August 2010, Russian President Medvedev requested that religious leaders in the North Caucasus counter extremist tendencies,

"Russian President Dmitry Medvedev has called on Muslim clergymen in the North Caucasus republic of Ingushetia to counter destructive religious ideas being spread from foreign countries. "It is of the utmost importance that Muslim clerics should work with ordinary people to ensure that various dubious ideas that frequently come from abroad lose their appeal," Medvedev said at a meeting with Ingush leader Yunus-bek Yevkurov on Tuesday."⁸⁵²

⁸⁴⁸ Forum 18, RUSSIA: Raids continue as doubts grow over Nursi ban, 16 July 2009, http://www.forum18.org/Archive.php?article_id=1328, accessed 18 August 2010

⁸⁴⁹ The International Coalition for Religious Freedom, Russia Country Profile, November 2009, http://religiousfreedom.com/index.php?option=com_content&view=article&id=237&Itemid=29NGO-ICRF-GENERAL-Russia.pdf, accessed 12 August 2010

⁸⁵⁰ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁸⁵¹ Forum 18, RUSSIA- Dagestan's controls on Islamic education, 2 June 2010, http://www.forum18.org/Archive.php?article_id=1453, accessed 19 August 2010

⁸⁵² Interfax, Medvedev urges Ingushetia's Muslim clerics to fight alien ideologies, 17 August 2010, <http://www.interfax-religion.com/?act=news&div=7594>, accessed 21 August 2010

A report by *Forum 18* in June 2010 notes particular restrictions in place in Dagestan that limit the religious activities of Muslims,

“Legal provisions in the Russian North Caucasus republic of Dagestan restricting religious education are a major element in the near monopoly on Muslim public life enjoyed by the Spiritual Directorate of Muslims of Dagestan, Forum 18 News Service has found.

[]

Ziyautdin Uvaisov, a Makhachala-based lawyer working with the Russian human rights organisation Memorial, described to Forum 18 on 15 April how those disagreeing with the Directorate's line who tried to study in its educational institutions usually ended up either leaving or being expelled.

The situation which culminated in the state authorities' alleged abduction of Sirazhudin Shafiyev began when the community of Derbent's Juma Mosque attempted to elect a non-Directorate imam.”⁸⁵³

A July 2009 *Moscow Times* report notes the recent increase in blood feuds in the North Caucasus,

“Blood feuds are on the rise again, and Islam is playing an increasingly central role in regulating social relations. Religion has become politicized from two sides. First, jihad remains a standard rallying cry for the Muslim opposition. Second, secular authorities frequently appeal to Islamic leaders, viewing them as convenient tools for maintaining their own authority.

Even traditional Islam has become politicized in the Caucasus, and in Chechnya the mosque serves as the center of political indoctrination for the republic's youth. Members of both the Wahhabi opposition and the Tariqah order advocate introducing Sharia into society.”⁸⁵⁴

An *Austrian Federal Ministry of the Interior* report in September 2009 also states that blood feuds have increased in frequency,

“Blood feud is on the rise and widespread. This is because the society as a whole in Chechnya is more and more based on traditional values and thinking. Nevertheless there are traditional “clan courts” who try to settle those issues. Almost everyone has a relative in Kadyrov's troops. That's why these troops take part in blood feud operations.”⁸⁵⁵

Commenting on the deaths of Muslim clerics in the North Caucasus in 2009, the *SOVA Center for Information and Analysis's* April 2010 report states,

“In 2009, a number of attacks and killings of Muslim religious leaders were reported in the North Caucasus, but, as in previous years, it is not clear whether religious hatred was the actual motive of the crimes.”⁸⁵⁶

An *Austrian Federal Ministry of the Interior* September 2009 report cites testimony given by *Human Rights Watch* in Moscow, and notes that Salafi Muslims are at risk of persecution for their beliefs,

“Salafi Muslims are as well in danger of harassment or persecution. In this context a Salafi preacher Mokhmad Saloros Denilovich Masaev was detained and tortured for preaching in

⁸⁵³ Forum 18: RUSSIA- Dagestan's controls on Islamic education, 2 June 2010, http://www.forum18.org/Archive.php?article_id=1453, accessed 29 August 2010

⁸⁵⁴ The Moscow Times, ISLAM-The Kremlin's Violent Underbelly, 29 July 2009, <http://www.themoscowtimes.com/opinion/article/the-kremlins-violent-underbelly/379916.html>, accessed 27 August 2010

⁸⁵⁵ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.25, http://www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

⁸⁵⁶ SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 26 April 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

Chechnya. Due to public pressure he was released. After recovering he returned back to Chechnya for preaching and is missing since then.”⁸⁵⁷

An August 2010 report by *Forum 18*, the Norwegian NGO, notes the FSB’s decision to drop a criminal case involving Ruslan Bulatov, a reader of Turkish theologian Nursi,

“Meanwhile, in Russia's North Caucasus republic of Dagestan, FSB investigators have dropped the criminal case against Nursi reader Ruslan Bulatov, the Caucasian Knot website reported on 19 August, quoting Bulatov's lawyer Murtuzali Barakayev.

However, the criminal case against fellow Nursi reader Ziyautdin Dapayev continues, Barakayev added.

Prosecutors launched an investigation in December 2009 into the activity of Bulatov and Dapayev under Article 282.2, Part 2 of the Criminal Code ("participation in a banned religious extremist organisation"), which carries a maximum penalty of two years' imprisonment. The investigation began as homes associated with Nursi readers in three Dagestani towns were subjected to armed raids.”⁸⁵⁸

Interfax reported Russian authorities investigating the establishment of an Islamic Sharia court in St. Petersburg in August 2010, stating,

“The prosecutor's office in Saint Petersburg has issued a warning to Jamaliddin Makhmutov, head of the Al Fatah religious organization, for establishing a Shariah court in the city.

[]

"The prosecutor's office of Admiralteysky district of St. Petersburg has issued a warning to Makhmutov about the impermissibility of breaking the law. An inspection of the operations of Al Fatah has been launched," a press release of the office says.”⁸⁵⁹

According to a *Forum 18* report in February 2010 the FSB conducted raids in Krasnoyarsk on individuals associated with the works of the banned Turkish theologian Nursi,

“Following simultaneous night raids on 20 homes by Russia's FSB security service in the Siberian city of Krasnoyarsk on 16-17 February, three readers of the late Turkish theologian Said Nursi were detained for some 36 hours, *Forum 18* News Service has learnt. They and a fourth reader could now face religious extremism charges carrying a maximum three-year jail term.

[]

Gerasimov and fellow Nursi readers Fizuli Askarov, Yevgeny Petry and Andrei Dedkov – who was not detained – are suspected of co-ordinating activity by "Nurdzhular". Nursi readers insist that this group does not exist but it was controversially banned as an extremist religious organisation by Russia's Supreme Court on 10 April 2008.”

Forum 18 reported in an August 2010 article on the conviction of a Nizhny Novgorod resident,

“After two months' pre-trial detention, Islamlı was given a suspended sentence on 18 August by a court in Nizhny Novgorod for publishing Nursi's works in Russian on a website he ran.

[]

⁸⁵⁷ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.25, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

⁸⁵⁸ *Forum 18*, RUSSIA: First criminal charges against Jehovah's Witnesses, Nursi reader sentenced, 26 August 2010, http://www.forum18.org/Archive.php?article_id=1480, accessed 29 August 2010

⁸⁵⁹ *Interfax*, St. Petersburg authorities issue warning to lawyer for establishing Shariah court, 20 August 2010, <http://www.interfax-religion.com/?act=news&div=7606>, accessed 29 August 2010

On 18 August, Ilham Islamli became the first Nursi reader in Russia to be convicted under the Criminal Code and punished under extremism-related charges when Nizhny Novgorod District Court found him guilty of violating Article 282, Part 1 ("hatred or enmity, as well as the humiliation of human dignity"). Judge Nikolai Novichikhin sentenced him to ten months' detention, suspended for one year, the court website stated. During this period, he will have to remain on record with the authorities and will not be able to change his place of residence without notifying them."

According to a *Forum 18* report published in July 2009, the Kazan authorities dismissed allegations of their involvement in the mistreatment of those connected with religious extremism,

"Irek Arslanov, who is responsible for relations with religious organisations at Kazan City Government, dismissed suggestions that torture and intimidation are practised by religious extremism investigators in Tatarstan. "Of course we don't have any such instances - violations by the courts, pressure on witnesses or anyone else," he told Forum 18 in Kazan on 24 June. "Everything is sufficiently civilised and reasonable – the investigative organs respond well and sort things out."⁸⁶⁰

In October 2009 *Radio Free Europe/Radio Liberty* reported on the sentencing of Hizb ut-Tahrir members on religious extremism charges,

"Tatarstan's Supreme Court has sentenced several members of the banned Hizb ut-Tahrir organization, RFE/RL's Tatar- Bashkir Service reports.

One Tajik citizen and six Russian citizens were handed prison terms of between four and eight years, while four citizens of Kazan were given sentences of between three and one-half and five years. One defendant was found mentally ill and sent to a psychiatric clinic.

Investigators said the group operated illegally in Tatarstan from 2004-2006. The men were found guilty of planning to overthrow the government and of establishing an extremist organization."⁸⁶¹

In testimony given before the US Congress in June 2009, a scholar from the *Carnegie Endowment for International Peace* states that certain Islamic practitioners are targeted for practicing a more radical form of Islam,

"What is evident is that not just in the North Caucasus, but throughout Russia, there are a number of trials going on and a number of trials that already were concluded where people standing trials are accused of not just following or adhering to Islam, but following or professing the wrong kind of Islam. []

It is accepted, or it is common, to refer to that form of wrong Islam as "Wahhabi Islam," regardless of the religious philosophy of each of these Islamic movements. And because of this fear that has its hold on Moscow and because of the views of Wahhabi Islam by the majority of Russian populace and the work of mass media, there is pretty much an equals sign between Wahhabi Islam and terrorism and fundamental radicalism."⁸⁶²

In August 2010 *The Moscow Times* reported that Chechen Mufti Sultan Mirzayev had ordered the closure of café's during Ramadan,

"Chechnya's spiritual leader has ordered that eateries shut down completely for the month of Ramadan, sparking outrage from activists and residents who say it violates federal law.

⁸⁶⁰ Forum 18, RUSSIA: Detained and tortured for faith, Tatar Muslims claim, 8 July 2010, http://www.forum18.org/Archive.php?article_id=1323, accessed 23 August 2010

⁸⁶¹ Radio Free Europe / Radio Liberty, Tatar Supreme Court Jails Hizb Ut-Tahrir Members, October 31, 2009, http://www.rferl.org/content/Tatar_Supreme_Court_Jails_Hizb_UtTahrir_Members_/1865955.html, accessed 30 August 2010

⁸⁶² Federal New Service, Dagestan: A New Flashpoint in Russia's North Caucasus, 16 June 2009, <http://carnegieendowment.org/files/06016%5Fbriefing%5Falexey%2Epdf>, accessed 23 August 2010

Against the backdrop of a spreading insurgency, many fear that growing interest in radical Islam could fuel separatism in the North Caucasus, where rebels are fighting to create a pan-Caucasus state governed by Islamic sharia law.”⁸⁶³

The *Moscow Times* further reports that despite the Mufti’s order having no legal weight it was likely to be followed,

“because Mirzayev is a respected spiritual leader. He said cafes refusing to comply “would be encouraged to close.” The cafe blackout highlights tension over efforts by Chechen President Ramzan Kadyrov to enforce Islamic rules that can violate the Russian Constitution. [] Minkail Ezhiyev, a rights activist and founder of the Chechen Civil Society Forum, said the Ramadan shutdown showed that Chechnya was functioning as a state separate from Russia, where the Constitution states that religion and state are separate.”⁸⁶⁴

In May 2010 the *Moscow Times* reported that “North Ossetia’s top Muslim leader has resigned after accusing Russian Orthodox priests of making money instead of teaching religion and saying he approved of armed jihad.”⁸⁶⁵

In August 2010 *Human Rights Watch* reported on the persecution of women in Chechnya for dressing in a manner deemed incorrect,

“In the first days of Ramadan, groups of men in traditional Islamic dress (loose pants and tunic) claiming to represent the republic’s Islamic High Council (muftiat) started approaching women in the center of Grozny, publicly shaming them for violating modesty laws and handing out leaflets with detailed description of appropriate Islamic dress for females. They instructed women to wear headscarves and to have their skirts well below the knees and sleeves well below the elbow.

[]

In June 2010, Human Rights Watch received credible reports of individuals, including law enforcement agents, pelting uncovered women on the streets with paintball guns. At least one of the women had to be hospitalized as a result.”⁸⁶⁶

An *Austrian Federal Ministry of the Interior* report in September 2009 cites Human Rights Watch testimony in Moscow, stating that in Chechnya women are increasingly oppressed,

“The situation of women is getting worse and worse. There is growing pressure on women to obey Islamic traditions such as wearing headscarfs or staying at home. On the other side there is no obligation to wear headscarfs in the street. Generally speaking there is a trend back to Islamic dress and values in Chechen society. There is a big pressure from the rural population who come to reside in Grozny.

HRW indicated several possible reasons for this evolution, such as frictions between urban and rural population (see *infra*), Kadyrov using traditional values for his own benefit and the fact that women have taken over some typical male functions during the war, a phenomenon some elements of society want to turn back.”⁸⁶⁷

⁸⁶³ The Moscow Times, All Chechen Cafes Ordered Shut During Ramadan, 20 August 2010, <http://www.themoscowtimes.com/news/article/all-chechen-cafes-ordered-shut-during-ramadan/413319.html>, accessed 4 April 2011

⁸⁶⁴ The Moscow Times, All Chechen Cafes Ordered Shut During Ramadan, 20 August 2010, <http://www.themoscowtimes.com/news/article/all-chechen-cafes-ordered-shut-during-ramadan/413319.html>, accessed 4 April 2011

⁸⁶⁵ The Moscow Times, Mufti quits after anti-orthodox remarks, 24 May 2010, <http://themoscowtimes.livejournal.com/tag/mufti>, accessed 4 April 2011

⁸⁶⁶ HRW, Russia: Stop Forced Dress Code for Women in Chechnya, 24 August 2010, <http://www.hrw.org/en/news/2010/08/24/russia-stop-forced-dress-code-women-chechnya>, accessed 1 September 2010

⁸⁶⁷ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.25, http://www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

In 2009, according to a *SOVA Center for Information and Analysis* report published in April 2010, women were directed not to wear Islamic headscarves in certain regions,

“In certain areas Muslim women were not allowed to wear a headscarf in educational establishments, such as secondary schools of the village of Batrak, Kamensky District, Penza Region, and the village of Shamhal-Station in Dagestan. Female students in Arsk Teachers College of Tatarstan complained that they were not allowed to wear the hijab.”⁸⁶⁸

In 2009, according to the *USDOS*, women in Chechnya were subject to a local ordinance that mandated the wearing of a headscarf. The report states,

“Chechen authorities continued to enforce President Ramzan Kadyrov’s 2006 decree prohibiting women entering government institutions without headscarves.”⁸⁶⁹

[See also Section E. Women and Girls; 3. Women/girls violating traditional norms or practices, particularly in Muslim communities]

b. Jehovah’s Witnesses

The *US Department of State* report issued in March 2010 on events of 2009 states that Jehovah’s Witnesses were targeted for their beliefs,

“The Jehovah’s Witnesses were a target for many actions by local and regional authorities during the year. Early in the year, the first deputy prosecutor general sent a letter to prosecutor’s offices across the country ordering wide-ranging investigations of all Jehovah’s Witnesses legal representatives and religious groups.

Subsequently, prosecutor’s offices, the Federal Security Service, and police summoned members of congregations and their legal representatives for questioning and visited kingdom halls and personal homes of Jehovah’s Witnesses.”⁸⁷⁰

The *USCIRF* reported on violent attacks motivated by religious intolerance, noting in May 2010 that,

“There were 42 documented violent attacks motivated by religious hatred on individuals from January 2009 until April 2010: 20 on Jehovah’s Witnesses [].”⁸⁷¹

In a report by the *SOVA Center for Information and Analysis* in April 2010 the organisation notes that Jehovah’s Witnesses were subject to particularly high levels of scrutiny,

“We refer in particular to unprecedented persecution of Jehovah’s Witnesses in 2009. []

Alongside government pressure, there were a growing number of attacks by private individuals. Charges of extremism were in fact based solely on the Witnesses’ declarations of the ultimate truth of their faith. Since the entry into force of a ban on one of their regional organizations and the listing of a few dozen of their publication titles in the federal list of banned extremist materials, the Jehovah’s Witnesses’ presence in Russia is under threat.”⁸⁷²

⁸⁶⁸ SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 26 April 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

⁸⁶⁹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁸⁷⁰ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁸⁷¹ USCIRF, USCIRF Eleventh Annual Report on Religious Freedom in the World, May 2010, p.281, http://www.uscifr.gov/images/annual_report_2010.pdf, accessed 21 August 2010

⁸⁷² SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 26 April 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

The *SOVA Center for Information and Analysis's* report of April 2010 further states that a campaign was directed at the Jehovah's Witnesses' activities,

"A large-scale campaign was waged against the Jehovah's Witnesses. In early 2009, their offices were subjected to literally hundreds of different checks and inspections, and it is clear from some of the documents obtained by the Witnesses from law enforcement officials that these checks had been initiated from the federal center at the level of the Prosecutor General or higher."

In May 2010 the *USCIRF* reported on the Russian authorities position toward the country's Jehovah's Witnesses,

"In December 2009, the Russian Supreme Court upheld a court decision liquidating the Jehovah's Witness congregation in the city of Taganrog, partly on the grounds that 34 of its texts are extremist. As a result of this decision, all of the congregation's property will be seized and the congregation will not be allowed to meet as a community.

In addition, in January 2009 a city court in Altai, in the Gorno-Altai republic, ruled 16 Jehovah's Witness publications extremist. Since these rulings, numerous members of the Jehovah's Witnesses community across Russia have been detained by police for up to several hours, usually without official documentation. []

In May 2009, authorities in the town of Ramon in the Voronezh region detained two Jehovah's Witnesses, allegedly on suspicion of involvement in local robberies. When the men denied the allegations, police reportedly forced one to confess by making him wear a gas mask to which they cut off the oxygen supply, subjecting him to electric shock, and threatening him with sexual assault."⁸⁷³

The *USCIRF* further reported additional incidents pertaining to the treatment of Jehovah's Witnesses,

"Jehovah's Witnesses view their recent official treatment unfortunately as reminiscent of the Soviet era. In February 2010, 160,000 members of this community distributed 12 million copies of a publication making this comparison and refuting official allegations that they are extremist.

In Nizhny Novgorod in late February 2010, two Jehovah's Witnesses, one a minor, were detained by police for distributing this leaflet. Although the father tried to enter the room in the police station where his son was detained, the son was first interrogated alone. When the boy refused to answer questions, he reportedly was told that documents confirming he had parents would be burnt and he would be sent to an orphanage."⁸⁷⁴

In 2009, according to the *USDOS*, the first deputy prosecutor general ordered prosecutor's offices to investigate the Jehovah's Witnesses legal representatives and religious groups,

"As a result of the prosecutor's directive, law enforcement, security service, and judicial officials have opened more than 500 recorded investigations of legal representatives and unregistered groups of Jehovah's Witnesses."⁸⁷⁵

A report by *Forum 18* in July 2009 also comments on the investigation ordered by the first deputy prosecutor general,

⁸⁷³ USCIRF, *USCIRF Eleventh Annual Report on Religious Freedom in the World*, May 2010, p.275, http://www.uscirtf.gov/images/annual_report_2010.pdf, accessed 21 August 2010

⁸⁷⁴ USCIRF, *USCIRF Eleventh Annual Report on Religious Freedom in the World*, May 2010, p.275, http://www.uscirtf.gov/images/annual_report_2010.pdf, accessed 21 August 2010

⁸⁷⁵ US Department of State, *2009 Country Report on Human Rights Practices: Russia*, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

"Russia's Human Rights Ombudsman has written to General Public Prosecutor Yuri Chaika criticising his Office's instructions as forming "a deliberately negative attitude towards the religious organisation of Jehovah's Witnesses" and encouraging inspectors "to go on a deliberate hunt aimed at finding grounds to repress or ban their activity."

Jehovah's Witnesses operate lawfully in Russia, adds Vladimir Lukin in his 16 April letter."⁸⁷⁶

Reporting in November 2009 on the application of the 1997 law 'On the Freedom of Conscience and Religious Associations ' in the trial of the Jehovah's Witnesses in Moscow, the *International Coalition for Religious Freedom* states,

"Prosecutors want the religion to be disbanded and banned in Russia, charging, among other things, that the Jehovah's Witnesses destroy families, foster hatred, and cause their members to commit suicide."⁸⁷⁷

In 2009 the *Slavic Centre for Law and Justice* reported a case brought against Jehovah's Witnesses by the prosecutor of the Kasnodar region, for publishing extremist literature,

"On March 11, 2009, the Prosecutor of the Krasnodar Region (Krai) filed a court case that affects the Jehovah Witness community. The authorities claimed that three issues of the Watch Tower magazine and a book called "Getting Nearer to Jehovah" should be labeled as extremist literature.

In an attempt to corroborate the claim, the Prosecutor's staff presented the court with research conducted by an expert from the Ministry of Interior of the Krasnodarsk Region and initiated by the local department of the FSB. The expert drew the conclusion that the examined Jehovah Witness' texts contained calls for violence and religious strife, in addition to an abasement of human dignity."⁸⁷⁸

In a July 2009 article *Forum 18* reports that the police and FSB security services raided a Jehovah's Witness Sunday service in the town of Asbest (Sverdlovsk Region),

"Querying whether the Jehovah's Witnesses had state permission to hold the service – not a legal requirement – they then copied passport details from most of the approximately 50 worshippers present. []

According to Tantsura, one worshipper, 37-year-old Aleksandra Mastyugina, suffered a miscarriage after police threatened her and others who protested their actions with referral to a detoxification unit, and an investigator summoned her for questioning on 31 May. Police sent another worshipper, 15-year-old Mikhail Zhilko, to a children's shelter for three weeks against his will, as his parents – also Jehovah's Witnesses - were not in Asbest at the time of the raid..."⁸⁷⁹

In July 2009 the NGO *Forum 18* further reported the attempts in various regions to ban the activities of the Jehovah's Witnesses,

⁸⁷⁶ Forum 18, RUSSIA: Jehovah's Witness lawyers deported for defending extremism cases? 23 July 2010, http://www.forum18.org/Archive.php?article_id=1331, accessed 19 August 2010

⁸⁷⁷ U SDOS, International Religious Freedom Report 2009, 26 October 2009, <http://www.state.gov/g/drl/rls/irf/2009/127333.htm>, accessed 27 August 2010

⁸⁷⁸ Slavic Centre for Law and Justice, Top Ten Violations of the Freedom of Religion in Russia, 2009, http://www.sclj.org/resources/09_1216-ViolationsofFreedomofReligion.htm, accessed 12 August 2010

⁸⁷⁹ Forum 18, RUSSIA: Jehovah's Witness lawyers deported for defending extremism cases?, 23 July 2010, http://www.forum18.org/Archive.php?article_id=1331, accessed 23 August 2010

"Seven local courts are now seeking to ban Jehovah's Witness literature as extremist, in Gorno-Altai (Altai Republic), Krasnodar, Rostov-on-Don, Salsk, Samara, Vladikavkaz and Yekaterinburg. In the two newest cases, Krasnodar and Samara, hearings began in April.

An eighth case sought to dissolve the Tolyatti (Samara Region) local Jehovah's Witness religious organisation for promoting conscientious objection and breaking up families, rather than religious extremism, according to 27 February and 2 April suits issued by Samara Regional Public Prosecutor's Office."⁸⁸⁰

A USDOS report issued in March 2010 covering events of 2009 notes that the Russian authorities made efforts to prevent the distribution of the Jehovah's Witnesses' materials,

"Authorities took a number of measures to discourage dissemination of literature by the Jehovah's Witnesses. On September 11, the Rostov-on-Don Regional Court ruled that 34 texts used by the Jehovah's Witnesses were extremist. The court also declared the church's congregation in Taganrog to be extremist and ordered its liquidation. The Jehovah's Witnesses appealed to the Supreme Court. On December 8, the Supreme Court in Moscow upheld the Rostov-on-Don decision."⁸⁸¹

Regarding the prohibition of texts (cited above) by the Rostov court, *Forum 18* states,

"Mass distribution, preparation or storage with the aim of mass distribution of titles banned as extremist may result in prosecution under Criminal Code Article 282 ("incitement of ethnic, racial or religious hatred"), whose penalties range from a fine to up to five years in prison.

However, the authorities may instead choose to prosecute under Article 20.29 of the Administrative Violations Code ("production and distribution of extremist material"), whose penalties range from a fine to up to 15 days' detention."⁸⁸²

Referring to the above quoted Rostov-on-Don court decision, a March 2010 report by the SOVA Center for Information and Analysis notes,

"The number of incidents in which Jehovah's Witnesses have been detained or attacked in Russia has been increasing dramatically ever since the regional court's ruling.

In particular, there were 100% more reported attacks on Jehovah's Witnesses in Russia in January and February of 2010 than there were in September and November of 2009. Similarly, there were 33% more reported detentions of Jehovah's Witnesses in Russia in February 2010 than in January of 2010."⁸⁸³

A January 2010 report by *Forum 18* states that Jehovah's Witness practitioners were detained in connection with preaching,

"In what is believed to be the first such instance in post- Soviet Russia of extended detention in connection with preaching, two Jehovah's Witnesses informally accused of distributing extremist literature in Bryansk Region were released on appeal yesterday evening (14 January), six days into a ten-day sentence for "petty hooliganism". "⁸⁸⁴

⁸⁸⁰ Forum 18, RUSSIA: Jehovah's Witness lawyers deported for defending extremism cases?, 23 July 2010, http://www.forum18.org/Archive.php?article_id=1331, accessed 23 August 2010

⁸⁸¹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁸⁸² Forum 18, RUSSIA: Illegal religious literature seizures, 5 March 2010, http://www.forum18.org/Archive.php?article_id=1417, accessed 12 August 2010

⁸⁸³ SOVA Center, Attacks on Jehovah's Witnesses from September to November 2009, 22 March 2010, <http://www.sova-center.ru/en/religion/news-releases/2010/03/d18267/>, accessed 23 August 2010

⁸⁸⁴ Forum 18, Russia: Supreme Court ban on Jehovah's Witnesses begins to bite, 15 January 2010, http://www.forum18.org/Archive.php?article_id=1395, accessed 23 August 2010

According to a report released by *Forum 18* in March 2010 the homes of Jehovah's Witnesses have been subject to police searches,

"In what appears to be the first police sweep on Jehovah's Witness homes in post-Soviet Russia, three flats in the town of Tambov south-east of Moscow were raided on the morning of 17 March, Forum 18 News Service has learnt. At one, the six-hour search prevented the children – one of them an 8- year-old girl – from going to school, Jehovah's Witness press secretary Grigory Martynov told Forum 18 from St Petersburg on 19 March.

[]

Investigator Igor Avdeyev, who is leading the investigation and initiated the search warrants, confirmed to Forum 18 from Tambov on 22 March that he has opened a criminal case under Article 282 Part 1 (incitement to hatred or hostility or denigration of an individual's human worth on the basis of religious affiliation), which carries a maximum two-year prison term.

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Avdeyev was quoted by Russian media websites on 17 March as maintaining that some 100 people had distributed banned Jehovah's Witness literature and would be interrogated in the near future."⁸⁸⁵

In August 2010 *Forum 18* reported on the conviction of Aleksei Fedorin, a Jehovah's Witness, for distributing extremist material,

"Fedorin, a Jehovah's Witness for 50 years, was fined 1,000 Roubles (99 Norwegian Kroner, 13 Euros, or 17 US Dollars) on 28 July, for the offence of "production and distribution of extremist materials" under Article 20.29 of the Administrative Violations Code, by Judge Viktoria Samokhina of Tselina District Court."⁸⁸⁶

According to a report by *Forum 18* in August 2010, Jehovah's Witnesses have been subject to searches and have been issued summonses for questioning in the Mari-El Republic,

"On 10 August, soon after early evening worship attended by 90 Jehovah's Witnesses – including Kalinin - began at a congregation member's private house in Yoshkar-Ola, some 30 law enforcement agents – including FSB and Special Forces [Spetsnaz] - arrived. According to the Jehovah's Witnesses, one mounted the pastors' podium and interrupted the service.

All present were then searched; some had personal items - including mobile phones – confiscated, others were issued summonses for questioning. No one was permitted to leave the building until 7am; when one woman felt ill, an ambulance was called but the law enforcement agents refused to allow paramedics to enter. At five believers' homes in Yoshkar-Ola, literature was seized during similar raids lasting until 4am that night.

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Following 10 August raids on private homes and a Jehovah's Witness worship service – at which he was present – Maksim Kalinin was formally declared a suspect in a case opened against him under Criminal Code Article 282.2 ("organisation of activity by an extremist organisation") by Anton Vitsyuk, an investigator at Mari El Republic Public Prosecutor's Office.

While Kalinin was initially obliged to pledge not to leave the republican capital Yoshkar-Ola, this condition was lifted after ten days when no charges were brought against him, Martynov told Forum 18 on 23 August. Kalinin continues to be a suspect, however, and must remain available for questioning."⁸⁸⁷

⁸⁸⁵ Forum 18, RUSSIA: Raids, literature confiscations and criminal case in Tambov, 22 March 2010, http://www.forum18.org/Archive.php?article_id=1424, accessed 24 August 2010

⁸⁸⁶ Forum 18, RUSSIA: Jehovah's Witness war veteran prosecuted for extremism, 4 August 2010, http://www.forum18.org/Archive.php?article_id=1475, accessed 28 August 2010

⁸⁸⁷ Forum 18, RUSSIA: First criminal charges against Jehovah's Witnesses, Nursi reader sentenced, 26 August 2010, http://www.forum18.org/Archive.php?article_id=1480, accessed 4 October 2010

In September 2010 *Forum 18* reported on several instances of the Russian authorities restricting Jehovah's Witnesses in their accessing places of worship in central Siberia, the North Caucasus and Tula,

"Arriving for the three-day event at their Kingdom Hall in Nezlobnaya (Stavropol Region) on the morning of 23 July, some 2,000 Jehovah's Witnesses found police cars blocking entry to the building. Although the Hall had hosted a number of similarly large services in previous weeks, according to the Jehovah's Witnesses, the police attributed their action to the "criminal situation" in the North Caucasus republics from where many of the Witnesses had come."

[]

In nearby Nevinnomyssk, the municipal administration issued an order on 17 July 2009, seen by *Forum 18*, specifically banning worship services by Jehovah's Witnesses in the town on particular dates in July and August of that year. Going ahead with their 18-19 July congress anyway, the Jehovah's Witnesses managed to outwit police attempts to block entry to their Kingdom Hall [].

[]

Disruption of this year's Jehovah's Witness congresses continued in mid-August, with events blocked in Bratsk and Tula, and disrupted in Irkutsk. "Everywhere the pattern's the same," Martynov of the Jehovah's Witnesses remarked to *Forum 18*. "The police seal the building saying they're looking for a suspicious item. When nothing is found, it doesn't matter – the main point is to disrupt the congress."

In Bratsk, Tula and elsewhere, counterextremism police have told local Jehovah's Witnesses informally that they were blocking the congresses because they had information that "extremist" literature would be distributed at them, Martynov told *Forum 18*.⁸⁸⁸

According to a September 2010 report by *Forum 18*, websites containing information on Jehovah's Witnesses have been blocked following a court order issued in the town of Komsomolsk-na-Amure,

"On 30 July, the internet service provider Technodesign in Komsomolsk-na-Amure blocked its customers' access to the official Jehovah's Witness international website www.watchtower.org, which contains information and publications in English, Russian and many other languages, according to an announcement on its website td-net.ru.

[]

The company was following the requirements of a 4 June ruling by Judge Yelena Buzynovskaya of Komsomolsk's Central District Court which came into force on 16 July."⁸⁸⁹

c. Minority religious groups

In 2009, according to the *USDOS*, there were reports of hostile attitudes towards Jews, Muslims, Scientologists, Jehovah's Witnesses and the Church of the Latter-day Saints in some regions,

"Popular attitudes toward traditionally Muslim ethnic groups remained negative in many regions, and there were manifestations of anti-Semitism as well as societal hostility toward adherents of more recently established religions, such as the Church of Jesus Christ of Latter-day Saints, Jehovah's Witnesses, and Scientology."⁸⁹⁰

In a commentary on state authority action toward religious groups in 2009 the *SOVA Center for Information and Analysis* notes,

⁸⁸⁸ *Forum 18*, RUSSIA: Congresses disrupted, website blocked, 7 September 2010 http://www.forum18.org/Archive.php?article_id=1485, accessed 25 August 2010

⁸⁸⁹ *Forum 18*, RUSSIA: Congresses disrupted, website blocked, 7 September 2010 http://www.forum18.org/Archive.php?article_id=1485, accessed 25 August 2010

⁸⁹⁰ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

“Some other religious groups, in particular the Scientologists, Falun Gong and also certain Muslim and Protestant groups, were subjected to less visible, but increasing pressure of various kinds. In many cases, they were accused of extremism without any legal justification.”⁸⁹¹

In 2009, according to the *United States Commission on International Religious Freedom*, Protestants were subject to negative attitudes in the media,

“Protestant groups in Russia are frequent victims of hostile media attacks. Russian human rights groups report that journalists often seek guidance from the Russian Orthodox Church when researching articles about Protestants and the media tend to portray Protestants as dangerous “sectarians”.”⁸⁹²

According to the *USDOS* in 2009, some minority religious groups benefited from an improvement in their general position within society,

“Conditions improved for some minority religious groups, such as the Church of Jesus Christ of Latter-day Saints (Mormons) and the Lutheran Church, while remaining largely the same for most.”⁸⁹³

The *USDOS* further reported that in 2009, “Instances of harassment of persons of the evangelical and Pentecostal faiths reportedly decreased during the year.”⁸⁹⁴

An April 2010 report by the *SOVA Center for Information and Analysis* outlines cases in 2009 where courts overturned previous rulings that religious groups be closed down,

“Leninsky District Court in Yekaterinburg quashed the decision of the Federal Tax Service in Sverdlovsk Region to revoke the registration of the Seventh Day Adventist Church in Krasnoturyinsk. The organization was liquidated in 2007, but did not receive a notice of liquidation until 2008. Now the community can restore their registration.

In addition, courts refused to liquidate the Ufa Center of Dianetics and Scientology (prosecutors had accused the center of selling vitamins illegally) and the Light of the World Church in Samara (accused of educational activities without a license).”⁸⁹⁵

d. Scientology

In its report on the events of 2009, the *USDOS* notes the European Court of Human Rights ruling with regard to the legality of proscribing the Church of Scientology,

“While a 1997 Supreme Court ruling grandfathered religious organizations that had registered before the law took effect, the Church of Scientology had only one local organization (in Moscow) that was legally entitled to reregister.

However, the Moscow church remained unregistered while authorities appealed a 2007 ECHR ruling that their refusal to register it violated article 9 of the European Convention on Human Rights. On October 1, the ECHR ruled that the country’s prohibition of the Church

⁸⁹¹ □ SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 26 April 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

⁸⁹² USCIRF, USCIRF Eleventh Annual Report on Religious Freedom in the World, May 2010, p.282, http://www.uscifr.gov/images/annual_report_2010.pdf, accessed 21 August 2010

⁸⁹³ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁸⁹⁴ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁸⁹⁵ SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 26 April 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

of Scientology had violated the European Convention on Human Rights and awarded 5,000 euros (\$7,170) to each of the two Scientology groups (in Surgut and in Nizhnekamsk) that had originally applied to the ECHR, as well as 10,000 euros (\$14,300) to the two groups jointly for legal costs.”⁸⁹⁶

A report by *SOVA Center for Information and Analysis* in April 2010 notes that Scientologists were subject to particular difficulties in Russia,

“As in previous years, Scientologists faced a particularly difficult situation. [] In April, Oktyabrsky District Court in Rostov-on-Don liquidated the Mission of Dianetics and Scientology for teaching Ron Hubbard's ideas in general schools.

[]

The Dianetics Humanitarian Center in Naberezhnye Chelny was also closed for providing educational services without a license.

[]

A Dianetics Humanitarian Center was liquidated in Barnaul. Industrial District Court found a violation in their "religious activities aimed at dissemination and teaching of Scientology," i.e. the nongovernmental association was dissolved for their religious preaching. The prosecutor's office warned the Hubbard Humanitarian Center in Omsk telling them to stop their activity which was allegedly dangerous to the public - namely, teaching their students the methods of Scientology. The authorities opened a criminal case under Art. 238(1) of the Criminal Code ("Provision of services that do not meet the requirements of safety and health of consumers").”⁸⁹⁷

The April 2010 report by the *SOVA Center for Information and Analysis* provides further detail on the Russian authorities' investigation of Scientologists,

“... law enforcement officers wearing masks broke into the Hubbard Humanitarian Center office in Moscow and searched it. The search warrant was served to the Center later; it mentioned a criminal investigation against the Centre, but failed to indicate the relevant article of the Criminal Code.”⁸⁹⁸

e. Christian denominations

The *SOVA Center for Information and Analysis's* annual report, published in April 2010 on the events of 2009, states that attempts were made in Novorossiysk to evict a Lutheran church from its place of worship:

“In Krasnodar Krai, the administration of Novorossiysk attempted to evict the Lutheran community from their church by terminating the lease contract citing "inefficient use" of the religious building. However, in December, the Office for Protection, Restoration and Maintenance of Historical and Cultural Treasures (Heritage) in Krasnodar Krai dropped their claim.”⁸⁹⁹

According to a May 2010 report by the *United States Commission on International Religious Freedom*, another Lutheran church in the city of Kaluga was the subject of a police investigation,

“In February 2010, armed police in the city of Kaluga, acting on a tip about a “sect” using “extremist” literature, raided a Lutheran ordination service attended by Archbishop Iosif

⁸⁹⁶ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁸⁹⁷ SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 26 April 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

⁸⁹⁸ SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 26 April 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

⁸⁹⁹ SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 26 April 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

Baron of the Augsburg Lutheran Church. During the one-hour search, copies of the Bible and hymnals were the only texts discovered; nevertheless, the church's pastor was summoned to the local police station."⁹⁰⁰

In April 2010 the *SOVA Center for Information and Analysis* reported that Baptists were detained in Kaliningrad,

"Baptist preachers were detained in Kaliningrad on two occasions. In July, following their arrest, members of the Baptist community were called to the prosecutor's office and told that they could not engage in religious activities in Kaliningrad Region without official registration (the community belongs to the Baptist Council of Churches that refuses to register as a matter of principle).

In September, two Baptists were arrested for singing psalms in the streets. Police said they were not permitted to hold a public meeting. During their detention, a police officer said, "You have your laws, but we have our instructions" and accused the detainees of extremism. Allegedly for breaking the rules of public rallies (art. 20.2, part 1 of the Administrative Code), the detainees were fined 2,200 rubles."⁹⁰¹

According to the *United States Commission on International Religious Freedom*, "In the Ryazan region, police raided an unregistered Baptist 2009 summer youth camp and charged them with ecological violations."⁹⁰²

In 2009, according to a *SOVA Center for Information and Analysis* report, "There were two unsuccessful attempts to set fire to a Baptist prayer house in Vladivostok."⁹⁰³

According to a 2010 report issued by the *USDOS*, Baptists in Lipetsk were subject to accusations of tax violations and encountered difficulties in connection with their places of worship,

"During 2008 two Baptist congregations in the regional center of Lipetsk lost their legal status and a third lost its rented prayer house. In the first two cases, authorities removed their status for alleged tax violations.

In the case of the prayer house, the Orthodox diocese of Lipetsk filed a suit for control of the building, and local authorities offered a building in need of substantial repair as compensation."⁹⁰⁴

The April 2010 report by the *SOVA Center for Information and Analysis* also comments on the issues experienced by the Baptist community in Lipetsk,

"Throughout 2009, a longstanding conflict continued over the Holy Trinity Church in Lipetsk used by the Baptists since 1988. In 2007 the local government handed the church over to an Orthodox parish. []

On 3 February 2010, proceedings before the Arbitration Court of Lipetsk ended in a settlement between the Baptists and the Orthodox."⁹⁰⁵

⁹⁰⁰ USCIRF, USCIRF Eleventh Annual Report on Religious Freedom in the World, May 2010, p.276, http://www.uscirtf.gov/images/annual_report_2010.pdf, accessed 21 August 2010

⁹⁰¹ SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 26 April 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

⁹⁰² USCIRF, USCIRF Eleventh Annual Report on Religious Freedom in the World, May 2010, p.280, http://www.uscirtf.gov/images/annual_report_2010.pdf, accessed 21 August 2010

⁹⁰³ SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 26 April 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

⁹⁰⁴ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁹⁰⁵ SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 26 April 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

An August 2010 report by *Forum 18* notes the authorities conducted a raid on a Baptist congregation:

“On 18 April, about 12 state officials including an FSB security service officer, Emergency Situations Ministry personnel and others in civilian clothes raided the Sunday morning worship service of the Council of Churches Baptist congregation in Elektrostal (Moscow Region). The unregistered church meets in a private home.

The officials immediately called for the service to be halted and for all those present to show their identity documents.”⁹⁰⁶

The *SOVA Center for Information and Analysis* report issued in April 2010 notes the refusal of authorities to grant a building permit to an evangelical Christian group,

“In December 2009, the Izhevsk Administration refused to issue a permit for construction of the Faith Working Through Love Evangelical Christian church, even though the construction was started back in 2002 after all required paperwork had been filed and the project had been approved at a public hearing, and the foundation and basement were already built.”⁹⁰⁷

An April 2010 *SOVA Center for Information and Analysis* reports on the expropriation of religious buildings used by the Russian Orthodox Autonomous Church,

“It is fairly rare that houses of worship are taken away from religious groups. All the more surprising were the seizures of temples from the Russian Orthodox Autonomous Church (ROAC).

In 2009, proceedings initiated by the Federal Property Management Agency (Rosimuschestvo) ended in seizures of ROAC's churches in Suzdal. On 5 February, the Arbitration Court of Vladimir Region ordered confiscation of 13 temples, including Tsarekonstantinovsky Cathedral, in favor of the State.”

In Samara in 2009, *SOVA Center for Information and Analysis* reports that a protestant group was required to leave a property by court order, “In July, the Arbitration Court of Samara Region ordered the Christ to the People Protestant Charitable Mission to vacate the premises of the former Vympel cinema theater in Samara.”⁹⁰⁸

f. Jews

In 2009, the *USDOS* reports,

“An estimated 250,000 Jews lived in the country, constituting less than 0.25 percent of the population, according to government sources and various Jewish groups. Some researchers believed that the number was underreported due to the hesitation of some Jews to publicly identify their background.”⁹⁰⁹

A June 2010 article in *The St. Petersburg Times* notes an increase in activity amongst Jewish groups in Russia:

⁹⁰⁶ Forum 18, RUSSIA: Baptist and Jehovah's Witness worship services raided, 2 August 2010, http://www.forum18.org/Archive.php?article_id=1473, accessed 18 August 2010

⁹⁰⁷ SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 26 April 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

⁹⁰⁸ SOVA Center, Restrictions and Challenges Related to Freedom of Conscience in Russia in 2009, 26 April 2010, <http://www.sova-center.ru/en/religion/publications/2010/04/d18593/>, accessed 27 August 2010

⁹⁰⁹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

"An independent and institutionalized Jewish community now exists in Russia — the Federation of Russian Jewish Communities — and is actively supported by the government."

[]

There are more than 500 Jewish communities in Russia, and new local community groups are constantly being formed."⁹¹⁰

In May 2010 the *United States Commission on International Religious Freedom* reported that the Russian authorities' response to attacks against Jews was at times deficient,

"Russian officials also respond inconsistently—and often inadequately—to violent attacks associated with anti-Semitism. In December 2009, two Jews were subjected to a violent attack outside a Moscow yeshiva and a young Jewish man was assaulted by a neo-Nazi who shouted "Heil" in the Moscow subway."⁹¹¹

According to the *USDOS*, there has been a decrease in violent attacks against Jews in recent years continued, however they report that abuse still occurred.⁹¹² The *USDOS* noted the following incidents in 2009,

"On March 9, two young men dressed as neo-Nazis attacked two students in Moscow. One of the students was the son of a Jewish Agency employee. The attack coincided with the celebration of the Jewish holiday Purim.

[]

In March a court convicted a resident of Omsk of spreading "a deliberately false alarm" concerning an act of terrorism for putting a fake bomb in front of a synagogue in November 2008. The sentence was suspended. Authorities did not charge him with a hate crime.

[]

On July 16, a rock was thrown through the window of the Syktyvar Jewish community center in the Komi Republic; on July 12, in Ryazan, unknown vandals painted swastikas on the doors of a Jewish community center; on September 12, four skinhead youths were arrested for throwing two Molotov cocktails at a synagogue in Khabarovsk. []

On September 13, skinheads in Khabarovsk threw Molotov cocktails into a synagogue and into the house of a policeman who had been investigating cases of extremism."⁹¹³

The *USDOS* further noted the following attacks against Jews and Jewish religious facilities,

"There continued to be reports across the country of vandals desecrating Jewish synagogues and cemeteries and defacing Jewish religious and cultural facilities, sometimes combined with threats to the Jewish community. Anti-Semitic graffiti and leaflets appeared frequently in many regions."⁹¹⁴

A March 2010 report from the *USDOS* states that a Russian ministry published a document connecting Judaism with Satanism,

"According to a January 21 report by the AEN news service, a brochure written by Evgeny Gerasimenko and published by the Ministry of Internal Affairs's Institute for Raising Qualifications, connected Judaism to Satanism.

⁹¹⁰ The St. Petersburg Times, Rabbis Gather in City for First Congress, 25 June 2010, http://www.sptimes.ru/index.php?story_id=31777&action_id=2, accessed 25 August 2010

⁹¹¹ USCIRF, USCIRF Eleventh Annual Report on Religious Freedom in the World, May 2010, p.282, http://www.uscifr.gov/images/annual_report_2010.pdf, accessed 21 August 2010

⁹¹² US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁹¹³ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁹¹⁴ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

The brochure, *Extremism: Understanding Socioeconomic, Political, and Historical Roots and Trends*, was distributed at a meeting of police officials charged with combating extremism and terrorism. The brochure described Satanism and Chasidism as both arising from Judaism and "specifically its secretive, cruel, and kabalistic sects."⁹¹⁵

According to a May 2010 *Interfax* report various anti-Semitic activities took place in the city of Ulyanovsk,

"One of the recent manifestations of organized fascism in Ulyanovsk was the appearance of the words "Jews Must Die" and swastika in several districts of the city on April 20," the FJCR said in a statement sent to www.interfax-religion.ru on Monday.

At a rally devoted to May 1 organized by the Communist Party, "anti-Semitic leaflets were openly distributed and unknown individuals raided the Ulyanovsk Jewish Community Center building on May 9," the document says.

On May 10, the Jewish Community Center was attacked again by a group of people, who threw stones at its windows, the FJCR said in its statement. The Anti-Extremism Center of the Ulyanovsk region's Interior Affairs Department is currently investigating these incidents."⁹¹⁶

⁹¹⁵ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

⁹¹⁶ Interfax, FJCR concerned about increase in anti-Semitism in Ulyanovsk, 24 May 2010, <http://www.interfax-religion.com/?act=news&filter=nPQP1J1&page=12>, accessed 28 August 2010

I. Ethnicity

1. Domestic legal framework

Article 19 (2) of the 1993 Constitution of Russia states,

“The State shall guarantee the equality of rights and freedoms of man and citizen, regardless of sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, membership of public associations, and also of other circumstances. All forms of limitations of human rights on social, racial, national, linguistic or religious grounds shall be banned.”⁹¹⁷

Article 26 states,

“1. Everyone shall have the right to determine and indicate his nationality. No one may be forced to determine and indicate his or her nationality.

2. Everyone shall have the right to use his or her native language, to a free choice of the language of communication, upbringing, education and creative work.”⁹¹⁸

Article 29 (2) states,

“The propaganda or agitation instigating social, racial, national or religious hatred and strife shall not be allowed. The propaganda of social, racial, national, religious or linguistic supremacy shall be banned.”⁹¹⁹

According to the *United Nations Human Rights Committee*, “members of certain ethnic groups from varying regions, in particular individuals from Central Asia and the Caucasus, face problems acquiring citizenship due to complex legislation governing naturalization and obstacles posed by strict residence registration requirements.”⁹²⁰

The 2008 *Russian Federation* national report, submitted to the United Nations General Assembly states that,

“[] Under the Criminal Code, the fact that a crime is motivated by racial, ethnic or religious hatred or enmity is an aggravating circumstance attracting a harsher sentence.”⁹²¹

According to the *UN Committee on the Elimination of Racial Discrimination*, amendments were made to the Russian Criminal Code in 2007 qualified certain criminal offences “as offences for which the motive of ethnic, racial or religious hatred or enmity is an aggravating circumstance, including homicide (art. 105), bodily harm (art. 111, 112 and 115), threat of murder or infliction of grave injury to health (art. 119), involvement of minors in crime (art. 150), hooliganism (art. 213), vandalism (art. 214) and desecration of moral remains or places of burial (art. 244).”⁹²²

⁹¹⁷ The Constitution of the Russian Federation, 1993, <http://www.constitution.ru/en/10003000-03.htm>, accessed 2 September 2010

⁹¹⁸ The Constitution of the Russian Federation, 1993, <http://www.constitution.ru/en/10003000-03.htm>, accessed 2 September 2010

⁹¹⁹ The Constitution of the Russian Federation, 1993, <http://www.constitution.ru/en/10003000-03.htm>, accessed 2 September 2010

⁹²⁰ UN Human Rights Committee, Concluding observations, Russian Federation (CCPR/C/RUS/CO/6), 24 November 2009, <http://www2.ohchr.org/english/bodies/hrc/docs/co/CCPR.C.RUS.CO.6.pdf>, accessed 20 September 2009

⁹²¹ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008,

http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

⁹²² UN Committee on the Elimination of Racial Discrimination, Concluding observations, Russia (CERD/C/RUS/CO/19), 22 September 2008, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/441/78/PDF/G0844178.pdf?OpenElement>, accessed 25 September 2010

According to the *Minority Rights Group*, the 2002 Law on Extremism, amended in July 2006, allows for the criminalization of a wide spectrum of speech and activities, *Minority Rights Group* further state that, it also risks encouraging racial and religious discrimination.⁹²³

According to the *UN Human Rights Committee*, extremism laws are reportedly used by the Russian authorities to target organizations and individuals critical of the government; the Committee states that the definition of “extremist activity” in the Federal Law on Combating Extremist Activity remains vague and that a 2006 amendment to the law classifying certain acts of defamation of public officials as extremist, and that the definition of “social groups” in article 148 of the Criminal Code has been interpreted loosely by the courts to include state organs or public officials.⁹²⁴

The Russian authorities also established a Federal List of Extremist Materials, which according to the *SOVA Center for Information and Analysis* had 621 items in 2010, and included in 2010 77 new Neo-Nazi items, 51 Jehovah’s Witnesses materials, and 11 from North Caucasus separatists.⁹²⁵ The *SOVA Center for Information and Analysis* reports that the Federal List of Extremist Materials was the principle instrument of “inappropriate anti-extremist persecution” in 2010,⁹²⁶

“In 2010, inappropriate enforcement of anti-extremist legislation developed along the lines frequently discussed in our past reports. Those were: limiting freedom of conscience, persecution of community activists and political opposition, pressure on the media, and the imitation of anti-extremist activity by persecuting the behavior, which, while formally meeting the definition of “extremist activity”, present no public danger.”⁹²⁷

Minority Rights Group also reports that the 2009 National Security Concept of the Russian Federation states that “ensuring national security includes countering extremist activity by nationalist, religious, ethnic and other organizations and structures directed at disrupting the Russian Federation’s unity and territorial integrity and destabilizing the domestic political and social situation in the country.”⁹²⁸

The *UN Human Rights Committee* also states that some laws and official practices impact negatively on indigenous people in the Russian Federation

“While welcoming decree No. 132 of 4 February 2009 on the sustainable development of indigenous peoples in the North, Siberia and the Far East, and the corresponding action plan for 2009-2011, the Committee expresses concern about the alleged adverse impact upon indigenous peoples of: (a) the 2004 amendment to article 4 of the Federal Law on Guarantees of the Rights of Numerically Small Indigenous Peoples; (b) the process of consolidation of the constituent territories of the Russian Federation through absorption of national autonomous areas; and (c) the exploitation of lands, fishing grounds and natural resources traditionally belonging to indigenous peoples through granting of licenses to private companies for development projects such as the construction of pipelines and hydroelectric dams.”⁹²⁹

⁹²³ Minority Rights Group (MINORITY RIGHTS GROUP), *State of the World's Minorities and Indigenous Peoples 2010*, Russia, 1 July 2010, <http://www.minorityrights.org/download.php?id=849>, accessed 25 September 2010

⁹²⁴ UN Human Rights Committee, Concluding observations, Russian Federation (CCPR/C/RUS/CO/6), 24 November 2009, <http://www2.ohchr.org/english/bodies/hrc/docs/co/CCPR.C.RUS.CO.6.pdf>, accessed 20 September 2009

⁹²⁵ SOVA Centre, *Manifestations of Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2010*, 30 July 2010, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/07/d19436/>, accessed 2 September 2010

⁹²⁶ SOVA Centre, *Inappropriate Enforcement of Anti-Extremist Legislation in Russia in a First Half of 2010*, 1 October 2010, <http://www.sova-center.ru/en/misuse/reports-analyses/2010/10/d19880/>, accessed 1 November 2010

⁹²⁷ SOVA Centre, *Inappropriate Enforcement of Anti-Extremist Legislation in Russia in a First Half of 2010*, 1 October 2010, <http://www.sova-center.ru/en/misuse/reports-analyses/2010/10/d19880/>, accessed 1 November 2010

⁹²⁸ Minority Rights Group *State of the World's Minorities and Indigenous Peoples 2010*, Russia, 1 July 2010, <http://www.minorityrights.org/download.php?id=849>, accessed 25 September 2010

⁹²⁹ UN Human Rights Committee, Concluding observations, Russian Federation (CCPR/C/RUS/CO/6), 24 November 2009, <http://www2.ohchr.org/english/bodies/hrc/docs/co/CCPR.C.RUS.CO.6.pdf>, accessed 20 September 2009

2. Background information

According to the *USDOS*, Russia's population descend from more than 100 ethnic groups and the ethnic breakdown in Russia is as follows: Russian 79.8%, Tatar 3.8%, Ukrainian 2%, other 14.4%; the official language is Russian, but there are more than 140 languages and dialects spoken in the Russian Federation.⁹³⁰

Minority Rights Group states that,

“according to the 2002 national census, the main minority groups include Tatars 5,554,601 (3.8%), Ukrainians 2,942,961 (2.0%), Bashkirs 1,673,389 (1.1%), Chuvash 1,637,094 (1.1%), Chechens 1,360,253 (0.9%), Armenians 1,130,491 (0.8%), Mordovans 843,350 (0.6%) and Avars 814,473 (0.6%). Other groups comprise 13,321,012 people or 9.2% of the total population.”⁹³¹

Minority Rights Group further reports that religious and linguistic minorities have been mostly granted territorial recognition; religious minorities include Buddhist groups, mostly of the Lamaist faith, including Buriats, Kalmyks, Tuvans, and substantial Muslim populations, mostly of the Sunni branch of Islam and represented by a number of Muslim political parties.⁹³²

The *BBC* states that Muslims are concentrated among the Volga Tatars and the Bashkirs and in the North Caucasus.⁹³³

Minority Rights Group lists among linguistically defined minorities 16 Finno-Ugric ethnic groups representing nearly 16 millions in the Russian Federation, and who are the majority in Komi-Permiak.⁹³⁴

Minority Rights Group also states that many groups lack an officially recognized homeland, including Jews, Ukrainians, Belarusians and Kazakhs, Russian or Volga Germans, Meskhetians or Meskhetian Turks, Roma, Cossacks, and smaller native peoples of the north, Siberia and Far East.⁹³⁵

Minority Rights Group reports that inequality has developed amongst minorities within the Russian Federation,

“The ambiguous, and often contradictory, rights allocated to the ethnic republics in the main agreements regulating centre-regional relations have further reinforced the pyramid of inequality which has developed among the minorities in the RF. Those minorities with their own officially recognized territory ('homeland') usually enjoy considerable advantages over the other minority populations in the RF. However, the titular groups of autonomous areas with high concentrations of Slavic settlers have often faced problems similar to those of minorities lacking a formal homeland.

Although Moscow has taken some important steps to create an environment supportive to the development of minority groups, those groups that lack their own homeland face

⁹³⁰ US Department of State, Bureau of European and Eurasian Affairs, Background Note: Russia, 14 June 2010, <http://www.state.gov/r/pa/ei/bgn/3183.htm>, accessed 15 August 2010

⁹³¹ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Russian Federation overview, <http://www.minorityrights.org/2492/russian-federation/russian-federation-overview.html>, accessed 20 September 2010

⁹³² Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Russian Federation overview, <http://www.minorityrights.org/2492/russian-federation/russian-federation-overview.html>, accessed 20 September 2010

⁹³³ BBC News, Russia Country profile, http://news.bbc.co.uk/1/hi/world/europe/country_profiles/1102275.stm, accessed 20 September 2010

⁹³⁴ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Russian Federation overview, <http://www.minorityrights.org/2492/russian-federation/russian-federation-overview.html>, accessed 20 September 2010

⁹³⁵ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Russian Federation overview, <http://www.minorityrights.org/2492/russian-federation/russian-federation-overview.html>, accessed 20 September 2010

particular problems. Many of these groups do not have compact forms of settlement and therefore face the prospect of assimilation.”⁹³⁶

Minority Rights Group reports that the 1993 constitution “failed to clarify the precise division of powers between the federal centre and the provinces. Despite the equality among the subjects of the federation institutionalized in the constitution and the apparently clear delimitation of authority, relations between the centre and the regions continued to be characterized by a struggle for power.”⁹³⁷

According to *Minority Rights Group*, Russia has recognised a limited number of native peoples, but more than 20 are not unrecognised.⁹³⁸ *Minority Rights Group* report that some of the more numerous native peoples were granted territorial recognition, but not the smaller groups, including the Nanai, Nivkhi, Selkup, Ulchi, Itelmen, Udegei, Sami (Lapp), Inuit, Chu-van, Nganasan, Yukagir, Ket, Oroch, Tofalar, Aleut, Negidal, Ent, and Orok.⁹³⁹ According to *Minority Rights Group* the larger sedentary groups have often assimilated to Russian life, while less numerous groups, living in the north, Siberia and the Russian far East, have a precarious future. For instance the Nanai have a population of 12,021, while the smallest, the Orok, number just 190 people.⁹⁴⁰

According to *Minority Rights Group*, minorities and indigenous people in Russia face five thematic challenges,

“Due to the wide range in size, settlement patterns and administrative entitlement, minorities and indigenous peoples in Russia face a diverse set of current problems and challenges. Five main strands may be identified. First, violent secessionism and a resulting deterioration in basic security, with corresponding costs in terms of social cohesion, afflict several minorities in the North Caucasus, the most troubled region of the Russian Federation. Second, increased racial discrimination and xenophobia across the Russian Federation have serious implications for many members of minorities living outside of their traditional homelands or in large cities. Third, identity loss, language shift and assimilation confront many of the smaller minorities in the Russian Federation, particularly in the Russian North, Siberia, the Far East and the North Caucasus. Fourth, government attempts to define and channel debates on national identity continue to posit problematic distinctions between ethnic Russians and other citizens of the Federation. Finally, attempts to abolish or downgrade the level of administrative entitlement for a number of smaller minorities in the name of consolidating territorial units threatens their capacity to defend and promote their rights.”⁹⁴¹

The *Russian Federation* 2008 national report, submitted to the United Nations General Assembly states that,

“As at September 2008, 717 autonomous ethnic cultural organizations were registered in the country: 18 federal, 211 regional and 488 local.”⁹⁴²

⁹³⁶ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Russian Federation overview, <http://www.minorityrights.org/2492/russian-federation/russian-federation-overview.html>, accessed 20 September 2010

⁹³⁷ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Russian Federation overview, <http://www.minorityrights.org/2492/russian-federation/russian-federation-overview.html>, accessed 20 September 2010

⁹³⁸ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Russian Federation overview, <http://www.minorityrights.org/2492/russian-federation/russian-federation-overview.html>, accessed 20 September 2010

⁹³⁹ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Russian Federation overview, <http://www.minorityrights.org/2492/russian-federation/russian-federation-overview.html>, accessed 20 September 2010

⁹⁴⁰ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Russian Federation overview, <http://www.minorityrights.org/2492/russian-federation/russian-federation-overview.html>, accessed 20 September 2010

⁹⁴¹ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Russian Federation overview, <http://www.minorityrights.org/2492/russian-federation/russian-federation-overview.html>, accessed 20 September 2010

⁹⁴² United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

3. The activity of pro-fascist groups and their control by the Government

In October 2009 the *Russian Federation* reported to the UN Committee on the Elimination of Racial Discrimination that,

“In the Russian Federation, publication of extremist materials in the media is regulated by a series of legal instruments. Specifically, the Mass Media Act No. 2124-1 of 27 December 1991 and Federal Act No. 114-FZ of 25 July 2002, on measures to counter extremist activities, prohibit the use of the mass media for extremist activities, including activities intended to arouse racial and ethnic discord.”⁹⁴³

In 2009 the *Russian Federation* further reported to the UN Committee on the Elimination of Racial Discrimination that legislation prohibits the use of printed, audio and audio visual materials, including the internet, for inciting racial hatred,

“Article 12 of the Federal Act on measures to counter extremist activities prohibits the use of public communications networks for extremist activities. Use of such networks, including the Internet, for extremist activities attracts the measures set out in the Act, taking account of current legislation on communications.

[] Article 13, paragraph 1, of the Act states that the dissemination of extremist materials is illegal and renders the culprit liable; voluntary associations and religious or other organizations can also be held liable for engaging in extremist activities and be issued warnings, wound up, banned or suspended.

[] The authors of printed, audio, audio-visual or other material or productions intended for public use and containing even one of the elements provided for in article 1 of the Act are considered to be conducting extremist activities and are liable under the procedure established by Russian legislation.

[] Under article 64 of the Federal Communications Act No. 126-FZ of 7 July 2003, service providers may suspend communications services to legal persons and private individuals on the basis of a reasoned decision in writing from a director of a law enforcement or security agency of the Russian Federation in cases specified by federal laws.

[] Article 20.29 (production and dissemination of extremist material) of the Code of Administrative Offences of the Russian Federation makes the mass dissemination, or production or storage with the intention of mass dissemination, of extremist materials included on the published federal list of extremist material an administrative offence.

[] Article 280 of the Criminal Code makes it a criminal offence to call publicly for extremist activities; article 282 makes it an offence deliberately to incite hatred or enmity, or to disparage an individual or a group on the basis of sex, race, ethnic background, language, origin, religion, or membership of a social group, if done so publicly or through the mass media.”⁹⁴⁴

⁹⁴³ United Nations Committee on the Elimination of Racial Discrimination, Reports submitted by States parties under article 9 of the Convention; Information received from the Government of the Russian Federation on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination, [6 October 2009], CERD/C/RUS/CO/19/Add.1, 10 February 2010, <http://www2.ohchr.org/english/bodies/cerd/docs/AdvanceVersions/CERD-C-RUS-CO-19-Add1.doc>, accessed 1 November 2010

⁹⁴⁴ United Nations Committee on the Elimination of Racial Discrimination, Reports submitted by States parties under article 9 of the Convention; Information received from the Government of the Russian Federation on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination, [6 October 2009], CERD/C/RUS/CO/19/Add.1, 10 February 2010, <http://www2.ohchr.org/english/bodies/cerd/docs/AdvanceVersions/CERD-C-RUS-CO-19-Add1.doc>, accessed 1 November 2010

The government of the *Russian Federation* further reported that under article 282 of the Criminal Code it is an offence to set up an extremist organisation,

“It is a criminal offence only to call publicly for extremist activities (article 280 of the Criminal Code), set up an extremist association (art. 282.1), or organize the activities of an extremist organization (art. 282.2).

[] It is an administrative offence to abuse the freedom of the press (article 13.15 of the Code of Administrative Offences), or to produce and disseminate extremist materials (art. 20.29).⁹⁴⁵

The government of the *Russian Federation* reports that 78 local branches of the Federal Communications and Mass Media Oversight Service have been established throughout Russia,

“The priority task of the Service is to prevent offences involving the dissemination through the mass media of material calculated to arouse ethnic or religious discord, or racial intolerance.

[] The Service and its local branches constantly monitor the mass media to prevent media offences involving the use of hate speech, or incitement to ethnic or religious discord.

[] As a rule, every official warning about the posting of material displaying extremist features that is issued to a media outlet is preceded by an expert appraisal by independent experts or non-governmental expert organizations.

[] Any media outlet that receives a warning has the right to appeal against it in a court of law. The court decides whether to close the outlet in accordance with article 16 of the Mass Media Act. Currently, procurators say, more than 360 items of material have been ruled by court decision to be extremist and banned for dissemination.⁹⁴⁶

The government of the *Russian Federation* reports on the number, area and prosecution of recorded extremists crimes,

“Data from the Ministry record 460 extremist crimes in the Russian Federation in 2008 — a figure approximately one third (28.9 per cent) higher than in 2007 — and 164 during the first quarter of 2009. Of those, 430 were investigated in 2008 (98.2 per cent more than in 2007) and 107 during the first quarter of 2009. The majority of the crimes committed in this category fall under article 280 (public calls for extremist activities) and article 282 (hatemongering and disparagement) of the Criminal Code.

[]
In 2008, courts in the Russian Federation tried 245 individuals for crimes related to extremist activity. Almost one quarter (57) had committed the crimes while under the age of 18. Of the 245 accused, 14 were acquitted, including 12 accused of offences against life and health on grounds of ethnic, religious or racial hatred, under article 282, paragraph 1 (hatemongering and disparagement), and 2 accused under article 280, paragraph 1 (public appeals for extremist action), of the Criminal Code.

[]

⁹⁴⁵ United Nations Committee on the Elimination of Racial Discrimination, Reports submitted by States parties under article 9 of the Convention; Information received from the Government of the Russian Federation on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination, [6 October 2009], CERD/C/RUS/CO/19/Add.1, 10 February 2010, <http://www2.ohchr.org/english/bodies/cerd/docs/AdvanceVersions/CERD-C-RUS-CO-19-Add1.doc>, accessed 1 November 2010

⁹⁴⁶ United Nations Committee on the Elimination of Racial Discrimination, Reports submitted by States parties under article 9 of the Convention; Information received from the Government of the Russian Federation on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination, [6 October 2009], CERD/C/RUS/CO/19/Add.1, 10 February 2010, <http://www2.ohchr.org/english/bodies/cerd/docs/AdvanceVersions/CERD-C-RUS-CO-19-Add1.doc>, accessed 1 November 2010

The largest group (88, or 35.9 per cent) of those convicted in 2008 of offences in this category were found guilty of acts calculated to arouse hatred or enmity, or disparagement on the basis of race, ethnic origin or religion, sometimes in aggravating circumstances, under article 282 (hatemongering and disparagement) of the Criminal Code. Cases of extremist crime were considered by courts in 57 regions of the Russian Federation, the largest numbers coming before the courts of Moscow, Saint Petersburg, the Republic of Bashkortostan, and Moscow and Samara provinces.

[] Extremist crime is most common in the Central Federal Area, with 152 cases, of which most (93) were committed in Moscow. As a result of measures taken in Moscow, Moscow province and Saint Petersburg in 2008, 12 criminal nationalist youth groups were put out of operation. They had a total of 59 members, who were charged with 46 criminal episodes of inflaming inter-ethnic enmity against foreign citizens and persons of non-Slavic appearance. These included 34 murders, 2 attempted murders and 10 cases of causing serious injury to health. The law enforcement agencies have built up a certain amount of positive experience in detecting and investigating extremist crimes. The investigating bodies of the Bureau of Investigation, including the investigating teams in Moscow and Saint Petersburg, have worked actively to combat extremism. Successful investigations have also been conducted into the murders of foreign students in Voronezh.⁹⁴⁷

The SOVA Center for Information and Analysis reports on focal areas of racist violence,

“the hotbeds include the Moscow region (city and metropolitan area, 9 killed, 53 injured), St. Petersburg and Leningrad region (1 killed, 26 injured) and Nizhny Novgorod (2 killed, 12 injured). Overall, racially-motivated incidents were reported in 32 regions. In several population centers they came after a year-long (Irkutsk, Tver, Tomsk), or even two-year-long (Ivanovo) period of relative quiet. This serves to emphasize, once again, that our statistics can only define the problematic regions, where racist groups are actively violent, but does not represent the full scope of the xenophobic violence.”⁹⁴⁸

The SOVA Center for Information and Analysis reports on the groups most vulnerable to attacks by far right groups,

“The likely objects of attacks changed somewhat as compared to our previous observations over the years. As usual, people from Central Asia lead in these grim statistics (at least 9 killed and 28 injured), but those born in the North Caucasus, who for many years held the second place, have now moved down to number four (2 killed, 11 injured). The second and third places went respectively to the members of youth subcultures including young anti-fascists (3 killed, 33 injured), and to dark-skinned individuals (1 killed 15 injured). We doubt, however, that these numbers reflect the increase in violence against the latter group - more likely the change is due to the activities of Moscow Protestant Chaplaincy, an organization responsible, among other things, for the systematic collection of information on racist acts toward the dark-skinned.”⁹⁴⁹

The SOVA Center for Information and Analysis reports that “ultra-right groups” target state objects,

“exploding strategic objects (as, for example, the railway tracks and the maintenance rail car, blown up in February 2010 in St. Petersburg), arson attacks and bombings of police

⁹⁴⁷ United Nations Committee on the Elimination of Racial Discrimination, Reports submitted by States parties under article 9 of the Convention; Information received from the Government of the Russian Federation on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination, [6 October 2009], CERD/C/RUS/CO/19/Add.1, 10 February 2010, <http://www2.ohchr.org/english/bodies/cerd/docs/AdvanceVersions/CERD-C-RUS-CO-19-Add1.doc>, accessed 1 November 2010

⁹⁴⁸ SOVA Centre, Manifestations of Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2010, 30 July 2010, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/07/d19436/>, accessed 2 September 2010

⁹⁴⁹ SOVA Centre, Manifestations of Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2010, 30 July 2010, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/07/d19436/>, accessed 2 September 2010

stations (Penza, Rostov-on-Don). In total, over the first half of the year at least 9 such crimes were recorded.”⁹⁵⁰

In 2009 the government of the *Russian Federation* reported that extremist crime is on the rise,⁹⁵¹

“In 2008, the Procurator-General’s Office took action in 37,000 cases, issuing 27,000 recommendations and protests, and nearly 10,000 warnings and cautions (three times as many as in 2007).”⁹⁵²

In July 2010 the *SOVA Center for Information and Analysis* reported a decline in levels of racial violence in St. Petersburg and Moscow over the last two years, however “[i]n other cities and towns the situation remains largely unchanged,”

“In the first half of 2010 at least 167 people became victims of racist and neo-Nazi violence; 19 of them died. During the comparable period of 2009, 52 people were killed and 242 were injured. For the second year in a row we observe a consistent decline in racist violence, once again due to the reduction in the numbers from Moscow. However, aside from that, it becomes increasingly apparent that information about such incidents often fails to make it into the public sphere – and we learn about them not right after the crime is committed, but only once the attacker receives his court sentence.”⁹⁵³

SOVA Center for Information and Analysis reports xenophobic violence as distinct from racial violence stating that “Grassroots xenophobic violence is also on the rise, provoked by anti-Caucasian and anti-Muslim sentiments deeply ingrained in the social psyche (as demonstrated in the aftermath of the March 29, 2010 terrorist acts in the Moscow metro), as well as by state activities (the campaign against Jehovah’s Witnesses)”⁹⁵⁴

The *USDOS* reports a decrease of 7 percent in anti-Semitic attacks against Jews in 2009.⁹⁵⁵ However, the *USDOS* mentions continuing incidents of vandals desecrating Jewish synagogues and cemeteries and defacing Jewish religious and cultural facilities, and threats to the Jewish community, including in the form of leaflets or on the Internet.⁹⁵⁶

The *USDOS* states that in September 2009, skinheads in Khabarovsk threw Molotov cocktails into a synagogue and into the house of a policeman who had been investigating cases of racist crimes; *USDOS* reports that the police detained the group and opened criminal proceedings against two suspects.⁹⁵⁷

The *USDOS* reports that on 16 November 2009, a famous Russian antifascist activist, Ivan Khutorskoi, was shot and killed by unknown persons in Moscow.⁹⁵⁸

⁹⁵⁰ SOVA Centre, Manifestations of Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2010, 30 July 2010, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/07/d19436/>, accessed 2 September 2010

⁹⁵¹ United Nations Committee on the Elimination of Racial Discrimination, Reports submitted by States parties under article 9 of the Convention; Information received from the Government of the Russian Federation on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination, [6 October 2009], CERD/C/RUS/CO/19/Add.1, 10 February 2010, <http://www2.ohchr.org/english/bodies/cerd/docs/AdvanceVersions/CERD-C-RUS-CO-19-Add1.doc>, accessed 1 November 2010

⁹⁵² United Nations Committee on the Elimination of Racial Discrimination, Reports submitted by States parties under article 9 of the Convention; Information received from the Government of the Russian Federation on the implementation of the concluding observations of the Committee on the Elimination of Racial Discrimination, [6 October 2009], CERD/C/RUS/CO/19/Add.1, 10 February 2010, <http://www2.ohchr.org/english/bodies/cerd/docs/AdvanceVersions/CERD-C-RUS-CO-19-Add1.doc>, accessed 1 November 2010

⁹⁵³ SOVA Centre, Manifestations of Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2010, 30 July 2010, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/07/d19436/>, accessed 2 September 2010

⁹⁵⁴ SOVA Centre, Manifestations of Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2010, 30 July 2010, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/07/d19436/>, accessed 2 September 2010

⁹⁵⁵ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁹⁵⁶ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁹⁵⁷ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁹⁵⁸ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

The *USDOS* further reports that in November 2009,

“the authorities arrested two alleged neo-Nazis, Nikita Tikhonov and Yevgenia Khasis, and charged them with murder in the case [of the January 2009 killing of human rights lawyer Stanislav Markelov and journalist Anastasia Baburova] making this the only significant case of police action following the murder of a human rights activist.”⁹⁵⁹

According to the *SOVA Center for Information and Analysis*, in 2010, Eduard Chuvashov, the federal judge of Moscow City court who presided over the trial of the “White Wolves”, a group accused of killing persons of non-Slavic appearance, was murdered.⁹⁶⁰ The *SOVA Center for Information and Analysis* further reports that on 15 February 2010 three gang members were acquitted of all charges, while nine members were found guilty and received prison terms ranging from 6.5 to 23 years, and that the prosecution appealed the verdict.⁹⁶¹

According to the *USDOS*, in 2009, in many cases of racist crimes, courts imposed suspended sentences, and that in some cases they took into consideration the hate crime motive.⁹⁶²

The *UN Human Rights Committee* also states that it is concerned,

“about the failure on the part of the police and judicial authorities to investigate prosecute and punish hate crimes and racially motivated attacks against ethnic and religious minorities, often qualified merely as “hooliganism”, with charges and sentences that are not commensurate with the gravity of the acts.”⁹⁶³

The *SOVA Center for Information and Analysis* reports that in the first half of 2010, criminal prosecution for violent crimes with a hate motive increased with at least 45 convictions for a total of 159 persons, although there were as many as 54 suspended sentences for hate crime.⁹⁶⁴ The *SOVA Centre* singles out the Nizhny Novgorod region as being “home to the largest number of hate crime trials in the country” and “the highest rate of suspended sentences”, and expresses concern that the fascist Borovikov-Voevodin gang in St Petersburg may escape trial.⁹⁶⁵

The *SOVA Center for Information and Analysis* reports that there were improvements in the prosecution of racist violence, except in relation to racist propaganda,

“In the first half of 2010, both the quantity and quality of the criminal prosecution of racist violence continued to improve, although certain regions show a clear tendency toward the minimization of punishment for such crimes. However, there were no positive changes in the prosecution of racist propaganda. This part of state anti-xenophobic efforts remains ineffective.”⁹⁶⁶

The *SOVA Center for Information and Analysis* states that,

⁹⁵⁹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁹⁶⁰ SOVA Centre, Manifestations of Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2010, 30 July 2010, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/07/d19436/>, accessed 2 September 2010

⁹⁶¹ SOVA Centre, Manifestations of Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2010, 30 July 2010, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/07/d19436/>, accessed 2 September 2010

⁹⁶² US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁹⁶³ UN Human Rights Committee, Concluding observations, Russian Federation (CCPR/C/RUS/CO/6), 24 November 2009, <http://www2.ohchr.org/english/bodies/hrc/docs/co/CCPR.C.RUS.CO.6.pdf>, accessed 20 September 2009

⁹⁶⁴ SOVA Centre, Manifestations of Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2010, 30 July 2010, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/07/d19436/>, accessed 2 September 2010

⁹⁶⁵ SOVA Centre, Manifestations of Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2010, 30 July 2010, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/07/d19436/>, accessed 2 September 2010

⁹⁶⁶ SOVA Centre, Manifestations of Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2010, 30 July 2010, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/07/d19436/>, accessed 2 September 2010

“The public activity of ultra-right groups shrank to the minimum required in order to remind sympathizing unaffiliated activists about the groups’ existence, and to demonstrate (albeit unconvincingly) their organizational vitality. Every significant ultra-right organization remains under serious pressure from law enforcement authorities. In the absence of mass public events, right-wing radicals try to compensate by engaging in “ideological activity.”⁹⁶⁷

4. Treatment of members of ethnic groups

In its 2010 world report *Freedom House* reported that,

“Immigrants and ethnic minorities—particularly those who appear to be from the Caucasus or Central Asia—face governmental and societal discrimination and harassment. Foreign nationals, particularly Georgians, have been targeted for harassment during periods of friction between the Kremlin and their home governments.”⁹⁶⁸

The *USDOS* states that in 2009,

“reports by refugees, NGOs, and the press suggested a pattern of police beatings, arrests, and extortion of persons with dark skin or who appeared to be of Caucasus, Central Asian, African, or Romani ethnicity.”⁹⁶⁹

In November 2009 the *UN Human Rights Committee* expressed concern at reports of an increase in hate crimes against ethnic and religious minorities,

“The Committee expresses its concern at reports of an increasing number of hate crimes and racially motivated attacks against ethnic and religious minorities, as well as persistent manifestations of racism and xenophobia in the State party, including reports of racial profiling and harassment by law enforcement personnel targeting foreigners and members of minority groups.”⁹⁷⁰

a. Chechens

Minority Rights Group reports that there were 1,360,491 Chechens in the Russian Federation according to a 2002 census;

“Chechens are indigenous to the North Caucasus and are ethnically close to the Ingush. The majority of Chechens live in Chechnya (where according to the 2002 census 1,031,647 Chechens resided, accounting for 93.5 per cent of the republic’s population; Russians accounted for 3.7 per cent; Kumyks for 0.8 per cent and others for less than 0.5 per cent) and some in adjacent Dagestan. Chechens are Sunni Muslims. The dominant form of social organization among the Chechens is the clan. Chechen is one of the Caucasian family of languages.”⁹⁷¹

The Moscow Times reports that 600,000 ethnic Chechens live outside of Chechnya,

⁹⁶⁷ SOVA Centre, Manifestations of Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2010, 30 July 2010, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/07/d19436/>, accessed 2 September 2010

⁹⁶⁸ Freedom House, World Report 2010, Russia, <http://www.freedomhouse.org/template.cfm?page=363&year=2010&country=7904>, accessed 20 September 2010

⁹⁶⁹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

⁹⁷⁰ UN Human Rights Committee, Concluding observations, Russian Federation (CCPR/C/RUS/CO/6), 24 November 2009, <http://www2.ohchr.org/english/bodies/hrc/docs/co/CCPR.C.RUS.CO.6.pdf>, accessed 20 September 2009

⁹⁷¹ Minority Rights Group World Directory of Minorities and Indigenous Peoples, Chechens, <http://www.minorityrights.org/2501/russian-federation/chechens.html>, accessed 20 September 2010

“About half of them have fled the violence there during the last 20 years, and about half consist of communities that have existed for more than a century.”⁹⁷²

According to *The Moscow Times* 300,000 live in Russian regions and the remainder are located in Europe, Syria, Jordan, Turkey, Saudi Arabia, Iraq, Kazakhstan and Kyrgyzstan.⁹⁷³

The *USDOS*, and *Freedom House* report that Chechens and other ethnic minorities from the North Caucasus suffer government and social discrimination and racially-motivated attacks.⁹⁷⁴

Amnesty International reports that during conflict Chechens have been subjected to human rights violations,

“They include indiscriminate killings, excessive use of force, deaths in custody, torture and ill-treatment in custody, alleged unlawful killings, arbitrary detentions, secret detention, abductions, enforced disappearances, threats to human rights activists, the targeting of relatives of suspected fighters, and the forced evictions of internally displaced people.”⁹⁷⁵

b. Ingushetians

The *BBC* reports that,

“The overwhelming majority of the population is Muslim and clan links are an integral part of society.”⁹⁷⁶

According to *Minority Rights Group*, a 2002 national census put at 413,016 the number of Ingushetians in the Russian Federation with the majority living in the Ingush Republic, and prior to 1992, in North Ossetia.⁹⁷⁷

The *BBC* reports that the Ingushetians have close historical, cultural and linguistic ties with Chechens.⁹⁷⁸

Minority Rights Group report that,

“The suppression of ‘mainstream’ political opposition is a further contributory factor to the rise of Islamic militancy in Ingushetia, as elsewhere in the North Caucasus.”⁹⁷⁹

The *USDOS* reports that in September 2008, unknown persons abducted a 35-year-old Ingush man, Magomed Khamkhoyev, and beat and tortured him in the basement of a cottage in northwest Moscow for several days. The cottage reportedly belonged to a military unit of the Defence Ministry, but the authorities did not investigate.⁹⁸⁰

⁹⁷² The Moscow Times, Kadyrov reaches out to Chechens outside the republic, 27 May 2010, <http://www.themoscowtimes.com/columns//article/kadyrov-reaches-out-to-chechens-outside-his-republic/406987.html>, accessed 1 November 2010

⁹⁷³ The Moscow Times, Kadyrov reaches out to Chechens outside the republic, 27 May 2010, <http://www.themoscowtimes.com/columns//article/kadyrov-reaches-out-to-chechens-outside-his-republic/406987.html>, accessed 1 November 2010

⁹⁷⁴ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010. Freedom House, World Report 2010, Russia, <http://www.freedomhouse.org/template.cfm?page=363&year=2010&country=7904>, accessed 20 September 2010

⁹⁷⁵ Amnesty International, No progress in Chechnya without accountability, 16 April 2009, <http://www.amnesty.org/en/news-and-updates/news/no-progress-chechnya-without-accountability-20090417>, accessed 1 November 2010

⁹⁷⁶ BBC, Regions and Territories: Ingushetia, updated 24 August 2010, http://news.bbc.co.uk/1/hi/world/europe/country_profiles/3829691.stm, accessed 1 November 2010

⁹⁷⁷ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Ingush, <http://www.minorityrights.org/2502/russian-federation/ingush.html>, accessed 20 September 2010

⁹⁷⁸ BBC, Regions and Territories: Ingushetia, updated 24 August 2010, http://news.bbc.co.uk/1/hi/world/europe/country_profiles/3829691.stm, accessed 1 November 2010

⁹⁷⁹ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Ingush, <http://www.minorityrights.org/2502/russian-federation/ingush.html>, accessed 20 September 2010

⁹⁸⁰ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

In April 2010 *Amnesty International* reported that an Ingushetian teacher had been abducted in 2003 and was still missing,

“the European Court of Human Rights found the country's authorities responsible for his disappearance in the territory.

The Court ruled on 1 April that the Russian state was to blame for the enforced disappearance and possible death of Bashir Mutsolgov, following a six-year fight for justice by his family.”⁹⁸¹

In September 2009 the *Guardian* reported that,

“According to human rights investigators, hundreds of civilians [] have been “disappeared”, tortured and murdered by Russian security services as they struggle to quell a rebellion that spans across Ingushetia and the neighbouring republics of Chechnya and Dagestan.”⁹⁸²

In September 2010 *Jamestown Foundation* reports that an Ingush insurgent leader claimed responsibility for palling a suicide bombin in North Ossetia, according to the *Jamestown Foundation* a “statement by Ingushetia’s insurgency revealed an attempt to portray the insurgents as the champions of the Ingush people’s national interests.”⁹⁸³

Radio Free Europe/Radio Liberty reports that,

“Ingushetia, Russia's poorest region, borders Chechnya where Moscow has fought two wars against separatists since the early 1990s. It has become a new focus of attacks by Islamist radicals threatening the stability of Russia's strategically important North Caucasus.

Rights groups and the Ingushetian opposition say lawlessness and poverty are equally as responsible for the surge in violence as the Islamist insurgency.”⁹⁸⁴

c. Dagestanis

According to *Minority Rights Group* Dagestan, in the North Caucasus, is one of the most ethnically complex areas of the Russian Federation. It has a population of about 1,802,188, with 28 per cent Avars, 16 per cent Dargins, 13 per cent Kumyks, 11 per cent Lezgins, 9 per cent Russians, 2 per cent Nogai, and 21 per cent other minorities. Except for the Russians, the largest groups - Avars, Dargins, Kumyks, Lezgins - are Sunni Muslim.⁹⁸⁵

The *BBC* reports that “several dozen Muslim peoples” have settled in the region over the centuries,

“The Avars form the largest ethnic group and account for about a fifth of the population. A further substantial proportion is made up of Dargins, Kumyks and Lezgins. About 10 per

⁹⁸¹ Amnesty International, Russia urged to investigate disappearance of Ingushetian teacher, 8 April 2010, <http://www.amnesty.org/en/news-and-updates/russia-urged-investigate-disappearance-ingushetian-teacher-2010-04-09>, accessed 1 November 2010

⁹⁸² The Guardian, Russian killings and kidnaps extend dirty war in Ingushetia, 20 September 2009, <http://www.guardian.co.uk/world/2009/sep/20/ingushetia-dirty-war-russia>, accessed 1 November 2010

⁹⁸³ Jamestown Foundation, *Threat of Renewed Ethnic Clashes Reemerges Following North Ossetia Suicide Attack*, 20 September 2010, Eurasia Daily Monitor Volume: 7 Issue: 168, available from <http://www.unhcr.org/refworld/docid/4c9c49e72.html>, accessed 1 November 2010

⁹⁸⁴ Radio Fre Europe/Radio Liberty, Ingushetian Leader returns home after asseeination attempt, 22 August 2009, http://www.rferl.org/content/Ingushetian_Leader_Returns_Home_After_Assassination_Attempt/1805311.html, accessed 1 November 2010

⁹⁸⁵ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Russian Federation overview, <http://www.minorityrights.org/2492/russian-federation/russian-federation-overview.html>, accessed 20 September 2010

cent are ethnic Russians. There are also Laks, Tabasarans and Nogai, to name but a few of the other significant groups.”⁹⁸⁶

The *BBC* reports,

“The republic is also famed for its ethnic and linguistic diversity, being home to more than 30 languages.”⁹⁸⁷

According to *Minority Rights Group*, Dagestanis are affected by a spill over of the conflict in Chechnya.⁹⁸⁸

Minority Rights Group states that Avars and other larger ethnic groups in Dagestan are involved in “intersecting ethnic and mafia rivalries for political and economic power in the republic”, which have fuelled a deterioration in the security situation in Dagestan.⁹⁸⁹

Human Rights Watch reports that following the bombings in the Moscow metro on 29 March 2010 by two female suicide bombers, some Russian newspapers started to publish the names of 22 Dagestani women they considered potential recruits for suicide bombings, including a human rights activist and the widow of a man tortured by the Russian security forces, and that some of these women were subsequently threatened.⁹⁹⁰

d. Kumyk

According to *Minority Rights Group*, a 2002 census puts the number of Kumyks in the Russian Federation at 422,409, with Kumyks living mainly in the plains and the foothills of Dagestan, and having a strong cultural, linguistic, economic and political influence in the region.⁹⁹¹

According to *Minority Rights Group* Kumyks are mainly Sunni Muslim and their language has become a lingua franca for the North Caucasus.⁹⁹²

Minority Rights Group further states that after the collapse of the Soviet Union, a Kumyk nationalist movement, “Tenglik” (‘Equality’), advocated for the creation of a separate Kumyk republic within Dagestan, and that there were clashes between Kumyks and Dargins and Kumyks and Avars.⁹⁹³

Minority Rights Group reports that Kumyks have a strong political influence in Dagestan and are involved, like other ethnic groups, in “intersecting ethnic and mafia struggles for political and economic power in Dagestan”, a factor in the deteriorating security situation in the region.⁹⁹⁴

Russian NGO *Caucasian Knot* which provides regional news, reports that on 16 February 2010 2000 Kumyk’s held a rally in the capital of Dagestan protesting that “that Kumyks are poorly

⁹⁸⁶ BBC, Regions and Territories: Dagestan, undated 22 August 2010, http://news.bbc.co.uk/1/hi/world/europe/country_profiles/3659904.stm, accessed 1 November 2010

⁹⁸⁷ BBC, Regions and Territories: Dagestan, undated 22 August 2010, http://news.bbc.co.uk/1/hi/world/europe/country_profiles/3659904.stm, accessed 1 November 2010

⁹⁸⁸ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Avars, <http://www.minorityrights.org/2506/russian-federation/avars.html>, accessed 20 September 2010

⁹⁸⁹ Minority Rights Group World Directory of Minorities and Indigenous Peoples, Avars, <http://www.minorityrights.org/2506/russian-federation/avars.html>, accessed 20 September 2010

⁹⁹⁰ Human Rights Watch, The Black Widows of Dagestan: Media Hype and Genuine Harm, 18 June 2010, <http://www.hrw.org/en/news/2010/06/18/black-widows-dagestan-media-hype-and-genuine-harm>, accessed 1 November 2010

⁹⁹¹ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Kumyks, <http://www.minorityrights.org/2508/russian-federation/kumyks.html>, accessed 20 September 2010

⁹⁹² Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Kumyks, <http://www.minorityrights.org/2508/russian-federation/kumyks.html>, accessed 20 September 2010

⁹⁹³ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Kumyks, <http://www.minorityrights.org/2508/russian-federation/kumyks.html>, accessed 20 September 2010

⁹⁹⁴ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Kumyks, <http://www.minorityrights.org/2508/russian-federation/kumyks.html>, accessed 20 September 2010

presented in local administrations.” *Caucasian Knot* further report Kumyk sources claims that the rally was about land claims.⁹⁹⁵

In August 2009 *Jamestown Foundation* reported that Kumyks called for an investigation into a criminal case involving Kumyks and Avars,

“On July 27 a group of ethnic Kumyks, one of the major ethnic groups in Dagestan, blocked the federal highway "Kavkaz" in northern Dagestan. According to various estimates, three to four hundred people took part in the protests. Heavy trucks and other vehicles were used to obstruct the highway traffic. The protestors demanded a just investigation into a criminal case that dated back to April. The standoff risked an armed resolution, when the authorities intervened and managed to break up the gathering

[]

The Kumyks representatives stated that while their people were held in detention, on the other side of the conflict, an ethnic Avar was unjustly released. In an ethnicity based power sharing scheme an Avar, Saigid-Pasha Umakhanov has occupied the post of mayor in Khasavyurt city in northern Dagestan, whereas the Khasavyurt district is headed by an ethnic Kumyk, Alimsoltan Alkhamatov.⁹⁹⁶

e. Avar

According to *Minority Rights Group*, the Avars are the largest ethnic group in Dagestan and are also present in Georgia and Azerbaijan.⁹⁹⁷

Minority Rights Group states that Avars have historically played a prominent role in the informal power-sharing system between ethnic groups in Dagestan, containing traditional rivalries between Caucasian highlanders and Turkic lowlanders, blocking the introduction of a presidency in Dagestan.⁹⁹⁸

Minority Rights Group further states that in 1990 an Avar National Movement was formed to counter a parallel Kumyk organization, Tenglik, and in May 1993 there were clashes over disputed territory between Avars, Laks, and Chechens.⁹⁹⁹ *Minority Rights Group* reports that the Avar National Movement was disbanded in 2000.¹⁰⁰⁰

Minority Rights Group reports competition between Avnars and Dargins in Dagestan citing examples such as organized protests against the Dargin chair of the State Council in 2005 in Dagestani town Khasavyurt, and the role of the Northern Alliance, an Avar-dominated group opposed to the Dargin political elite.¹⁰⁰¹

Minority Rights Group also reports that Avars are said to be among the groups most influenced by Islamic religious revival and the spread of Wahhabism in Dagestan.¹⁰⁰²

The *Committee to Protect Journalists* reports that,

⁹⁹⁵ Caucasian Knot, Dagestan hosts a rally of Kumyk nationals, 17 February 2010, <http://www.eng.kavkaz-uzel.ru/articles/12512/>, accessed 1 November 2010

⁹⁹⁶ Jamestown Foundation, Weakness in state institution ignites ethnic unrest in Northern Dagestan, 4 August 2009, [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=35356](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=35356), accessed 1 November 2010

⁹⁹⁷ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Avars, <http://www.minorityrights.org/2506/russian-federation/avars.html>, accessed 20 September 2010

⁹⁹⁸ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Avars, <http://www.minorityrights.org/2506/russian-federation/avars.html>, accessed 20 September 2010

⁹⁹⁹ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Avars, <http://www.minorityrights.org/2506/russian-federation/avars.html>, accessed 20 September 2010

¹⁰⁰⁰ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Avars, <http://www.minorityrights.org/2506/russian-federation/avars.html>, accessed 20 September 2010

¹⁰⁰¹ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Avars, <http://www.minorityrights.org/2506/russian-federation/avars.html>, 20 September 2010

¹⁰⁰² Minority Rights Group, World Directory of Minorities and Indigenous Peoples, Avars, <http://www.minorityrights.org/2506/russian-federation/avars.html>, 20 September 2010

"On August 11, a Dagestani journalist known for his critical commentary was found shot in his car on a street in the capital, Makhachkala. The victim, Abdulmalik Akhmedilov, was deputy editor of the Makhachkala-based daily *Hakikat* and a chief editor of the political monthly *Sogratl*, both of which served Dagestan's Avar ethnic group."¹⁰⁰³

f. Ossetian

According to *Minority Rights Group*, a 2002 national census put the number of Ossetians at 514,875 in the Russian Federation; Ossetians are in majority Eastern Orthodox, although an estimated 15 to 30 percent are Muslim, and most Ossetians live in the North Ossetian Republic.¹⁰⁰⁴

According to *Minority Rights Group*, 300,000 South Ossetians live in the Republic of North Ossetia – Alania. Prior to the conflict in August 2008 with Georgia, Russia distributed passports to Ossetians in Tskhinvali in contested territory.¹⁰⁰⁵

The BBC reports that the main religion of North Ossetia is Christianity.¹⁰⁰⁶

Minority Rights Group states that corruption and clan politics in North Ossetia have contributed to a rise of a rebel movement linked to the Chechen rebels.¹⁰⁰⁷

According to the *SOVA Center for Information and Analysis*, Voice of Beslan, a grassroots non-governmental organization created after the 2004 North Ossetian Beslan school hostage crisis in response to the perceived incompetence and excessive force used by the security services at the school, has been persecuted by the Russian authorities. The organisation includes some of the Mothers of Beslan support and advocacy group of relatives of the victims.¹⁰⁰⁸ According to the *SOVA Center for Information and Analysis* a 2005 appeal by the organisation, entitled "To all who sympathize with the victims of Beslan terrorist attack" was listed as extremist in 2010, following claims that it contained "deliberately false accusation against president Putin for aiding terrorists and being a warrantor for criminals."¹⁰⁰⁹

g. Kabardin

According to *Minority Rights Group*, there are 519,958 Kabards and Balkars in the Russian Federation, with Kabards forming part of the Circassian ethnic group and Balkars being formed by tribes from the Northern Caucasus mixed with Iranian and Turkic-speaking peoples.¹⁰¹⁰ According to *Minority Rights Group* Kabards and Balkars are Sunni Muslims and live in the Kabardino-Balkar Republic, with Kabards representing 50 per cent of the population and Balkars 10 per cent.¹⁰¹¹

The *Minority Rights Group* reports that there were tensions between Kabards and Balkars after independence in 1991 around the issue of the full rehabilitation of the Balkars, who had been

¹⁰⁰³ Committee to Protect Journalists, Attacks on the Press 2009: Russia, 16 February 2010, <http://www.cpj.org/2010/02/attacks-on-the-press-2009-russia.php>, accessed 1 November 2010

¹⁰⁰⁴ Minority Rights Group, World Directory of Minorities and Indigenous Peoples, <http://www.minorityrights.org/2512/russian-federation/ossetians.html>, accessed 20 September 2010

¹⁰⁰⁵ Minority Rights Group, World Directory of Minorities and Indigenous People, Ossetians, <http://www.minorityrights.org/1914/georgia/ossetians.html>, accessed 19 September 2010

¹⁰⁰⁶ BBC, Regions and Territories: North Ossetia, undated 20 January 2010, http://news.bbc.co.uk/1/hi/world/europe/country_profiles/3621698.stm, accessed 1 November 2010

¹⁰⁰⁷ Minority Rights Group, World Directory of Minorities and Indigenous People, Ossetians, <http://www.minorityrights.org/1914/georgia/ossetians.html>, accessed 19 September 2010

¹⁰⁰⁸ SOVA Centre, Voice of Beslan Appeal Found Extremist, 23 April 2010, <http://www.sova-center.ru/en/misuse/news-releases/2010/04/d18586/>, accessed 10 September 2010

¹⁰⁰⁹ SOVA Centre, Voice of Beslan Appeal Found Extremist, 23 April 2010, <http://www.sova-center.ru/en/misuse/news-releases/2010/04/d18586/>, accessed 10 September 2010

¹⁰¹⁰ Minority Rights Group, World Directory of Minorities and Indigenous People, Kabards, <http://www.minorityrights.org/2504/russian-federation/kabards-and-balkars.html>, accessed 20 September 2010

¹⁰¹¹ Minority Rights Group, World Directory of Minorities and Indigenous People, Kabards, <http://www.minorityrights.org/2504/russian-federation/kabards-and-balkars.html>, accessed 20 September 2010

forcibly deported to Central Asia and Siberia in 1944.¹⁰¹² *Minority Rights Group* reports that Balkars voted to create a separate Balkar republic in a December 1991 referendum and in 1996 the Balkar National Congress unilaterally declared a separate Balkar republic in the Russian Federation, leading to mass arrests of Balkars and the closure of political parties by the Kabard leadership.¹⁰¹³

Minority Rights Group further reports that Balkar grievances have been exacerbated by the corruption of the Kabardino-Balkar republic leaders, dominance of the Kabards in politics and in the security forces, the impact of the Chechen conflict and increased Islamic militancy.¹⁰¹⁴

h. Roma

According to *Minority Rights Group*, the 2002 national census counts 182,766 Roma in the Russian Federation, but that this number is probably underestimated.¹⁰¹⁵ *Minority Rights Group* further states that the Roma in Russia are part of a much larger international Roma community, and can be divided into several groups differentiated by language, culture, kinship ties, dialect, and occupation, between which there is often rivalry.¹⁰¹⁶

Minority Rights Group reports that Roma have been targeted for racist violence throughout the Russian Federation, and that they have also been subjected to abuses by law enforcement officials, including ill-treatment in detention, racial profiling, arbitrary police raids on Roma settlements, abduction and extortion and denial of fair trial standards.¹⁰¹⁷ *Minority Rights Group* also states that their access to housing, health care and education has often been blocked.¹⁰¹⁸

According to the *USDOS*, in 2007 local authorities demolished the homes of several members of the local Romani community in Chudovo, Novgorod Oblast.¹⁰¹⁹

The *USDOS* also reports that in October 2009, Sochi Mayor Anatoliy Pakhomov proposed that Roma (whom he called "gypsies") and homeless persons should be forcibly employed as labourers at the Olympic construction sites.¹⁰²⁰

The *USDOS* further reports concerns that that Romani children were discriminated against in the education system, with schools refusing to register Romani students on the grounds that they lacked documents, or placing them in classes for children with learning disabilities.¹⁰²¹

i. Central Asians

¹⁰¹² Minority Rights Group, World Directory of Minorities and Indigenous People, Kabards, <http://www.minorityrights.org/2504/russian-federation/kabards-and-balkars.html>, accessed 20 September 2010

¹⁰¹³ Minority Rights Group, World Directory of Minorities and Indigenous People, Kabards, <http://www.minorityrights.org/2504/russian-federation/kabards-and-balkars.html>, accessed 20 September 2010

¹⁰¹⁴ Minority Rights Group, World Directory of Minorities and Indigenous People, Kabards, <http://www.minorityrights.org/2504/russian-federation/kabards-and-balkars.html>, accessed 20 September 2010

¹⁰¹⁵ Minority Rights Group, World Directory of Minorities and Indigenous People, Roma, <http://www.minorityrights.org/2532/russian-federation/roma.html>, accessed 20 September 2010

¹⁰¹⁶ Minority Rights Group, World Directory of Minorities and Indigenous People, Roma, <http://www.minorityrights.org/2532/russian-federation/roma.html>, accessed 20 September 2010

¹⁰¹⁷ Minority Rights Group, World Directory of Minorities and Indigenous People, Roma, <http://www.minorityrights.org/2532/russian-federation/roma.html>, accessed 20 September 2010

¹⁰¹⁸ Minority Rights Group, World Directory of Minorities and Indigenous People, Roma, <http://www.minorityrights.org/2532/russian-federation/roma.html>, accessed 20 September 2010

¹⁰¹⁹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁰²⁰ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁰²¹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

US NGO, *Human Rights First* states that “migrant workers from Central Asian countries are extremely vulnerable to attacks—since many of them arrive in Russia without proper documents, they risk deportation if they report crimes committed against them to the police”.¹⁰²²

According to the *SOVA Center for Information and Analysis*, people from Central Asia were the group mostly targeted in racist attacks in the first half of 2010, with at least 9 killed and 28 injured.¹⁰²³

The *USDOS* reports that at the end of May 2009, Investigative Committee head Aleksandr Bastykin stated in an interview that migrants, of whom Central Asians constitute a large part, were to blame for the majority of crimes in society.¹⁰²⁴

j. Armenians

According to the website *Armenia Diaspora*, Armenians in Russia represent some 2, 250,000, the largest number of Armenians outside of Armenia.¹⁰²⁵

Human Rights Watch reports that many Armenians were living in Russia before the collapse of the Soviet Union and they were settled in Krasnodar and Stavropol.¹⁰²⁶

The *SOVA Center for Information and Analysis* reports that Armenians are targeted for racist attacks by ultra-right groups, and that there was a xenophobic attack on a 17-year-old Armenian girl by a violent mob near the Avtozavodskaya metro station in Moscow in 2010; she was reported to have been beaten up, her clothes torn and her face wounded. She and her family fled the city without seeking medical help or reporting to the police.¹⁰²⁷

k. Georgians

According to the *USDOS*, the Russian authorities have yet to investigate the reported ill-treatment of civilians in the areas under the control of Russian forces in Georgia during the August 2008 conflict in South Ossetia and Abkhazia.¹⁰²⁸

On 30 September 2009, the *Independent International Fact-Finding Mission on the Conflict in Georgia* released its Tagliavini report, which concluded that all parties to the conflict, including Russian, Georgian, Abkhaz and South Ossetian forces committed violations of international human rights and humanitarian law; these violations included the destruction of ethnic Georgian villages and the failure of the Russian forces to prevent or stop such violations by Ossetian militia in areas under their control.¹⁰²⁹

According to *Human Rights Watch* reporting in 2010, more than 20,000 people displaced from their Georgian villages destroyed in South Ossetia remain unable to return to their homes.¹⁰³⁰

¹⁰²² Human Rights First, 2008 Hate Crime Survey: Russia,

<http://www.humanrightsfirst.org/discrimination/reports.aspx?s=russia&p=violentattack>, accessed 25 September 2010

¹⁰²³ SOVA Centre, Manifestations of Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2010, 30 July 2010, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/07/d19436/>, accessed 2 September 2010

¹⁰²⁴ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010,

<http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁰²⁵ Armenia Diaspora, Armenian population in the world, <http://www.armeniadiaspora.com/population.html>, accessed 25 September 2010

¹⁰²⁶ HRW, Russian Federation: Ethnic Discrimination in Southern Russia, August 1998, <http://www.hrw.org/legacy/reports98/russia/>, accessed 23 September 2010

¹⁰²⁷ SOVA Centre, Manifestations of Radical Nationalism and Efforts to Counteract It in Russia during the First Half of 2010, 30 July 2010, <http://www.sova-center.ru/en/xenophobia/reports-analyses/2010/07/d19436/>, accessed 2 September 2010

¹⁰²⁸ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010,

<http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁰²⁹ Independent International Fact-Finding Mission on the Conflict in Georgia, Report, 30 September 2009, <http://www.ceiiq.ch/Report.html>, accessed 25 August 2010

¹⁰³⁰ Human Rights Watch, World Report 2010, Russia: Events of 2009, <http://www.hrw.org/en/world-report-2010/russia>, accessed 25 August 2010

I. Azeris

According to the 2002 national census, there are 621,840 Azeris residing in Russia.¹⁰³¹

According to *Eurasia.net*, there was a dramatic rise in the number of xenophobic attacks against Azeris living in Russia following the Moscow theatre hostage crisis in 2002, prompting the Azerbaijani leader to have discussions with Moscow.¹⁰³²

In March 2005, Azerbaijanis living in Russia appealed to President Putin to express concern about an attack on the Azeri diaspora leader Soyun Sadigov.¹⁰³³

m. Kalmyks

According to *Minority Rights Group*, Kalmyks, who practice Tibetan Buddhism and speak a Mongolic language numbered 173,996 in the 2002 national census, primarily in the Kalmyk-Khalmg Tangch Republic and in the Astrakhan, Rostov and Volgograd oblasts and Stavropol Krai.¹⁰³⁴

Minority Rights Group reports that a Popular Front of Kalmykia was created in 1990 and that the Republic of Kalmykia adopted a Declaration of Sovereignty in the same year. *Minority Rights Group* reports that independence has brought a revival in the study of the Kalmyk language and of religious practices.¹⁰³⁵ *Minority Rights Group* further reports that in November 2004 the Dalai Lama visited Kalmykia, causing a diplomatic row with China.¹⁰³⁶

Minority Rights Group further reports that in August 2005 there were violent clashes between Kalmyks and Chechens in the village of Yandyki after the death of a young Kalmyk in a bar brawl.¹⁰³⁷ *Minority Rights Group* also states that there is a dispute over the delineation of Kalmykia's borders with the Astrakhan oblast and Dagestan.¹⁰³⁸

n. Turkmen

The U.S. Christian organisation, *The Joshua Project* reports that there are 33,000 Turkmen in Russia.¹⁰³⁹

According to the online news source *Russia Beyond the Headlines*,

“the Turkmen in Stavropol are the largest Turkish Diaspora in Russia. The difference of religion between Turkmen and Russians have caused some conflict between the groups and the situation has been exacerbated by the influence of Dagestani Wahhabis on the

¹⁰³¹ 2002 All-Russian Population Census, <http://www.perepis2002.ru/index.html?id=87>, accessed 27 September 2010

¹⁰³² Eurasia.net, Azerbaijan Acts to Limit Discrimination Against Azeris in Russia, 10 November 2002, <http://www.eurasianet.org/departments/civilsociety/articles/eav111102.shtml>, accessed 27 September 2010

¹⁰³³ Armenia Diaspora, BAKU: Azeris in Russia appeal to Putin, 25 March 2005, <http://www.armeniandiaspora.com/showthread.php?21441-BAKU-Azeris-in-Russia-appeal-to-Putin>, accessed 27 September 2010

¹⁰³⁴ Minority Rights Group, World Directory of Minorities and Indigenous People, Kalmyks, <http://www.minorityrights.org/2497/russian-federation/kalmyks.html>, accessed 20 September 2010

¹⁰³⁵ Minority Rights Group, World Directory of Minorities and Indigenous People, Kalmyks, <http://www.minorityrights.org/2497/russian-federation/kalmyks.html>, accessed 20 September 2010

¹⁰³⁶ Minority Rights Group, World Directory of Minorities and Indigenous People, Kalmyks, <http://www.minorityrights.org/2497/russian-federation/kalmyks.html>, accessed 20 September 2010

¹⁰³⁷ Minority Rights Group, World Directory of Minorities and Indigenous People, Kalmyks, <http://www.minorityrights.org/2497/russian-federation/kalmyks.html>, accessed 20 September 2010

¹⁰³⁸ Minority Rights Group, World Directory of Minorities and Indigenous People, Kalmyks, <http://www.minorityrights.org/2497/russian-federation/kalmyks.html>, accessed 20 September 2010

¹⁰³⁹ Joshua Project, Russia - People groups, updated 11 August 2010, <http://www.joshuaproject.net/countries.php?rog3=RS>, accessed 1 November 2010

Turkmens. In January 1999, the village of Kendzhe-Kulak saw clashes between Russians and Turkmens. In 2000-02, conflicts between these two groups erupted periodically.”¹⁰⁴⁰

According to the *USDOS*, a 4 November 2008 attack on a Turkmen embassy official by 10 neo-Nazis was not properly investigated by the Russian authorities.¹⁰⁴¹

o. Meshketians

In 2008 the *Russian NGO's Alternative Report* to the UN Committee on the Elimination of Racial Discrimination reported that,

“The Meskhetian Turks, or Meskhetians, are Turkish-speaking Muslim people deported in 1944 from South Georgia to Central Asia; the total of over 300,000 Meskhetians reside within the former Soviet Union. In 1989—1990 and later about 90,000 Meskhetians were forced to leave Uzbekistan, fleeing from violent ethnic clashes. Approximately 60,000 of these sought refuge in the Russian Federation (one of the USSR constituent republics at that time), over 13,000 fled to Krasnodar Krai.”¹⁰⁴²

According to *Minority Rights Group* there are 3,257 Meskhetians or Meskhetian Turks counted in the 2002 national census in the Russian Federation, but in reality there were an estimated 72,000 Meskhetians living in Russia in the mid-1990s. *Minority Rights Group* states that it is difficult to know their number because of their geographical dispersal and their problems in registering residence and receiving identity documents.¹⁰⁴³ According to *Minority Rights Group*, most “Meskhetians are ethnic Turks, whilst some are Turkified Georgians. They are Sunni Muslims.”¹⁰⁴⁴

According to *Minority Rights Group*, historically the Meshketians lived along the Georgian-Turkish border, but they were deported to Central Asia under Stalin.¹⁰⁴⁵ *Minority Rights Group* report that their return to Georgia has stalled, and they have also faced strong opposition to their presence in Russia, especially from Kuban Cossacks.¹⁰⁴⁶ *Minority Rights Group* further states that many have moved to Azerbaijan and some to eastern Turkey, and that in 2004 the International Organization of Migration opened a programme of resettlement to the United States for Meskhetians.¹⁰⁴⁷

According to *Minority Rights Group* Meskhetians are concerned that return to Georgia may require them to Georgianize their surnames and ethnicity in identity documents.¹⁰⁴⁸

The *Russian NGO Alternative Report* states that Meskhetian Turks in Krasnodar Krai are denied political and civil rights including Russian citizenship and access to justice,

“Regional authorities of Krasnodar Krai refused to give *propiska* (now a registration by place of residence) to Meskhetian Turks. Under this pretext the Turks were not acknowledged as RF citizens and many of them had to legalize their citizenship in other

¹⁰⁴⁰ Russia Beyond the headlines, A bomb goes off in Stavropol, by Sergei Markedonov, 21 May 2010,

http://rbth.ru/articles/2010/05/27/bomb_goes_off_in_stavropol.html, accessed 26 September 2010

¹⁰⁴¹ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010,

<http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁰⁴² Russian NGOs Alternative Report, Compliance with the Convention on the Elimination of All Forms of Racial Discrimination, NGO report to the UN Committee on the Elimination of Racial Discrimination on Russian, updated March 2008, <http://www.memo.ru/hr/discrim/ver1/Report-ICERD-eng-site.html>, accessed 4 April 2011

¹⁰⁴³ Minority Rights Group, World Directory of Minorities and Indigenous People, Meskhetians, <http://www.minorityrights.org/2531/russian-federation/meskhetians-or-meskhetian-turks.html>, accessed 26 September 2010

¹⁰⁴⁴ Minority Rights Group, World Directory of Minorities and Indigenous People, Meskhetians, <http://www.minorityrights.org/2531/russian-federation/meskhetians-or-meskhetian-turks.html>, accessed 26 September 2010

¹⁰⁴⁵ Minority Rights Group, World Directory of Minorities and Indigenous People, Meskhetians, <http://www.minorityrights.org/2531/russian-federation/meskhetians-or-meskhetian-turks.html>, accessed 26 September 2010

¹⁰⁴⁶ Minority Rights Group, World Directory of Minorities and Indigenous People, Meskhetians, <http://www.minorityrights.org/2531/russian-federation/meskhetians-or-meskhetian-turks.html>, accessed 26 September 2010

¹⁰⁴⁷ Minority Rights Group, World Directory of Minorities and Indigenous People, Meskhetians, <http://www.minorityrights.org/2531/russian-federation/meskhetians-or-meskhetian-turks.html>, accessed 26 September 2010

¹⁰⁴⁸ Minority Rights Group, World Directory of Minorities and Indigenous People, Meskhetians, <http://www.minorityrights.org/2531/russian-federation/meskhetians-or-meskhetian-turks.html>, accessed 26 September 2010

regions of the country. Krasnodar Krai is the only region in Russia where Turks having no local registration by place of residence are *en masse* deprived of the main civil and political rights. They may not get or renew (in case of a loss or damage) their personal documents (primarily a passport). Their marriages are not officially registered and recognized. Turks are consistently denied access to justice: local judges refuse to accept Meskhetian's suits and complaints under various false pretexts. In many cases it is fair to say that Krasnodar Krai's courts showed a biased attitude to Meskhetian Turks which appealed against unlawful refusals of local police to register them by place of residence. Quite often courts passed judgments against the plaintiffs, thus ignoring the requirements of law. Turks are completely denied access to the social welfare system and health case insurance. They are not entitled to any education above secondary level. Meskhetians are regularly subjected to checks by police officers and fined for the absence of registration. Authorities always conduct mass checks of the 'passport regime', including searches in residential houses."¹⁰⁴⁹

According to the *USDOS*,

"in Krasnodar Krai at least several hundred Meskhetian Turks (with some estimates as high as 5,000), Batumi Kurds, Hemshils, and Yezidis, both political and environmental refugees and their descendants, remained without Russian passports and were denied the right to register as residents, which deprived them of all rights of citizenship and prevented them from working legally, leasing land, or selling goods. The law in Krasnodar Krai that defines illegal migrants includes stateless persons."¹⁰⁵⁰

According to *Minority Rights Group*,

"Meskhetians in Krasnodar krai, notorious in Russia as one of the most discriminatory regions with regard to minorities, are reportedly denied identity and travel documents, as well as birth certificates and marriage licenses. Russian human rights activists have highlighted how the refusal of local agencies of the Russian Ministry for Internal Affairs to give Meskhetians (and other minority groups) identity documents reduces them to 'non-persons' unable to move around the country."¹⁰⁵¹

Minority Rights Group further note reports that local authorities in Krasnodar have funded paramilitary groups to harass Caucasian minorities,

"According to reports Caucasian minorities in Krasnodar also face intimidation and violence from paramilitary groups of Cossacks funded by the local authorities, a form of officially sanctioned racism."¹⁰⁵²

p. Yezidis/Izids

According to *Writenet*, a network of researchers on human rights and forced migration,

"the Yezidis are a heterodox Kurdish-speaking community, originating in northern Iraq and distinguished from other Kurds by adherence to the Yezidi religion, a minority faith of diverse origins. The Yezidis in South Caucasus form part of a larger Yezidi global

¹⁰⁴⁹ Russian NGOs Alternative Report, Compliance with the Convention on the Elimination of All Forms of Racial Discrimination, NGO report to the UN Committee on the Elimination of Racial Discrimination on Russian, updated March 2008, <http://www.memo.ru/hr/discrim/ver1/Report-ICERD-eng-site.html>, accessed 4 April 2011

¹⁰⁵⁰ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

¹⁰⁵¹ Minority Rights Group, World Directory of Minorities and Indigenous People, Meskhetians, <http://www.minorityrights.org/2531/russian-federation/meskhetians-or-meskhetian-turks.html>, accessed 26 September 2010

¹⁰⁵² Minority Rights Group, World Directory of Minorities and Indigenous People, Meskhetians, <http://www.minorityrights.org/2531/russian-federation/meskhetians-or-meskhetian-turks.html>, accessed 26 September 2010

community, located predominantly in the historic homeland of the Yezidi faith, northern Iraq, and also in Turkey, Syria and Western Europe.”¹⁰⁵³

The *European Human Rights Advocacy Centre*, based at the London Metropolitan University, reports that,

“The Yezidi are followers of a Middle Eastern religion with ancient origins. The largest Yezidi community was, until 1988, living in Soviet Armenia. The 1988 earthquake caused almost all the community to flee to the Krasnodar region of Soviet Russia. Since relocating to Russia, the community has experienced discrimination from the Russian authorities in the region.”¹⁰⁵⁴

According to the *European Human Rights Advocacy Centre*, there are about 2,000 Yezidis living in southern Russia.¹⁰⁵⁵

In 2008 the *European Human Rights Advocacy Centre* and Russian NGO *Memorial* lodged a case on behalf of two Yezidi at the European Court of Human Rights,

“Two persons of Yezidi origin have lodged a case with the European Court of Human Rights complaining that Russia has unlawfully refused to issue them with Russian passports and has subjected them to widespread discriminatory treatment because of their ethnicity.”¹⁰⁵⁶

The *European Human Rights Advocacy Centre* states that,

“Since relocating to Russia the community has experienced widespread discrimination from the Russian authorities in the region. A large number of the community resident in Russia have no local *propiska* (registration) and are not recognised as Russian citizens. The problems which follow from the lack of local registration and citizenship are myriad: lack of access to employment, social benefits, health care, education, voting rights, and freedom of movement to name but a few.”¹⁰⁵⁷

According to the *USDOS*,

“in Krasnodar Krai at least several hundred Meskhetian Turks (with some estimates as high as 5,000), Batumi Kurds, Hemshils, and Yezidis, both political and environmental refugees and their descendants, remained without Russian passports and were denied the right to register as residents, which deprived them of all rights of citizenship and prevented them from working legally, leasing land, or selling goods. The law in Krasnodar Krai that defines illegal migrants includes stateless persons.”¹⁰⁵⁸

In 2008 the *Russian NGO's Alternative Report to the UN Committee on the Elimination of Racial Discrimination* reported that,

¹⁰⁵³ Writenet, The human rights situation of the Yezidi minority in the Transcaucasus (Armenia, Georgia, Azerbaijan), May 2008, <http://www.unhcr.org/refworld/pdfid/485fa2342.pdf>, accessed 27 September 2010

¹⁰⁵⁴ European Human Rights Advocacy Centre Bulletin, Issue 11, Summer 2009, <http://ehracmos.memo.ru/files/EHRAC%20Bulletin11ENG.pdf>, accessed 26 September 2010

¹⁰⁵⁵ European Human Rights Advocacy Centre Bulletin, Issue 11, Summer 2009, <http://ehracmos.memo.ru/files/EHRAC%20Bulletin11ENG.pdf>, accessed 26 September 2010

¹⁰⁵⁶ European Human Rights Advocacy Centre Bulletin, Issue 11, Summer 2009, <http://ehracmos.memo.ru/files/EHRAC%20Bulletin11ENG.pdf>, accessed 26 September 2010

¹⁰⁵⁷ European Human Rights Advocacy Centre Bulletin, Issue 11, Summer 2009, <http://ehracmos.memo.ru/files/EHRAC%20Bulletin11ENG.pdf>, accessed 26 September 2010

¹⁰⁵⁸ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 22 August 2010

“discriminatory policies are still pursued in respect of other minorities in the region – Armenians, Kurds, Yezidis and Hemshils.”¹⁰⁵⁹

The *Russian NGO's Alternative Report* further states,

“According to the 2002 census the number of Yezidis³⁹ in Krasnodar Krai reaches 4,400; according to Yezidi activists, their number can exceed 5,500. Of them about 1,500 – 2,000 people still have no local registration and most of these have no recognized Russian citizenship either. Many of the latter came to the region in 1988-1991, basically from the area of the 1988 Armenian earthquake. Approximately 500-600 Yazidis residing in Neberdjaevskaya village since late 1980s have no local *propiska* and are not recognized as Russian citizens.”¹⁰⁶⁰

¹⁰⁵⁹ Russian NGOs Alternative Report, Compliance with the Convention on the Elimination of All Forms of Racial Discrimination, NGO report to the UN Committee on the Elimination of Racial Discrimination on Russian, updated March 2008, <http://www.memo.ru/hr/discrim/ver1/Report-ICERD-eng-site.html>, accessed 4 April 2011

¹⁰⁶⁰ Russian NGOs Alternative Report, Compliance with the Convention on the Elimination of All Forms of Racial Discrimination, NGO report to the UN Committee on the Elimination of Racial Discrimination on Russian, updated March 2008, <http://www.memo.ru/hr/discrim/ver1/Report-ICERD-eng-site.html>, accessed 4 April 2011

J. Freedom of Movement

1. Freedom of Movement

Article 27 of the Russian Constitution, adopted in 1993, states,¹⁰⁶¹

- “1. Every who legally stays in the territory of the Russian Federation shall have the right to free travel, choice of place of stay or residence.
2. Everyone may freely leave the Russian Federation. Citizens of the Russian Federation shall have the right to freely return to the Russian Federation.”¹⁰⁶²

In its 2008 national report submitted to the UN General Assembly the *Russian Federation* stated that,

“Any person legally in the territory of the Russian Federation has the right freely to move about, to choose his or her temporary or permanent place of residence, and to leave the country and return without hindrance. The country uses a notification system for registering place of residence that ensures observance of the right freely to move about and choose where to live.”¹⁰⁶³

According to the 2010 *USDOS* report on the events of 2009, internal movement with the Russian Federation is regulated by the issuance of internal travel documents,

“All adults must carry government-issued internal passports while traveling internally and must register with the local authorities within a specified time of their arrival at a new location.

Authorities often refused to provide governmental services to individuals without internal passports or proper registration. The official grace period for registration given to an individual arriving in a new location is 90 days.

Darker-skinned persons from the Caucasus or Central Asia were often singled out for document checks. There were credible reports that police arbitrarily imposed fines on unregistered persons in excess of legal requirements or demanded bribes from them.”¹⁰⁶⁴

The *USDOS* further reported that despite legislation granting citizens the right to choose freely their place of residence, local restrictions are enforced that inhibit the right to freedom of movement,

“Although the law gives citizens the right to choose their place of residence freely, many regional governments continued to restrict this right through residential registration rules that closely resembled Soviet-era regulations.

¹⁰⁶¹ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

¹⁰⁶² Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

¹⁰⁶³ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

¹⁰⁶⁴ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

Citizens moving permanently must register within seven days in order to reside, work, or obtain government services and benefits or education for their children in a specific area. Citizens changing residence within the country, migrants, and persons with a legal claim to Russian citizenship who moved to the country from other former-Soviet republics often faced great difficulties or simply were not permitted to register in some cities.

The registration process in local police precincts was often corrupt. There were frequent reports of police expecting bribes to process registration applications and demanding them during spot checks for registration documentation.

The law provides for freedom to travel abroad and citizens generally did so without restriction; however, there were exceptions. Citizens with access to classified material needed to obtain police and Federal Security Service clearances to receive a passport for international travel.”¹⁰⁶⁵

The *UN Human Rights Committee* notes in an October 2009 report that strict residence registration requirements inhibits the rights of certain minority groups in the Russian Federation,

“The Committee is concerned about the large number of stateless and undocumented persons in the State party, in particular former Soviet citizens who were unable to acquire citizenship or nationality subsequent to the break-up of the USSR, and to regularize their status in the Russian Federation or in any other State with which they have a significant connection, and consequently remain stateless or with undetermined nationality. The Committee also notes that members of certain ethnic groups from varying regions, in particular individuals from Central Asia and the Caucasus, face problems acquiring citizenship due to complex legislation governing naturalization and obstacles posed by strict residence registration requirements. (arts. 2, 3, 20 and 26).”¹⁰⁶⁶

a. Safety of road travel

In March 2010 the *BBC News* reported on the misuse of civilian vehicles by Moscow traffic police,

“Russia has launched a criminal inquiry following claims that traffic police used civilian motorists as a “human shield” to stop suspected criminals.

Several drivers were reportedly ordered to use their cars to form a barrier on a major Moscow motorway last Friday.

[]

It is the latest in a series of reported incidents involving Russian police, who are seen by many Russians as corrupt and brutal.”¹⁰⁶⁷

An English translation of a *K2K News* article on police corruption was made available on the *Russia Beyond the Headlines/Rossiyskaya Gazeta* website on March 31st 2010,

“For two weeks, Russia has been debating a traffic accident on Gagarin Square in central Moscow. []

Today, motorists represent a force that can express and channel the anger of the Russian middle class.

¹⁰⁶⁵ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm> , accessed 10 August 2010

¹⁰⁶⁶ UN Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant - Concluding observations of the Human Rights Committee - Russian Federation, 12-30 October 2009, p.4, available at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CCPR/C/RUS/CO/6&Lang=E>

¹⁰⁶⁷ BBC News, Russian police ‘used drivers as human shield’, 10 March 2010, <http://news.bbc.co.uk/2/hi/8560618.stm> , accessed 12 September 2010

Unbridled abuse from the traffic police breeds public mistrust and hatred towards the authorities, who should have simply conducted an honest investigation of the above accident and share the results openly instead of covering things up to avoid irritating the big shots involved.”¹⁰⁶⁸

An April 2010 report published online by *BarentsObserver.com* states that a police officer was convicted for taking a bribe from a motorist,

“The City Court in Kotlas in Arkhangelsk Oblast sentenced the police officer this week after finding him guilty of taking bribe from a driver he stopped in a traffic control in 2008, []

The driver was stopped for violating traffic rules, but the officer made a false formal document about the traffic violation, got 1000 roubles (€25) in cash-bribe and then let the driver continue his ride. Taking bribes is said to be a common problem within the Russian traffic police.”¹⁰⁶⁹

In July 2010 *Forum 18* reported that traffic police stopped vehicles to search for extremist material,

“On 9 July Traffic Police at the Uspensky traffic control post, on the border of Krasnodar and Stavropol Regions, detained 45 Jehovah's Witnesses travelling in three minibuses to a religious congress in Nevinnomyssk in Stavropol Region. Officers demanded to see their passports, copies of "The Watchtower" and other religious literature. Asked why they had been stopped, one officer explained: "I have an order, I have to report back on whether I find even one title from the List (of Extremist Materials).

[]

Asked whether officers had known when they stopped the minibuses that the occupants were Jehovah's Witnesses, the officer refused to say. But he added: "I can't remember what traffic violation they were committing – it was so long ago. But when we checked the vehicles we found the banned literature."

The Uspensky post officer confirmed that his post has access to licence details for all vehicles registered in the Russian Federation, but repeatedly declined to say whether officers had been given information in advance to look for the three specific minibuses.

On 12 March, Traffic Police stopped a Jehovah's Witness at a roadside checkpoint on the grounds of "conducting a check-up on the transportation of extremist literature". Although none of the literature in his car was on the Federal List, the Traffic Police took him to Moscow Region's Voskresensk District ordinary police station.”¹⁰⁷⁰

A report by the Russian radio station *Voice of Russia* in August 2010 notes that legislators hope that a new drink-driving law will make enforcement more transparent,

“Now, anyone who fails a breathalyzer test faces a driving ban of up to two years. Under a new amendment, the decision to arrest someone has to be based on breathalyzer test results or blood analyses.

[]

The authorities hope that this will make the police's decisions more accurate, obliging them to respect driver's rights.”¹⁰⁷¹

¹⁰⁶⁸ RBTH/Rossiyskaya Gazeta, Motorists become a strong force, 31 March 2010, http://rbth.ru/articles/2010/03/31/reforming_russias_notorious_police_force.html , accessed 21 August 2010

¹⁰⁶⁹ BarentsObserver.com, Traffic police officer jailed for taking bribe, 20 April 2010, <http://www.barentsobserver.com/index.php?id=4775422&showtipform=1&cat=16287> , accessed 3 September 2010

¹⁰⁷⁰ Forum 18, RUSSIA: Traffic Police start searches for religious literature, 27 July 2010, http://www.forum18.org/Archive.php?article_id=1470 , accessed 23 August 2010

¹⁰⁷¹ VOR, Russian traffic police to become more objective, lawmakers hope, 4 August 2010, http://english.ruvr.ru/rtvideo/2010/08/06/video_14830342.html, accessed 16 August 2010

In September 2010 *The Daily Telegraph* reported on the prevalence of road traffic accidents in Russia,

“In the first six months of this year, 378 people were killed and more than 6,600 injured on pedestrian crossings in Russia, according to police. In Moscow alone, 43 people were killed, including two children.”¹⁰⁷²

A September 2010 report by Russian news agency *Itar-Tass* states that there has been a downward trend in the level of accidents on the roads in Russia involving pedestrians,

“Russia’s traffic police have reported a downward trend in pedestrian related accidents. According to statistics, in January-August around 40,000 pedestrian related accidents were registered in the country, down by 5.7 percent as against the same period of last year.

The number of road accident fatalities is also on decline, the Interior Ministry’s traffic police told Itar-Tass on Monday. Over the eight months 4,504 people were killed in road accidents, down by 12.9 percent as against the same period of 2009. Another 37,558 pedestrians were injured, a decline by 5 percent.”¹⁰⁷³

The *Austrian Federal Ministry of the Interior* report of September 2009 states with respect to the situation regarding freedom of movement for the inhabitants of Chechnya,

“So it is clear that there are still some regions in Chechnya that are under rebel control, the rebels set up checkpoints on the roads, send their own photos by mobile phones – it means they feel safe. It must be said however that these zones are geographically limited to the south and mainly to the Vedeno region.”¹⁰⁷⁴

b. Restrictions on movement between areas of the Russian Federation

Russian federal legislation includes provisions pertaining to the registration of citizens according to their place of stay or residence. The initial law passed in 1993 was ‘The Law of the Russian Federation No. 5242-1 of June 25, 1993 on the Right of Citizens of the Russian Federation to the Freedom of Movement, the Choice of a Place of Stay and Residence within the Russian Federation.’¹⁰⁷⁵

Federal Law No. 127-FZ of November 2, 2004 amended Article 3 of the initial Code (the amendments entered into force as of January 1, 2005).¹⁰⁷⁶

“Article 3: Registration of Citizens of the Russian Federation According to the Place of Stay or Residence within the Russian Federation

In order to provide the necessary conditions for the realization by a citizen of the Russian Federation of his rights and freedoms, and also for the performance of his duties to other citizens, the State and society, registration of citizens of the Russian Federation shall be introduced according to the place of stay or residence within the Russian Federation.

¹⁰⁷² Daily Telegraph, Moscow drivers see ‘zebras’ crossing, 3 September 2010, <http://www.telegraph.co.uk/news/worldnews/europe/russia/7980305/Moscow-drivers-see-zebras-crossing.html>, accessed 4 September 2010

¹⁰⁷³ ITAR-TASS, Russia traffic police report decline in pedestrian related accidents, 13 September 2010, <http://www.itar-tass.com/eng/level2.html?NewsID=15489783&PageNum=0>, accessed 14 September 2010

¹⁰⁷⁴ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.20, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

¹⁰⁷⁵ Russian Federation, Law of the Russian Federation No. 5242-1, 1993, available from <http://www.legislationline.org/documents/action/popup/id/4257>, accessed 3 September 2010

¹⁰⁷⁶ Russian Federation, Federal Law No. 127-FZ of November 2, 2004, available from <http://www.legislationline.org/documents/action/popup/id/4257>, accessed 4 September 2010. Russian Federation, Law of the Russian Federation No. 5242-1, 1993, available from <http://www.legislationline.org/documents/action/popup/id/4257>, accessed 3 September 2010

Citizens of the Russian Federation shall be obliged to get registered in the place of stay or residence within the Russian Federation. Registration or non-registration may not serve as a ground or condition for the implementation of the rights and freedoms of citizens, provided for by the Constitution of the Russian Federation, the laws of the Russian Federation, the Constitutions and laws of the Republics within the Russian Federation.¹⁰⁷⁷

Registration of citizens is also regulated by a 1995 decision of the Russian Constitutional Court, Resolution No. 713. A 2005 working paper report by the *Refugee Studies Centre* at the University of Oxford notes,

“Resolution No. 713. 17 July 1995.

Full title: ‘Confirming the Rules of registration and de-registration of citizens of the Russian Federation in places of sojourn or residence within the territory of the Russian Federation, and an enumeration of the public officials responsible for registration’.

Key provisions:

- Sets out general guidelines for registration policy.
- Article 1.1 explains that ‘registration is maintained in order to ensure the necessary conditions for citizens’ realization of their rights and freedoms, as well as their fulfilment of their obligations towards other citizens, the government and society’.¹⁰⁷⁸

The *Austrian Federal Ministry of the Interior* reports in September 2009 that Chechens are facing less discrimination by way of arbitrary checks by police, though Central Asians are instead more frequently targeted,

“The sources almost unanimously stated that at present ethnic Chechens have far less problems with arbitrary checks by police. Nowadays Central-Asians are the group most targeted by police. The sources stated that ethnic Chechens aren’t specifically harassed by police anymore in Moscow, in contrast with some years ago when it did happen more often. They also confirmed that Central-Asians are now the most targeted group.”¹⁰⁷⁹

A November 2009 report by the *Council of Europe* on the Chechen Republic and the Republic of Ingushetia comments on the status of IDPs in the region, and notes that they have been subject to pressure by the authorities to return to Chechnya,

“According to civil society representatives, undue pressure had been applied by the authorities upon the IDPs in question, including by threatening to discontinue the social benefits of those unwilling or reluctant to return to Chechnya.

Allegations have also been made that the withdrawal of persons from the special register of IDPs had been carried out fraudulently. The IDPs concerned had lodged a collective complaint with the Prosecutor’s Office of the Republic of Ingushetia, claiming that their applications for removal from the IDP register had been forged.

The Ombudsman of Ingushetia, who also expressed misgivings about possible coercion of the IDPs involved, informed the Commissioner that the IDPs would most likely not be immediately returned to Chechnya, as this would disrupt the schooling of children whose school year had just started.”¹⁰⁸⁰

¹⁰⁷⁷ Russian Federation, Federal Law No. 127-FZ of November 2, 2004, available from <http://www.legislationline.org/documents/action/popup/id/4257> , accessed 4 September 2010

¹⁰⁷⁸ Oxford University, RSC Working Paper No. 22 - The Outside Inside: Chechen IDPs, Identity Documents and the Right to Free Movement in the Russian Federation, March 2005, p.48, <http://www.rsc.ox.ac.uk/PDFs/RSCworkingpaper22.pdf> , accessed 5 September 2010

¹⁰⁷⁹ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.9, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf , accessed 13 September 2010

¹⁰⁸⁰ Council of Europe, REPORT by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe, 24 November 2009, p.16,

The *Austrian Federal Ministry of the Interior* document further reported in 2009 that corruption affords opportunities for people to obtain internal or international travel documents in Russia,

“Memorial and the Chechen Association stated that it is quite easy at present to obtain an internal or international passport in the Russian Federation. However bribes still have to be paid. Memorial thinks that the trade in fake passports is quite big, but hasn’t got any statistics on the amount of persons who use such passports.”¹⁰⁸¹

The *UNDP’s* 2008 National Human Development Report, published in April 2009, comments on the authorities policy of trying to regulate internal migration,

“Government attempts to regulate internal migration processes were not fully successful in the Soviet period and can hardly be of any avail in the present situation. Despite this, some sections of government continue to believe that migrants should move “where required”, not where they choose.”¹⁰⁸²

In February 2009 *The St. Petersburg Times* reported on an incident in a nightclub during which visitors were searched, photographed and fingerprinted,

“A lawyer and a rights activist have contested the claims of the city’s ombudsman that the police acted within the law when they detained, searched, photographed and fingerprinted fans during a Feb. 6 raid on Arctica music club.

[]

A week later, Mikhailov, a member of the Kremlin-backed United Russia party who was elected as the city’s ombudsman by the United Russia-dominated city parliament last year, told journalists at a 45-minute briefing at Rosbalt that the police had the right to act as they did at Arctica.

[]

Lawyer Topilskaya, who pointed to the possible violation of a number of laws by the police during the raid, said that without any investigation she could say that Article 5 of the law on the police was violated by the raiders, who did not state their identity as required. No law-enforcement agency has yet taken responsibility for the raid, which took place more than two weeks ago.

[]

Confronting Mikhailov’s earlier claims, Topilskaya said that the police can check citizens’ IDs only if they have “sufficient grounds” to suspect a citizen of committing a crime, being wanted by the police or if there are grounds to launch an administrative violation case against them. Similar restrictions apply to searches and other police actions, she said.”¹⁰⁸³

A December 2009 report by *Radio Free Europe/Radio Liberty* notes the introduction of new legislation that allows for certain restrictions on liberty as a new criminal sanction for minor crimes,

“Russian President Dmitry Medvedev has signed a law that introduces “restriction of freedom” as a new penalty, mainly for minor crimes, []

The law was adopted by the State Duma on December 16 and the Federation Council on December 25. It states that the new penalty - which can be used beginning on January 10 - may be given for minor crimes and as an additional punishment for some serious crimes.

<https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1501786&SecMode=1&DocId=1503116&Usage=2> , accessed 19 August 2010

¹⁰⁸¹ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.11, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf , accessed 13 September 2010

¹⁰⁸² UNDP, 2008 National Human Development Report - Russia Facing Demographic Challenges, April 2009, p.14, http://www.undp.ru/documents/NHDR_2008_Eng.pdf , accessed 28 August 2010

¹⁰⁸³ The St. Petersburg Times, Claims of Rights Watchdog Contested, 24 February 2009, http://www.sptimes.ru/index.php?action_id=2&story_id=28335&highlight=\\ , accessed 22 August 2010

A defendant sentenced to the so-called house arrest will be denied the right to leave his house at certain times of the day, leave the territory or municipality, visit and participate in public events, or change his place of residence, workplace, or school without the consent of a special oversight body.

Persons given the punishment will periodically undergo an inspection at their residence. The penalty may be given for a minimum of two months and up to four years.”¹⁰⁸⁴

RIA Novosti news agency reported in February 2010 that the Russian Federation might in future adopt legislative measures that relinquish restrictions on internal movements,

“Russia may abandon its rigid registration rules, seen as a check on labor mobility and a source of human rights abuse, [] If the bill is approved, a notification system will be introduced, which means Russians will only have to notify authorities of their moving after the fact.

[]

However, the current system hampers the realization of citizen's civil rights until an individual is officially registered in the new place of residence.

According to the Public Opinion research foundation, some 7% of Russians say they cannot realize their right to freedom of movement, while 59% said they did not know if their rights were breached or not, the paper said.

Federal Migration Service spokesman Konstantin Poltoranin was quoted by the paper as saying a permanent registration system should become “a thing of the past.” He described the expected cancelation of the regulatory approval system, which is widely seen as a money-making instrument for corrupt officials, as a “very important step.”¹⁰⁸⁵

A May 2010 article in *The New York Times* reports on the mobility issues that people with disabilities face in Russia,

“A lack of ramps and elevators and minimal access to public transportation means that only the hardiest of those with physical disabilities can leave their homes on their own, let alone keep up with the rigorous training regimen and travel schedule of a successful athletic team.

“We are used to fighting,” Mr. Shilov said. “Fighting, firstly, for our survival against staircases and other barriers.”

[]

The Moscow government’s attempts to make the city more accessible for disabled people in recent years “have turned out horribly,” said Natalya Bakhmatova, from the Moscow-based disabled rights group Perspektiva.

There are new ramps on street corners and in front of businesses, but many are either too narrow or too steep for wheelchairs, she said. A few buses are equipped with lifts for passengers in wheelchairs, but the bus drivers often refuse to operate them.

Wheelchair elevators built in some new subway stations are frequently locked or out of order. And sirens or buzzers to alert the blind that it is safe to cross roads are little help in a city where many disregard traffic signals.

¹⁰⁸⁴ Radio Free Europe / Radio Liberty, Russia Introduces 'Restriction Of Freedom' Punishment, 29 December 2009, http://www.rferl.org/content/Russia_Introduces_Restriction_Of_Freedom_Punishment/1916878.html , accessed 23 August 2010

¹⁰⁸⁵ RIA Novosti, Russia to cut red tape on free movement, 2 February 2010, <http://en.rian.ru/russia/20100202/157750923.html> , accessed 26 August 2010

“We have many disabled people in this country,” Mr. Shilov said. “Many who simply cannot leave their homes, to descend five to six steps, and who don’t know that it is possible to play sports or do anything else.”¹⁰⁸⁶

¹⁰⁸⁶ The New York Times, Moscow Journal - Disabled Athletes Defy an Unaccommodating City, 20 May 2010, <http://www.nytimes.com/2010/05/21/world/europe/21moscow.html?ref=russia> , accessed 30 August 2010

K. Further Human Rights Considerations

1. Administration of justice

a. Corruption

A September 2009 article in *The Guardian* quotes Russian President Medvedev as saying that corruption is pervasive in the country,

“Speaking to a group of Russian experts and journalists, he said that corrupt officials ran Russia. “They have the power. Corruption has a systemic nature, deep historic roots. We should squeeze it out. The battle isn’t easy but it has to be fought. I don’t think we can achieve tangible results in one year or two. If I am a realist we could get good results in 15.””¹⁰⁸⁷

A November 2009 report by the *Council of Europe* on the Chechen Republic and the Republic of Ingushetia states that corruption in the region is linked to organised crime,

“The authorities of Ingushetia also made reference to the connection between corruption and organised crime. Corrupt officials had reportedly channelled some state funds for the benefit of illegal armed groups and criminal organisations. There were also strong suppositions that some of the recent killings of state officials had been related to their serious efforts to investigate and combat corrupt activity.”¹⁰⁸⁸

b. Judicial Reform

In its 2008 national report submitted to the United Nations General Assembly the *Russian Federation* stated that,

“The exercise of judicial authority and administration of justice in the Russian Federation are strictly governed by the Constitution and other laws.

[] The President and the Government are following the reform and development of the Russian justice system very closely. The administration of justice is being made transparent and adversarial.

[] The main achievement of the judicial reform has been the establishment of the adversarial principle in the Russian criminal justice system.

[] The Constitutional Court plays a special role in the defence of human rights in the justice system, as it issues rulings on whether Russian laws are in keeping with the Constitution and the human and civil rights and freedoms that it guarantees.”¹⁰⁸⁹

The 2008 *Russian Federation* national report submitted to the United Nations General Assembly further states that,

¹⁰⁸⁷ The Guardian, Dmitry Medvedev announces ‘vision’ to clean up Russian corruption, 15 September 2010,

<http://www.guardian.co.uk/world/2009/sep/15/president-dmitry-medvedev-russian-corruption> accessed 20 August 2010

¹⁰⁸⁸ COE, REPORT by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe, 24 November 2009, p.14, <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1501786&SecMode=1&DocId=1503116&Usage=2> , accessed 19 August 2010

¹⁰⁸⁹ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

“The Russian Federation has abolished restrictions on the judicial defence of citizens’ constitutional, social or labour rights and on the right to appeal against unlawful decisions and actions (or omissions) by any State bodies, public organizations or officials that violate citizens’ constitutional rights.

[] As a result, there have been major changes in judicial practice. For example, while in 1992 the courts heard some 5,500 cases involving unlawful actions (omissions) or decisions by administrative bodies, there were over 47,000 such cases in 2007.

[] Currently, the courts uphold approximately 60 per cent of complaints relating to officials, and about 70 per cent of complaints relating to administrative bodies.”¹⁰⁹⁰

With regards to sentencing the 2008 *Russian Federation* national report stated that,

“Recently, more humane forms of sentencing have become more prevalent.

[] The total number of convicts receiving life sentences was 69 in 2007. Some 303,000 people or 33 per cent of all those convicted (34.5 per cent in 2006) received sentences involving deprivation of liberty for a specified term.

[] Nearly 17,000 convicts (approximately 7 per cent) received sentences that were under the lower limit.

[] In 2007, the country’s courts considered over 194,000 applications for parole, nearly 70 per cent of which were granted. Of the 11,500 applications for lighter sentences, the courts approved 70 per cent.

[] In 2007, sentences were reduced on appeal to higher courts for over 36,000 convicts.”¹⁰⁹¹

In October 2009 the *UN Human Rights Committee* reported concerns that there is a lack of independence in the Russian judiciary,

“The Committee is concerned about the lack of independence of judges in the State party. In particular, the Committee is concerned about the appointment mechanism for judges that exposes them to political pressure and about the lack of an independent disciplinary mechanism, particularly in cases of corruption. The Committee is also concerned about the relatively low rate of acquittal for criminal cases.”¹⁰⁹²

In *Freedom House’s* January 2010 report on events in Russia in 2009, the organisation states that the executive branch of government in Russia unduly influences the judiciary,

“The judiciary lacks independence from the executive branch, in part because judges are often dependent on court chairmen for promotions and bonuses and must follow Kremlin preferences in order to advance. Two members of the Constitutional Court were punished after decrying judges’ lack of independence, with one forced to resign from the court in December 2009.

¹⁰⁹⁰ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008,

¹⁰⁹¹ http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010
United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008,

¹⁰⁹² http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010
UN Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant - Concluding observations of the Human Rights Committee - Russian Federation, 12-30 October 2009, <http://www2.ohchr.org/english/bodies/hrc/docs/co/CCPR.C.RUS.CO.6.doc>, accessed 3 September 2010

[]

After judicial reforms in 2002, the government has made gains in implementing due process and holding timely trials, though Medvedev has complained that this progress is not adequate. Since 2003, the criminal procedure code has allowed jury trials in most of the country. While juries are more likely than judges to acquit defendants, these verdicts are frequently overturned by higher courts, which can order retrials until the desired outcome is achieved. Russia ended the use of jury trials in terrorism cases in 2008, and Medvedev in 2009 proposed doing the same for organized crime cases.”¹⁰⁹³

According to the *USDOS*, despite legislation to ensure its independence, the judiciary in Russia is not independent,

“The law provides for an independent judiciary; however, the judicial branch did not consistently act as an effective counterweight to other branches of the government. Judges remained subject to influence from the executive, military, and security forces, particularly in high profile or politically sensitive cases.

[]

Despite increases in judges' salaries, including an 8.5 percent raise in 2008, reports of judges being bribed by officials and others continued. In December 2008 the Supreme Qualifying Collegium of Judges reported that during the last four years, an average of 70 judges per year were removed from office while approximately 300 warnings per year were issued for a variety of offenses, including unreasonable length for processing cases, alcohol-related and other lapses of behavior, and conflicts of interest/corruption related issues.”¹⁰⁹⁴

c. Law enforcement agencies

In its 2008 national report submitted to the United National General Assembly the *Russian Federation* stated that,

“In particular, under the Militia Act, the police are forbidden to resort to torture, violence or other cruel or degrading treatment. Russian penal enforcement legislation and practice are both based upon strict observance of the safeguards against torture, violence and other cruel or degrading treatment of convicts.

[] There have been instances in which the authorities have unlawfully resorted to violence. In 2007, for example, after procurators carried out over 4,000 checks of police holding facilities, action on violations of the law was taken in some 1,300 cases. In 2007, criminal proceedings were brought against 21 penal enforcement officials for abuse of power, including the illegal use of physical force and special restraining devices.”¹⁰⁹⁵

In October 2009 the *UN Human Rights Committee* reported concerns that allegations of torture by state officials were inadequately investigated,

“The Committee is concerned about the continuing substantiated reports of acts of torture and other cruel, inhuman or degrading treatment or punishment committed by law enforcement personnel and other State agents, including of persons who are in police custody, pretrial detention and prison. The Committee is concerned about the extremely low rate of conviction of the State agents concerned, initiated under section 117 (cruel treatment)

¹⁰⁹³ Freedom House, *Freedom in the World - Russia* (2010), 12 January 2010, http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2010&country=7904&pf , accessed 26 August 2010

¹⁰⁹⁴ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm> , accessed 10 August 2010

¹⁰⁹⁵ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

of the Criminal Code, and that most prosecutions for cases of torture are under section 286 (abuse of power) and section 302 (extorting confessions) of the Criminal Code. While noting the establishment of investigative committees pursuant to the decree of 2 August 2007, the Committee notes that these committees are attached to the Prosecutor's Office and thus may lack the necessary independence when examining allegations of torture by public officials."¹⁰⁹⁶

A report by the *Sex Workers' Rights Advocacy Network* in November 2009 notes that sex workers were targeted by law enforcement agencies and brutalised,

"In the Northwest district of Russia (including St. Petersburg), Siberia and Ukraine, sex workers reported that police gang-raped them. In Russia's Northwest district, four sex workers identified "subbotnik," that is, gang rape by police, as the number one threat to their safety."¹⁰⁹⁷

In 2009, according to the *USDOS*, the police in Russia were thought to be untrustworthy by the country's population,

"Although numerous, credible sources reported that the police remained one of the country's least trusted institutions, the NGO National Anticorruption Committee reported in June that the government had made some positive steps towards curbing corruption and abuse by law enforcement officers. These measures included equipping patrol cars with video cameras to better monitor law enforcement actions and requiring police officers to have their names sewn onto their uniforms."¹⁰⁹⁸

In February 2010 *The Moscow Times* states in an article on police corruption,

"The Interior Ministry pledged on Monday to investigate complaints by a group of OMON riot police officers about being forced to make false arrests and to work with fellow officers who held second jobs as bodyguards for gangsters."¹⁰⁹⁹

In July 2010 the *The New York Times* reported on the detention of police officer Aleksei Dymovsky, after having made allegations of police corruption,

"Mr. Dymovsky, 32, was immediately fired from his job here in Novorossiysk, a port on the Black Sea, 750 miles south of Moscow. The police interrogated him, his relatives and his close friends, and raided their homes.

During one search of Mr. Dymovsky's apartment, investigators tried to plant drugs, according to his wife, who was nearly nine months pregnant at the time.

In January, they arrested him and charged him with abuse of office and fraud under a law governing state secrets. []

In jail, Mr. Dymovsky was isolated, and prosecutors sought to subject him to a lengthy psychiatric examination. But with the affair proving an embarrassment, he was released after six weeks, and the charges were eventually dropped. Still, the chief of the Novorossiysk police and a high-ranking officer sued Mr. Dymovsky for slander, and a judge ordered him to pay the equivalent of \$3,500 in damages."¹¹⁰⁰

¹⁰⁹⁶ UN Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant - Concluding observations of the Human Rights Committee - Russian Federation, 12-30 October 2009, accessed 3 September 2010

¹⁰⁹⁷ SWAN, Arrest the Violence, November 2009, <http://swannet.org/files/swannet/File/Documents/>, accessed 27 August 2010

¹⁰⁹⁸ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010,

<http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

¹⁰⁹⁹ The Moscow Times, OMON Officers Complain of Corruption in Their Ranks, 2 February 2010, <http://www.themoscowtimes.com/news/article/omon-officers-complain-of-corruption-in-their-ranks/398800.html>, accessed 21 August 2010

¹¹⁰⁰ The New York Times, Videos Rouse Russian Anger Toward Police, 27 July 2010, http://www.nytimes.com/2010/07/28/world/europe/28russia.html?_r=1&ref=russia&pagewanted=all, accessed 13 August 2010

In August 2010 the UK daily newspaper *The Telegraph* reported that the Russian mafia are buying jobs in the police and judiciary, citing a report by anti-graft group Clean Hands, the Telegraph reports that,

“Russian law enforcement structures were increasingly intertwined with the country’s organised crime scene and said the most popular job to be bought and sold on the black market was that of a traffic policeman.

It cost the equivalent of £32,000 pounds to “buy” a traffic cop’s job, it disclosed. Anyone with enough money to buy themselves such a post is likely to recoup their money rapidly though.

Traffic policemen are loathed by ordinary Russians for their love of systematically extorting bribes or “fines” from motorists for turning a blind eye to real or imagined traffic infractions. Jobs in the state prosecutors’ service were also for sale, the report added, with the price tag for the relatively junior position of an aide to a district prosecutor “costing” the equivalent of 6,500 pounds.”¹¹⁰¹

In August 2010 the *Observatory for the Protection of Human Rights Defenders* commented on the harassment of two environmental campaigners,

“The Observatory has been informed by reliable sources, including the Russian-Chechen Friendship Society (RCFS), about the arbitrary arrest and judicial harassment against Ms. Evgenia Chirikova, Coordinator of the Campaign for the Defence of the Khimki Forest and Mr. Yaroslav Nikitenko, Coordinator of the forest programme at Greenpeace International.”¹¹⁰²

An August 2009 article by *The New York Times* reports on events surrounding the shooting of two bystanders by a police officer, Denis Yevsyukov, in Moscow,

“For many Russians, including top officials, Mr. Yevsyukov’s rampage has come to symbolize a systemic crisis in Russian law enforcement, making the issue of police criminality — already a fact of life in this country, if a largely unaddressed one — almost impossible to ignore.

[]

But critics of the government say that the rot in law enforcement runs deep, and that the new measures hardly scratch the surface.

“The police have turned into an organization that has its own criminal interests, has its own criminal influence,” said Igor L. Trunov, a prominent human rights lawyer representing some of Mr. Yevsyukov’s victims, including Mr. Gerasimenko. “It differs from criminal groups in that police carry weapons legally.”¹¹⁰³

In June 2010 *Radio Free Europe/Radio Liberty* reports that more citizens in the city of Kirovsky in the country’s Far East demonstrated against lawlessness by police in the region,

“Protesters gathered on June 13 in the main stadium of Kirovsky to commemorate two people killed by police in the nearby city of Ussuriisk last week. The deaths came during a special police operation against an armed group wanted for a series of attacks on police in recent weeks.

[]

¹¹⁰¹ The Telegraph, Russian mafia buying jobs in police and judiciary, 21 August 2010, <http://www.telegraph.co.uk/news/worldnews/europe/russia/7954076/Russian-mafia-buying-jobs-in-police-and-judiciary.html>, accessed 4 October 2010

¹¹⁰² FIDH, Arbitrary arrest and judicial harassment against Ms. Evgenia Chirikova and Mr. Yaroslav Nikitenko, 12 August 2010, <http://www.fidh.org/Arbitrary-arrest-and-judicial-harassment-against>, accessed 3 September 2010

¹¹⁰³ The New York Times, Moscow Journal - Shock Over Rampage, but Not Much Surprise About the Culprit, 9 August 2010, http://www.nytimes.com/2009/08/10/world/europe/10ruspolice.html?_r=1&ref=russia&pagewanted=all, accessed 15 September 2010

The demonstrators demanded local police authorities be held accountable for the incident, which they said was provoked by police. They also called for a thorough and transparent investigation.”¹¹⁰⁴

In September 2010 MP Adalbi Shkhagoshev told *RT* that reform of the entire law enforcement system is needed to tackle corruption,

“I think the reform is necessary first of all to lower the general level of corruption in the entire law enforcement system. Not only the police, but the entire law enforcement system must be reformed. We need to make sure that this entire complex of institutions serves people. The Ministry of Internal Affairs (MVD) must win back the confidence of the people.”¹¹⁰⁵

According to the *RT* MP Adalbi Shkhagoshev further reports that,

“Disunity in the Interior Ministry is another big problem. Things have taken such a turn that criminal groups have started blackmailing the MVD’s staff and can force them not to file criminal lawsuits. They see that the Ministry has a discord and no corporate spirit. Criminals can threaten an Interior Ministry employee and will never be rebuffed. This is ridiculous.”¹¹⁰⁶

d. Due Process and Rule of law

In 2008 the *Russian Federation* national report submitted to the United Nations stated that,

“Russian law and its application in practice are in keeping with international legal instruments for the observance and protection of human rights and with the rulings of the European Court of Human Rights.”¹¹⁰⁷

The 2008 *Russian Federation* national report submitted to the United Nations General Assembly states that,

[] The presumption of innocence is guaranteed in the Russian Federation. No one may be tried more than once for the same crime.

[] Defendants have the right to trial by jury in the circumstances provided for by federal law. Anyone convicted of a crime has the right to appeal the sentence to a higher court, and also the right to request a pardon or a reduced sentence.

[] The right to qualified legal aid is guaranteed in the Russian Federation. In the circumstances stipulated by law, legal aid is provided free of charge.”¹¹⁰⁸

The *Russian Federation* national report states that legal aid is available in Russia,

“A system of State legal aid offices providing services free of charge has been set up to improve access by socially vulnerable groups to qualified legal assistance.”¹¹⁰⁹

¹¹⁰⁴ Radio Free Europe / Radio Liberty, Protest In Russian Far East Against 'Police Lawlessness', 14 June 2010, <http://www.rferl.org/content/>, accessed 19 August 2010

¹¹⁰⁵ Russian Times, People’s trust in police dropped twenty-fold in 20 years, 21 September 2010, <http://rt.com/Politics/2010-09-21/shkhagoshev-police-reform-law.html>, accessed 26 October 2010

¹¹⁰⁶ Russian Times, People’s trust in police dropped twenty-fold in 20 years, 21 September 2010, <http://rt.com/Politics/2010-09-21/shkhagoshev-police-reform-law.html>, accessed 26 October 2010

¹¹⁰⁷ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

¹¹⁰⁸ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

¹¹⁰⁹ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

An *Austrian Federal Ministry of the Interior* September 2009 report states that the NGO Moscow Bureau for Human Rights believes that the situation in Chechnya has improved, but notes the inefficiency of the police and judiciary,

“The MBHR is remarkably positive about the security situation in Chechnya. They stated that incidents still do occur, but that they are very limited in frequency and scope. The MBHR is more concerned about the security situation in Ingushetia and Dagestan. On the other hand the MBHR acknowledged that the police and judiciary in Chechnya are rather inefficient.”¹¹¹⁰

The *UN Human Rights Committee* notes in an October 2009 its concern that unlawful detention and torture may have been used in Chechnya to extract confessions,

“The Committee expresses concern about the large number of convictions for terrorism-related charges, which may have been handed down by courts in Chechnya on the basis of confessions obtained through unlawful detention and torture.”¹¹¹¹

Commenting on efforts to combat impunity, a November 2009 report by the *Council of Europe* on the Chechen Republic and the Republic of Ingushetia states,

“The European Court of Human Rights has issued a considerable body of judgments finding violations of the right to life (Article 2 of the European Convention on Human Rights) and the prohibition against torture and inhuman or degrading treatment (Article 3), many of which concern ineffective investigations.

In this context, the President of the Supreme Court and the Prosecutor of Chechnya informed the Commissioner that, in the course of 2008, 164 criminal complaints concerning acts by the security forces were made, 111 of which were granted. In the first half of 2009, 52 such complaints were made, 18 of which were granted.”¹¹¹²

The *UN Human Rights Committee* notes in an October 2009 report that the authors of grave human rights violations in the North Caucasus appear to enjoy widespread impunity due to a systematic lack of effective investigation and prosecution,

“The Committee is concerned about ongoing reports of torture and ill-treatment, enforced disappearance, arbitrary arrest, extrajudicial killing and secret detention in Chechnya and other parts of the North Caucasus committed by the military, security services and other State agents, and that the authors of such violations appear to enjoy widespread impunity due to a systematic lack of effective investigation and prosecution. The Committee is particularly concerned that the number of disappearances and abduction cases in Chechnya has increased in the period 2008- 2009, and about allegations of mass graves in Chechnya.”¹¹¹³

The May 2010 annual report of the *United States Commission on International Religious Freedom* states that journalists, lawyers and human rights defenders have been violently attacked,

¹¹¹⁰ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.15, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

¹¹¹¹ UN Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant - Concluding observations of the Human Rights Committee - Russian Federation, 12-30 October 2009, <http://www2.ohchr.org/english/bodies/hrc/docs/co/CCPR.C.RUS.CO.6.doc>, accessed 3 September 2010

¹¹¹² COE, REPORT by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe, 24 November 2009, p.3, <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1501786&SecM ode=1&DocId=1503116&Usage=2>, accessed 19 August 2010

¹¹¹³ UN Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant - Concluding observations of the Human Rights Committee - Russian Federation, 12-30 October 2009, <http://www2.ohchr.org/english/bodies/hrc/docs/co/CCPR.C.RUS.CO.6.doc>, accessed 3 September 2010

“Increasingly, Russian journalists, lawyers and others who have defended human rights—particularly those who seek to bring such violations to international attention-- have been subjected to brazen killings and attacks, and the perpetrators usually act with impunity.”¹¹¹⁴

In 2009, *Amnesty International* reports, “Trial procedures frequently failed to meet international standards of fair trial. In some cases there were concerns that the treatment of suspects was politically motivated.”¹¹¹⁵

Commenting on efforts to facilitate legal aid programmes in Russia in 2009, the NGO the *Public Interest Law Institute* states,

“First, that civil legal aid is not just the right to counsel, but an important ingredient in reducing social exclusion of the country’s most vulnerable population.

Second, that it is not only the very poor who cannot afford to pay for legal assistance: a very large percentage of the population that can pay for food, clothing, and housing still cannot retain a lawyer when needed, and they are prone to joining the ranks of the socially excluded when they face a legal problem.”¹¹¹⁶

The *UN Human Rights Committee* notes in an October 2009 report its concern with regard to the lack of measures to ensure persons with mental health disabilities are not deprived of their human rights,

“The Committee expresses concern about the significant number of persons with mental disabilities who are deprived of their legal capacity in the State party and the apparent lack of adequate procedural and substantive safeguards against disproportionate restrictions in their enjoyment of rights guaranteed under the Covenant. In particular, the Committee is concerned that there are no procedural safeguards and no recourse to appeal against the judicial decision based on the mere existence of a psychiatric diagnosis to deprive an individual of his/her legal capacity, as well as against the decision to institutionalize the individual which often follows legal incapacitation. The Committee is also concerned that persons deprived of legal capacity have no legal recourse to challenge other violations of their rights, including ill-treatment or abuse by guardians and/or staff of institutions they are confined to, which is aggravated by the lack of an independent inspection mechanism regarding mental health institutions.”¹¹¹⁷

In 2009, according to the *USDOS*, the Russian authorities are increasingly restricting the right to a jury trial,

“There has been a trend to further limit the use of jury trials. In December 2008 the State Duma enacted, and the president signed, a law providing that certain crimes, including terrorism, espionage, hostage taking, and mass disorder, would be heard by panels of three judges rather than by juries.

Supporters of the legislation justified it on the grounds of the war on terrorism and juries’ alleged incompetence to judge cases involving terrorism, espionage, and state security. They also alleged that clan relations in the North Caucasus made it impossible to empanel

¹¹¹⁴ USCIRF, Annual Report of the United States Commission on International Religious Freedom, May 2010, May 2010, p. 273, <http://religiousfreedom.com/index.php?> , accessed 20 August 2010

¹¹¹⁵ Amnesty International, Amnesty International Report 2009, p.272, http://thereport.amnesty.org/sites/default/files/AIR2010_EN.pdf, accessed 3 September 2010

¹¹¹⁶ PILI, Significant Progress in Civil Legal Aid Reforms in Russia, 2009, http://www.pili.org/index.php?option=com_content&task=view&id=40177&Itemid=93 , accessed 20 August 2010

¹¹¹⁷ UN Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant - Concluding observations of the Human Rights Committee - Russian Federation, 12-30 October 2009, <http://www2.ohchr.org/english/bodies/hrc/docs/co/CCPR.C.RUS.CO.6.doc>, accessed 3 September 2010

objective juries there.”¹¹¹⁸

An August 2010 *The Moscow Times* article reports on the conviction of Andrei Kolchanov under Russia’s extremism laws,

“When local officers from the Federal Security Service seized his computer in 2008, they found videos produced by the banned National Socialist Society and documents inciting hatred against Jews, Africans and other non-Slavs.

[]

Items can be placed on the extremism list by any local court, and in Kolchanov’s case, a long list of computer files was added — without any description of their contents.

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Curiously, the Justice Ministry is not authorized to remove items from the list, which can only be done on appeal by a higher court. As a result, the list is slowly growing to include documents such as “09.wmv” and “listovka3.doc,” which will continue to be treated on par with Hitler’s writings under Russian law. The legislation is also unclear about the consequences for owning or distributing files with identical names but differing contents.

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Distribution of extremist materials, an administrative offense, can be punished by detention of up to 15 days or a fine of up to 3,000 rubles, or about \$100. Legal entities caught with extremist materials could be fined up to 100,000 rubles and closed for up to 90 days.

Kolchanov was convicted on the more serious felony charge of inciting ethnic hatred and was sentenced to 180 hours of community service. Depending on the nature of the crime, the charge can carry a sentence of up to five years in prison.

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Legal experts have long criticized vagaries of the extremism law, saying it opens the door to frivolous charges and distracts from efforts to crack down on Islamist extremism and skinheads.”¹¹¹⁹

Under the heading ‘Draft Law Revives Practice of Soviets’ a July 2010 report by *The New York Times* comments on the drafting of a law allowing Russia’s intelligence service to officially warn citizens that their activities could lead to a future violation of the law,

“The lower house of the Russian Parliament passed a draft law on Friday allowing the country’s intelligence service to officially warn citizens that their activities could lead to a future violation of the law, reviving a Soviet-era K.G.B. practice that was often used against dissidents.

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But rights advocates and opposition parties have warned that the expanded powers could be used to silence critics of the government. In a letter made public on Thursday, 20 leading human rights activists condemned the legislation as a blow to “the cornerstone principles of the law: the presumption of innocence and legal certainty.”

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The legislation leaves vague what actions would prompt F.S.B. warnings, or what measures would be used to enforce them. Other provisions in the bill impose 15-day sentences or fines of \$16.50 to \$33 on citizens who obstruct the work of an F.S.B. agent. Previously, such administrative fines applied to police or prison officials.”¹¹²⁰

The Guardian also reported on the legislation in July 2010, noting,

“Russian citizens can be issued official warnings about crimes that they have not yet committed under powers granted to the security services today.

¹¹¹⁸ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm> , accessed 10 August 2010

¹¹¹⁹ The Moscow Times, Meaning Lost in Extremist List, 11 August 2010, <http://www.themoscowtimes.com/news/article/meaning-lost-in-extremist-list/412137.html> , accessed 17 August 2010

¹¹²⁰ The New York Times, Draft Law Revives Practice of Soviets, 16 July 2010, <http://www.nytimes.com/2010/07/17/world/europe/17russia.html?ref=russia> , accessed 19 August 2010

President Dmitry Medvedev signed off on a new law giving the FSB, the successor agency to the KGB, the right to caution people suspected of preparing acts of extremism, or to jail them for obstructing the agency's work.

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The punishment for ignoring a warning was unclear, but 15-day jail sentences are envisaged for "obstructing an FSB officer's duties". Sergei Ivanenko, a leader of the Yabloko party, called it "the law of a police state". He said: "If such a law exists in a democratic country then it is limited by a very powerful system of civil, public and parliamentary control. In our conditions it will mean absolute power for the security services."¹¹²¹

In July 2009 *Amnesty International* issued a public statement on behalf of 7 human rights organisations calling on the Russian authorities to adhere strictly to the rule of law in the North Caucasus. Referring to the NGOs own reports, it states,

"We are concerned about the mounting evidence conveyed in these reports and from other sources that the authorities routinely use unlawful tactics to respond to crimes and to press relatives of suspected insurgents to get them to surrender.

The house burnings, torture and other ill-treatment and enforced disappearances alleged by numerous reliable sources constitute serious violations of international human rights law and are strictly prohibited by a number of international treaties, to which Russia is a party.

We are concerned that recent statements by a number of government officials in the North Caucasus that call for unlawful measures to tackle the violence could lead to further human rights abuses."¹¹²²

A November 2009 report by the *Council of Europe* on the Chechen Republic and the Republic of Ingushetia notes that impunity continues for many in Chechnya who have committed grave crimes,

"The theme of impunity has been a recurring subject of the Commissioners' reports on Chechnya. The lack of effective investigations into repeated human rights violations, the alleged involvement of law enforcement officials in crimes and the deficiencies of the judiciary have been raised by the current Commissioner and his predecessor."¹¹²³

According to the *USDOS* report issued in March 2010 on events in 2009, the authorities in the North Caucasus region continue to use excessive force, impacting the civilian population,

"Indiscriminate use of force by government forces in areas of the North Caucasus with significant civilian populations resulted in numerous deaths. Security forces generally conducted their activities with disregard for due process, civilian casualties, and apparent impunity from investigation or prosecution for their conduct."¹¹²⁴

An August 2009 report by *The New York Times* discusses the security situation in the North Caucasus,

"Explosions and shootings have been a daily occurrence in the region all summer. Between June and August, 436 people have been killed, compared with 150 during the same months

¹¹²¹ The Guardian, Russia to introduce 'draconian' Minority Report-style law, 29 July 2010,

<http://www.guardian.co.uk/world/2010/jul/29/russia-minority-report-law-fsb> , accessed 15 August 2010

¹¹²² Amnesty International, Russian Federation: Protect Rights in the North Caucasus. Insurgency No Excuse for Abandoning Rule of Law, 7 Groups Say, 7 July 2009, <http://www.amnesty.org/en/library/info/EUR46/015/2009/en> , accessed 17 August 2010

¹¹²³ COE, REPORT by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe, 24 November 2009, p.12, <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1501786&SecMode=1&DocId=1503116&Usage=2> , accessed 19 August 2010

¹¹²⁴ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

in 2008. And the number of attacks jumped to 452 from 265, according to statistics compiled by the Center for Strategic and International Studies, a private research group based in Washington.

[]

“The period of stability is quite clearly over in Dagestan, Ingushetia and Chechnya,” said Pavel K. Baev, a senior researcher at the Oslo-based International Peace Research Institute. “But it hasn’t spread. This is what allows the Russian leadership more or less to keep their distance, not to pay serious attention.”¹¹²⁵

In July 2010 the *UN Committee on the Elimination of Discrimination against Women* noted its concern with regard to the violence and ill treatment toward women in the North Caucasus,

“The Committee notes with deep concern that the two military operations and the high level of violence in the Chechen Republic of the Russian Federation over the past 15 years have had a serious impact on traditions and social norms and that existing patterns of discrimination against women have become more acute. In this regard, the Committee is particularly concerned at the increasing rate of violence against women and killings of women in the Chechen Republic of the Russian Federation as well as harmful traditional practices, such as honour killings and bride-kidnapping. The Committee also notes with concern that such cases of violence and killings are rarely documented, prosecuted and punished.”¹¹²⁶

The 2010 *Human Rights Watch* annual report on events of 2009 notes the large number of ECHR rulings against Russia for breaches of human rights in Chechnya,

“In 119 rulings by November, the European Court of Human Rights has held Russia responsible for serious human rights violations in Chechnya. In almost all cases the court also found Russia responsible for failing to properly investigate these crimes. In most cases Russia has promptly paid the compensation and legal fees as required by the judgments. But it has failed to implement measures to rectify violations in individual cases, including ensuring effective investigations and holding perpetrators accountable. It has also failed to adopt so-called general measures to implement the rulings, which entail policy and legal changes to prevent similar violations recurring.”¹¹²⁷

A 2010 *Center for Strategic and International Studies* report on violence in the North Caucasus states that in 2009,

“There were more than 1100 incidents of violence compared to 795 the previous year;

Many of these incidents were deadly, with over 900 fatalities compared to 586 in 2008;

One third of all incidents in the North Caucasus occurred in the Nazranovskii and Sunzhenskii districts of Ingushetia;

The number of suicide bombings in the North Caucasus nearly quadrupled from 2008, with the majority occurring in Chechnya.”¹¹²⁸

In its January 2010 annual report *Freedom House* states that the North Caucasus suffers a high level of violence and that the Chechen leadership has been implicated in grave human rights violations,

¹¹²⁵ The New York Times, News Analysis - Chechnya and Its Neighbors Suffer a Relapse, 29 August 2010, http://www.nytimes.com/2009/08/30/world/europe/30chechnya.html?_r=1&ref=russia, accessed 19 August 2010

¹¹²⁶ Committee on the Elimination of Discrimination Against Women Forty-sixth session 12-30 July 2010, Concluding observations of the Committee on the Elimination of Discrimination Against Women – Russian Federation, CEDAW/C/USR/CO/7, 30 July 2010, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-USR-CO-7.pdf>, accessed 1 September 2010

¹¹²⁷ Human Rights Watch, World Report 2010, p.432, <http://www.hrw.org/world-report-2010>, accessed 25 August 2010

¹¹²⁸ CSIS, Violence in the North Caucasus: 2009, A Bloody Year, 2010, http://csis.org/files/publication/100114_Violence_NorthCaucasus_2009optimize.pdf, accessed 1 September 2010

"Parts of the country, especially the turbulent North Caucasus region, suffer from high levels of violence. Chechen president Ramzan Kadyrov's success in suppressing major rebel activity in his domain has been accompanied by numerous reports of extrajudicial killings and collective punishment.

Moreover, related rebel movements have appeared in surrounding Russian republics, including Ingushetia, Dagestan, and Kabardino-Balkaria. Hundreds of officials, insurgents, and civilians die each year in bombings, gun battles, and assassinations."¹¹²⁹

A July 2009 report by *The New York Times* comments on disappearances in Chechnya,

"[] the republic is in the throes of an epidemic of kidnappings. The abduction and killing last week of Natalia Estemirova, a celebrated human rights worker, came in the context of an escalating trend of unexplained disappearances. Dragged off the sidewalks, pulled out of beds at night or grabbed from their cars, scores of people have simply vanished.

[]

The rise in abductions in Chechnya comes even as most reported insurgent activity in Russia's volatile North Caucasus has moved outside of Chechnya, according to an analysis by the Washington-based Center for Strategic and International Studies."¹¹³⁰

In August 2009 *International Crisis Group* reported on accusations that the Chechen government was involved in breaches of the rule of law and human rights violations,

"Western media and human rights groups have long accused Kadyrov's security services of a nasty list of atrocities, including abduction, torture, and murder -- all of which, naturally, he denies. In mid-July, one of Chechnya's best known human rights activists, Natalia Estemirova, was abducted and murdered.

In August, Zarema Sadulayeva, who worked with a children's charity, and her husband were abducted from their office and murdered. Two members of the Yamadayev family, warlords close to the Russian military intelligence service, died recently after falling out with Kadyrov last year. One was murdered close to the prime minister's office in downtown Moscow, the other in Dubai. There was an attempt on a third brother recently. Kadyrov dismisses any responsibility for these events."¹¹³¹

In testimony given at the Helsinki Commission in Washington DC in June 2009, a *Carnegie Moscow Center* scholar notes the absence of rule of law and the arbitrary nature of the application of federal law,

"There is also arbitrariness on behalf of the government officials, both at the federal level and provincial and local level, and the absence of rule of law -- and I'm talking primarily about federal law -- because the only trait and characteristic that is valued there is obedience and allegiance to the Kremlin. This allegiance is attained through strong-arm methods because, unfortunately, there are no other ways of persuasion available to our law enforcement.

In their actions, law enforcement is akin to a criminal gang. They kidnap people; sometimes people vanish without a trace. Sometimes, they would take justice in their own hands and

¹¹²⁹ Freedom House, *Freedom in the World - Russia* (2010), 12 January 2010, http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2010&country=7904&pf, accessed 26 August 2010

¹¹³⁰ New York Times, *Chechnya Is Gripped by Political Kidnappings*, 18 July 2010, http://www.nytimes.com/2009/07/19/world/europe/19chechnya.html?_r=1&ref=russia, accessed 3 September 2010

¹¹³¹ International Crisis Group, *Russia's Brutal Guerrilla War*, 31 August 2010, <http://www.crisisgroup.org/en/regions/europe/caucasus/quinn-judge-russias-brutal-guerrilla-war.aspx>, accessed 3 September 2010

would put to death somebody without a verdict. There is a widely reported use of torture in interrogation and during the investigative process.

There are also charges that sometimes were invented or trumped up. And even though sometimes these abuses are revealed through the judicial procedure, the sentences and verdicts are often unjustified and harsh."¹¹³²

Human Rights Watch states in its 2010 annual report, "In Dagestan, according to local groups, at least 18 persons were abducted in 2009. The bodies of 11 were found shortly after their abduction, bearing gunshot or other wounds indicating a violent death."¹¹³³

A *Radio Free Europe* report in September 2010 notes the murder of two law enforcement officers in Dagestan,

"“Officials say attackers have killed two law enforcement officers in two incidents in Russia's North Caucasus. In the Daghestani capital, Makhachkala, a Federal Security Service officer was killed when his car was blown up on September 1. Another officer running to the scene of the crime was shot and wounded.

In Ingushetia, attackers burst into the home of a police official and opened fire, killing him and wounding his wife.

In Daghestan, police also said they killed a man suspected of an earlier deadly attack on police. The man was killed when he opened fire on officers trying to arrest him."¹¹³⁴

According to the *USDOS*, in 2009, "Human rights organizations reported that there were more killings, attacks, and abductions of both officials and other citizens in Ingushetiya during the year than in any other republic in the North Caucasus."¹¹³⁵

In 2009, *Human Rights Watch* notes: "Insurgent attacks on public officials, security and law-enforcement personnel, and civilians in Ingushetia have been on the rise since 2007, with a marked increase in such violence in summer 2009."¹¹³⁶

An article in UK newspaper *The Observer* in September 2009 reports an escalation in violence in Ingushetia,

"Like many in the southern Russian republic of Ingushetia, Petimat Albakavar lives in terror. "Nobody sleeps properly. We can't because we are listening to every sound, waiting for the police to knock at the door," she says. On 10 July, Petimat's 26-year-old son, Batyr, was taken away at dawn by armed men claiming to be Ingush police. They appeared at the door and demanded to see the family's passports but refused to show any identification themselves.

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"Ten days later we found a report on the internet that someone with my son's name, whom they described as a rebel leader, had been killed in the forest. It was Batyr. His passport was with him."

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The human rights organisation Mashr estimates that the number of those abducted and then killed nearly doubled last year to 212. This year the figure has already Chechnya reached 210."¹¹³⁷

¹¹³² Federal New Service, Dagestan: A New Flashpoint in Russia's North Caucasus, 16 June 2009, <http://carnegieendowment.org/files/06016%5Fbriefing%5Falexey%2Epdf>, accessed 23 August 2010

¹¹³³ Human Rights Watch, World Report 2010, pp.433-434, <http://www.hrw.org/world-report-2010>, accessed 25 August 2010

¹¹³⁴ Radio Free Europe / Radio Liberty, Attackers Kill Two Law Officers In North Caucasus, 2 September 2010, http://www.rferl.org/content/Attackers_Kill_2_Law_Officers_In_Russian_Caucasus/2146443.html, accessed 8 September 2010

¹¹³⁵ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

¹¹³⁶ Human Rights Watch, World Report 2010, p.434, <http://www.hrw.org/world-report-2010>, accessed 25 August 2010

¹¹³⁷ The Observer, Russian killings and kidnap extend dirty war in Ingusheta, 20 September 2009, <http://www.guardian.co.uk/world/2009/sep/20/ingushetia-dirty-war-russia>, accessed 17 August 2010

A June 2009 report by *The New York Times* quotes a Caucasus-based news editor as observing an increase in Ingush law enforcement agencies' persecution of civilians and escalating violence,

"We have noted the increasing use of kidnapping as well as numerous cases of unambiguous persecution by law enforcement agencies in Ingushetia," said Grigory S. Shvedov, the editor of Caucasian Knot, a Web-based news service. "This has caused a new eruption of violence."¹¹³⁸

Reporting on the situation in Ingushetia in 2009, *Medecins sans Frontieres* notes deterioration in security,

"With the sharp deterioration of the security situation in Ingushetia, people live in fear for the safety of their relatives and of their own.

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There are daily attacks on law-enforcers and officials," said Willem de Jonge, MSF Head of Mission. "The population itself has become the innocent victim. They are subjected to continuous violence through a cycle of attacks and counter-attacks."

People tend to limit themselves to staying at home as much as possible. There is no war going on, but the population lacks security: literally every day the small republic is shaken by explosions, shootings and attacks. More than 170 people were killed in 2008 and 139 in the first half of 2009. The constant feeling of stress and anxiety draws many people into depression."¹¹³⁹

A February 2010 article in *The New York Times* reports on conflicting accounts as to the cause of death of five residents in Ingushetia,

"Memorial, a Russian group that advocates for human rights, said Monday that four civilians who were killed during recent operations against Islamist militants in the North Caucasus region had not been accidentally caught in a cross-fire, as Russian authorities have contended.

[]

The authorities said over the weekend that the four people had accidentally come under attack in a forest during a large-scale operation by security forces that killed at least 20 militants in Ingushetia, a region bordering Chechnya.

[]

The newspaper Moskovsky Komsomolets, in an uncharacteristic criticism of the government, reported on Monday: "It's simple: Destroy militants with disregard for peaceful citizens. As it always is and always has been."

[]

Imram Ezhiev, a Chechen human rights activist and head of the Society of Russian-Chechen Friendship, said in an interview from Grozny, the Chechen capital, "Forces kill civilians regularly, but it is rare for authorities to admit to it."¹¹⁴⁰

e. Treatment of person who bring cases to the European Court of Human Rights

In its 2008 national report submitted to the UN General Assembly (Universal Periodic Review) the *Russian Federation* states that "Rulings by the European Court of Human Rights are binding on the Russian Federation."¹¹⁴¹

¹¹³⁸ The New York Times, Gunmen Kill Judge in Ingushetia in Latest Caucasus Violence, 10 June 2010, http://www.nytimes.com/2009/06/11/world/europe/11ingushetia.html?_r=1&ref=russia , accessed 3 September 2010

¹¹³⁹ MSF, Hope for peace in Ingushetia has given way to despair, 29 September 2009, http://www.msf.org/msfinternational/invoke.cfm?objectid=050173E6-15C5-F00A-2521A2B8747C207E&component=toolkit_article&method=full_html , accessed 24 August 2010

¹¹⁴⁰ The New York Times, Russia's Version of Caucasus Deaths Disputed, 15 February 2010, http://www.nytimes.com/2010/02/16/world/europe/16russia.html?_r=1&ref=russia , accessed 17 August 2010

Amnesty International states in its 2010 annual report, "The Russian authorities failed to conduct effective investigations into violations established by the European Court of Human Rights. Those submitting cases to the Court faced intimidation and harassment."¹¹⁴²

In October 2010 the *European Parliament* reported that 20,000 cases were pending with the European Court of Human Rights, mainly from the North Caucasus.¹¹⁴³

An *Austrian Federal Ministry of the Interior* report of 2009 quotes the Russian Justice Initiative (RJI), noting that some plaintiffs who have brought cases to the European Court of Human Rights in Strasbourg have suffered from mistreatment,

"Following the RJI the majority of the applicants lives in the RF and Chechnya without having any difficulties. A small part however does have problems because of their complaint. These problems include: regular ID-checks and house searches, convocations at the prosecutor's office and so on.

The RJI has knowledge of one person who disappeared and one person who was killed after filling their complaint at the ECHR. These two complaints date from before 2006.

In general the RJI thinks that filing a complaint at the ECHR is as save or as dangerous as filling a complaint at the Chechen authorities. The RJI noticed no decrease of the amount of harassments faced by applicants at the ECHR, but did notice that the nature of the harassment becomes less and less hard."¹¹⁴⁴

The *Austrian Federal Ministry of the Interior* further reports that Human Rights Center Memorial believes appellants to the ECHR are at risk, stating,

"Memorial said that applicants at the ECHR can have difficulties and in the most serious cases can disappear. The applicants can face difficulties because of the fact of filling a complaint at the ECHR itself or because of the fact that they received a monetary compensation after a favourable verdict of the court. In this case they can be put under pressure to extort from them the compensation payment."¹¹⁴⁵

In September 2010 Radio Free Europe/Radio Liberty reports claims from a gay rights activist that he was kidnapped by unidentified men who took him to a police station where he was held for two days in which he was pressured into withdrawing a complaint about Moscow authorities ban of gay rights rallies,

"Russia's top gay-rights activist says he was kidnapped and pressured by his captors to withdraw a complaint against Moscow authorities from the European Court of Human Rights.

Nikolai Alekseyev resurfaced early on September 18 in Moscow after being arrested at the capital's Domodedovo airport late on September 15 as he prepared to board a flight to

¹¹⁴¹ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

¹¹⁴² Amnesty International, Amnesty International Report 2010, p.269, http://thereport.amnesty.org/sites/default/files/AIR2010_EN.pdf, accessed 23 August 2010

¹¹⁴³ The European Parliament, European Parliament resolution of 21 October 2010 on the situation of human rights in the North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov, 21 October 2010, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0390+0+DOC+XML+V0//EN&language=EN>, accessed 26 October 2010

¹¹⁴⁴ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.18, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

¹¹⁴⁵ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.18, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

Geneva. He had been missing since, and his friends and colleagues had feared for his life.”¹¹⁴⁶

f. Death penalty

In its 2008 national report to the United Nations, the *Russian Federation* stated that,

“Until repealed, capital punishment may be imposed under federal law on an exceptional basis as a punitive measure for particularly grave, life-threatening crimes, provided the accused is given the right to a trial by jury. In practice, Russia is continuing to honour a moratorium on the execution of death sentences. For more than 10 years, the courts have not sentenced anyone to death, using long custodial sentences (including life imprisonment) as an alternative.”¹¹⁴⁷

A 2009 paper published by the OSCE’s *Office for Democratic Institutions and Human Rights (ODIHR)* states Russia is a de facto abolitionist state of the death penalty,

“Since the bill “On the Abolition of the Death Penalty in the Russian Federation” was submitted to the State Duma by its Legislation Committee on 20 February 2008, no further developments related to capital punishment have been reported.

At a press conference in Moscow on 11 March 2009, PACE Co-Rapporteur Theodoros Pangalos called on the Russian Federation to abolish the death penalty and questioned arguments made by the Russian authorities that public opinion was not ready for such a move. Russia had imposed a moratorium on the death penalty shortly after it joined the Council of Europe in 1996, but did not move to formally abolish capital punishment within the following three years, as membership in the organization requires.”¹¹⁴⁸

A *Radio Free Europe/Radio Liberty* report in September 2009 comments on the Russian Constitutional Court’s ruling on the moratorium on the death penalty,

“Russia’s Constitutional Court has extended a 13-year-old moratorium on the death penalty, just weeks before it was due to expire. Russian society is divided between those who back complete abolition of the death penalty and those who believe it deters serious crime.

Capital punishment remains part of Russia’s criminal code, but the country has observed a moratorium since 1996. “A sustainable constitutional legal regime guaranteeing the rights of a person to not be subjected to the death penalty and aimed at the gradual abolition of capital punishment has formed in Russia,” the Constitutional Court said in today’s ruling. For the death penalty to be abolished, the Duma, or lower house of parliament, must ratify it.”¹¹⁴⁹

In 2009, the *USDOS* reports that corruption remains widespread and that laws meant to curtail corrupt activities are unevenly enforced,

¹¹⁴⁶ Radio Free Europe/Radio Liberty, Russian gay-rights activist says released after two day detention, 18 September 2010, http://www.rferl.org/content/Russian_GayRights_Activist_Says_Released_After_TwoDay_Detention/2161477.html, accessed 4 October 2010

¹¹⁴⁷ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

¹¹⁴⁸ OSCE, The Death Penalty in the OSCE Area, 2009, http://www.osce.org/publications/odihr/2008/09/33276_1187_en.pdf, accessed 19 August 2010

¹¹⁴⁹ Radio Free Europe / Radio Liberty, Russian court extends moratorium on death penalty, 19 September 2009, http://www.rferl.org/content/Russian_Court_Extends_Moratorium_On_Death_Penalty/1882064.html, accessed 8 September 2010

"The law provides criminal penalties for official corruption; however, the government acknowledged that it had not implemented the law effectively, and many officials continued to engage in corrupt practices. Corruption was widespread throughout the executive, legislative, and judicial branches at all levels of government."¹¹⁵⁰

2. Detention conditions

A report by *King's College London's International Centre for Prison Studies* states that Russia has a prison population of 843, 200 detainees (including pre-trial detainees / remand prisoners). Pre-trial detainees / remand prisoners constitute 15.6% of those detained. Women prisoners represent 8.1% of those incarcerated in 2010. 0.9% of the prison population are juveniles (under the age of 18 years).¹¹⁵¹

In its 2008 national report submitted to the United Nations General Assembly the *Russian Federation* stated that,

"Russian penal enforcement legislation is on the whole in keeping with the requirements set out in the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Standard Minimum Rules for the Treatment of Prisoners, the European Prison Rules and other international instruments; in many instances, it is more progressive. For example, it makes allowance for lengthy prison visits by family members."¹¹⁵²

Freedom House states in its January 2010 report on the events of 2009 that problems persist within Russia's penal system,

"Critics charge that Russia has failed to address ongoing criminal justice problems, such as poor prison conditions and law enforcement officials' widespread use of illegal detention and torture to extract confessions. The death of lawyer Sergei Magnitsky in pre-trial detention provided evidence that the authorities were denying him necessary medical treatment after his client had charged government employees with embezzling millions of dollars. In some cases, there has also been a return to the Soviet-era practice of punitive psychiatry."

The *UN Human Rights Committee* expresses its concern in respect of prison overcrowding in the Russian Federation in an October 2009 report,

"While welcoming the adoption of the Federal Special-Purpose Programme for the Development of the Penal Correction System for 2007-2016, pursuant to Government decision No. 540 of September 2006, as well as the overall reduction of the prison population to conform to institutional capacity and the allocation of necessary resources, the Committee remains concerned about overcrowding in prisons which continues to be a problem in some areas, as acknowledged by the State party."¹¹⁵³

With regard to mistreatment or torture in detention the government of the *Russian Federation* stated in 2007,

"When information comes to light giving grounds to believe that harm has been caused to the health of a suspect or accused person as a result of unlawful actions, the medical

¹¹⁵⁰ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

¹¹⁵¹ King's College London, Prison Brief for Russian Federation, June 2010, <http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpbcountry.php?country=118>, accessed 2 September 2010

¹¹⁵² United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008,

¹¹⁵³ http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010
UN Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant - Concluding observations of the Human Rights Committee - Russian Federation, 12-30 October 2009, p.9, <http://www2.ohchr.org/english/bodies/hrc/docs/co/CCPR.C.RUS.CO.6.doc>, accessed 3 September 2010

officer carrying out the examination notifies the remand centre director thereof in writing. The tactical operations department conducts an investigation, and if there are any indications that an offence has been committed, the results are transmitted to the local procurator, who takes a decision in conformity with the Code of Criminal Procedure (rule 133).

The Office of the Procurator-General of the Russian Federation is taking steps to ensure that all reports of crimes, including reports of the obtaining of evidence from suspects or accused persons through the use of torture or cruel treatment, are logged and properly investigated.

Procuratorial bodies are continuing their efforts to eradicate the use of unlawful physical and psychological coercive measures against persons in custody and convicted persons serving their sentences in correctional institutions. When staff of a procurator's office inspect remand centres and prisons to ensure compliance with the law, they check all allegations raised by suspects, accused and convicted persons, their defence counsel and other sources concerning the perpetration by prison staff of any abuses that could be deemed by the Committee to constitute torture or cruel or degrading treatment or punishment.

When cases of excess of authority, abuse of authority or unlawful use of force are brought to light, criminal proceedings are instituted and the perpetrators are prosecuted. However, as only a limited number of such cases lead to a conviction, it cannot really be said that violations of the Convention are widespread in remand centres and prisons."¹¹⁵⁴

In 2009, according to the *USDOS*, Russian police were responsible in certain instances for the mistreatment of suspects in detention,

"Physical abuse of suspects by police officers usually occurred within the first few hours or days after arrest. Some of the methods reportedly used included beatings with fists, batons, or other objects; oxygen deprivation using gas masks or bags (at times filled with Mace); electric shock; and suspension by body parts, for example, by the wrists.

[]

A February report by the human rights ombudsman noted that one third of the complaints submitted to his office involved human rights violations by law enforcement authorities."¹¹⁵⁵

With regard to women prisoners the *Russian Federation* stated in its 2008 national report submitted to the United Nations General Assembly,

"Convicts who are pregnant, breastfeeding, underage, ill or in disability groups I or II are provided with a higher standard of accommodation. The penal correction system has 12 facilities for mothers with children in which 776 children are living."¹¹⁵⁶

Regarding detention facilities for women in Russia, a *Penal Reform International* report published in April 2010 states,

"Women's colonies are often overcrowded with as many as 60 women in the same large dorm style room. Bunk beds are situated in two rows and each woman has a bed, chair and a half of a small bed-side table. Women have access to sinks and toilets at all times but

¹¹⁵⁴ United Nations Committee on the Convention Against Torture, CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION, Comments by the Russian Federation on the conclusions and recommendations of the Committee against Torture [3 September 2007], CAT/C/RUS/CO/4/Add.1, 1 April 2009, <http://tb.ohchr.org/default.aspx>, accessed 1 November 2010

¹¹⁵⁵ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

¹¹⁵⁶ United Nations General Assembly, National report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1*, Russian Federation, A/HRC/WG.6/4/RUS/1, 10 November 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/A_HRC_WG6_4_RUS_1_E.PDF, accessed 1 November 2010

only have one “wash day” once a week where they can shower. This limit on personal hygiene is one of the main complaints of women prisoners. Women in prison colonies have no opportunity to spend time alone, which is also a major complaint. Women are obliged to wear a uniform.

There is a huge disparity between women prisoners and men prisoners in access to health protection. Men have more access to substance abuse programmes and TB treatment - there are 59 colonies offering treatment for TB in male colonies and only one for women. Women prisoners also do not receive the same maternity treatment as women outside of prison.

In Russia mothers are not involved in the day-to-day caring for their child, it is common practice for female prisoners to live in separate quarters to their baby or young child, with the exception of two colonies where joint accommodation is provided. This absence of a main care-giver affects the physical, psychological and mental development of the child. It also limits the opportunity for mothers to bond with their children and develop the maternal skills they will need on release. Mothers in prison do not receive sufficient support from prison personnel because the personnel have not been trained specifically to deal with female prisoners incarcerated with their children.”¹¹⁵⁷

In June 2009 *Reporters Without Borders* reports that the journalist Elena Maglevannaya made a claim for asylum in Finland after being convicted of defaming the federal prison service,

“Reporters Without Borders condemns journalist Elena Maglevannaya’s conviction by a court in the southern city of Volgograd of defaming the prison service in articles about torture in Russian prisons that she wrote for the website *Vestnikcivitas*.

[]

In a 13 May ruling, the court found Maglevannaya guilty of “disseminating false information discrediting the federal prison service’s reputation” and ordered her to pay a fine of 200,000 roubles (4,500 euros) and to publish a retraction.”¹¹⁵⁸

In testimony given at the Helsinki Commission in Washington DC in June 2009, a *Carnegie Moscow Center* scholar notes that religious freedom is restricted in both penitentiaries and in the army services in Russia,

“Advocacy, human-rights advocacy organizations receive a lot of letters from penitentiaries and from armed forces that those who would like to worship are not allowed to. And, as a contrast, a Russian Orthodox priest would visit inmates in prison or a penitentiary while those who are of a different faith, Muslims, are inmates in the same prison, would be berated by both the priests and followers of Christian faith and by the administration of the penitentiary.”¹¹⁵⁹

A September 2009 publication by the *Memorial* reports on the abduction and torture of an Ingush resident,

“On September 4, 2009 after 10 p.m. in the municipal district Plievsky (Nazran, Ingushetia) officers of unidentified law enforcement authorities abducted local resident Maskhud Chibiev, 1990.

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¹¹⁵⁷ PRI, A PRI factsheet on the situation of women in prison in Russia, April 2010, <http://www.penalreform.org/publications/russia-women-prison> , accessed 24 August 2010

¹¹⁵⁸ RSF, Journalist seeks asylum in Finland after being convicted for prison torture articles, 2 June 2009, http://en.rsf.org/russia-journalist-seeks-asylum-in-finland-02-06-2009_33060 , accessed 2 September 2010

¹¹⁵⁹ Federal New Service, Dagestan: A New Flashpoint in Russia's North Caucasus, 16 June 2009, <http://carnegieendowment.org/files/06016%5Fbriefing%5Falexey%2Epdf> , accessed 23 August 2010

The next day, on September 5, relatives learned from unofficial sources that Maskhud was in Nazran GOVD, that he was beaten and tortured all night, that he was being forced to confess of being a boyevik (armed guerrilla fighter).¹¹⁶⁰

Interfax news agency reported in December 2009 on the disbandment of 'discipline and order sections' in Russian prisons,

"This decision is revolutionary for the domestic correctional system," head of Russia's oldest human rights organization, the Moscow Helsinki Group, Lyudmila Alexeyeva told *Interfax*.

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"We had been fighting for the disbandment of discipline and order sections for a long time. That was a Jesuit practice, which united unprincipled and sadistic convicts and entrusted them with full power at penitentiaries. The staff of correctional institutions delegated some of their powers to the sections, and the latter were notorious for hazing and extortion," Alexeyeva said.¹¹⁶¹

In May 2010 *Radio Free Europe/Radio Liberty* reports that Imams will be granted access to Muslim prisoners in the country's penitentiaries,

"Imams in Russia will be able to access the country's prison system and work with Muslim prisoners according to a new agreement signed between the federal prison authority (FSIN) and the Russian Council of Muftis, RFE/RL's Tatar-Bashkir Service reports.

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SIN head Aleksandr Reimer said there are already 40 mosques and some 200 Muslim praying rooms in Russian prisons, most of them located in the republics of Tatarstan and Bashkortostan. But he said there is a need for more.

Reimer added that previously every prison worked with Muslim officials individually, but the new agreement allows for cooperation to be more regulated.

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The Russian Orthodox Church has become increasingly more active in the country's prison system, causing some uneasiness among Muslim prisoners.¹¹⁶²

The *Federation of Jewish Communities of the CIS* reports that a cooperation agreement was signed on the 6 July 2010 between the Federal Penitentiary Service and the Federation of Jewish Communities of Russia,

"According to this agreement, the Federal Prison Service is committed to helping establish chapels and prayer rooms in prisons, as well as distributing printed materials containing "spiritual, moral and patriotic content." On its part, the FJC Russia will contribute "to creating the conditions for inmates to improve themselves, to realize their guilt and to develop their desire to correct their own existing negative qualities."¹¹⁶³

In July 2010 *The Guardian* notes that a journalist died in detention following mistreatment in custody in the city of Tomsk,

"Russia's police force was today at the centre of another national scandal after a journalist beaten in custody died in hospital from his injuries.

¹¹⁶⁰ HRC Memorial, Ingushetia: abducted 19-year-old teenager forced to slander on himself under torture, 14 September 2010, <http://www.memo.ru/eng/news/2009/09/18/1809099.htm>, accessed 2 September 2010

¹¹⁶¹ *Interfax*, Human rights defenders welcome disbandment of 'discipline and order sections', 31 December 2009, *Interfax: Russia & CIS Military Newswire*, available from: <http://www.interfax.com/txt.asp?id=109>, accessed 26 August 2010

¹¹⁶² *Radio Free Europe / Radio Liberty*, Russian Prisons To Be Opened To Muslim Imams, 14 May 2010, http://www.rferl.org/content/Russian_Prisons_To_Be_Open_To_Muslim_Imams/2042042.html, accessed 2 September 2010

¹¹⁶³ FJC, Ten Jewish Chapels to Open in Russian Penitentiaries, 7 July 2010, <http://www.fjc.ru/news/newsArticle.asp?AID=1246124>, accessed 17 August 2010

Konstantin Popov, 47, was arrested two weeks ago in his home town of Tomsk, Siberia, after neighbours complained that he was drunk and playing his guitar too loudly. Police took him to a holding cell where, his friends allege, officers subjected him to a sadistic beating, raping him with a broom handle and causing severe internal injuries. Popov – who worked for the Moskovsky Komsomolets newspaper – was taken to a hospital in a coma. He died without regaining consciousness.”¹¹⁶⁴

A January 2010 report by *Radio Free Europe/Radio Liberty* states that prisoners in a Novochoerkassk detention facility began a hunger strike in connection with poor conditions in the facility,

“Inmates at a prison in the southwestern Russian city of Novochoerkassk have started a hunger strike to protest alleged rights violations, RFE/RL's Russian Service reports. About 10 prisoners are demanding a meeting with representatives of the prosecutor's office to report on abuses in the prison. They say the prison administration is hiding the violations. [] Prisoners say they are unhappy with the poor work of medical personnel, the system for receiving packages from relatives, and the high cost of phone calls.”¹¹⁶⁵

In April 2010 *Amnesty International* released a report stating its concern for the health of Rasul Kudaev, who it claims was being subjected to poor prison conditions including inadequate health care provision,

“Rasul Kudaev's health deteriorated throughout 2008 and 2009 as a result of the lack of medical attention to his existing conditions and, allegedly, torture and ill-treatment while in detention.

According to the reports, he suffers from chronic hepatitis, acute back pain, which was allegedly caused by ill-treatment while in detention, and problems with his stomach. The pre-trial detention centre (SIZO) claims that his hepatitis is in remission. According to reports, the medical records confirming the presence of hepatitis and other medical conditions were confiscated by the prosecution from his mother's house and have not yet been returned.

[] Rasul Kudaev's family members say that they have been paying for all medical treatment for him, including the cost of medication and syringes. Also according to them, SIZO has a contract with a specific medical centre and they have to pay for every medical examination undertaken. They have not been permitted to allow for an examination by Rasul Kudaev's own doctor.”¹¹⁶⁶

An April 2010 report by *The New York Times* concerning the death of a lawyer, Sergei Magnitsky, in a Moscow detention facility states,

“In November, Mr. Medvedev ordered an inquiry into the treatment of the lawyer, Sergei L. Magnitsky, 37, who died in a prison hospital after carefully documenting his requests for medical care. [] But five months have passed, and no one has yet been charged with a crime.

[] Valery V. Borshchev, who heads a watchdog group that monitors prison conditions, said his organization received no response to a scathing report it submitted to prosecutors in December. [] “This is not just a matter of the life and death of Sergei Magnitsky, it is a

¹¹⁶⁴ The Guardian, Russian journalist dies after beating in police custody, 21 January 2010, <http://www.guardian.co.uk/media/2010/jan/21/journalist-safety-russia>, accessed 4 September 2010

¹¹⁶⁵ Radio Free Europe / Radio Liberty, Russian Prisoners Begin Hunger Strike, 19 January 2010, <http://www.rferl.org/content/article/1933944.html>, accessed 19 August 2010

¹¹⁶⁶ Amnesty International, Health Professional Action Denial of medical care for Rasul Kudaev Russian Federation, 16 April 2010, <http://www.amnesty.org/en/library/asset/EUR46/007/2010/en/7d1310a8-59c9-43a7-bbf2-db33bff62e42/eur460072010en.pdf>, accessed 19 August 2010

question of our entire system,” said Mr. Borshchev, who heads the Public Oversight Commission, adding that last year 4,600 inmates died in Russian prison colonies, and 540 in pretrial detention centers.”¹¹⁶⁷

In April 2010, the media group *The Other Russia.org*, an independent Russian news and opinion website reports on the conditions within Russian detention facilities,

“Russian prisons have a historically high rate of violence, in part resulting from the rare practice of housing convicts together without regard for the severity of their crimes. While the government has finally decided put that practice to an end, the deputy prosecutor general said that facility reviews ordered by President Dmitri Medvedev exposed a significant number of cases where prison guards have abused both their own authority and the rights of prisoners.

“In facilities in the Omskaya, Orenburgskaya, Sverdlovskaya, and Chelyabinskaya regions, as well as several others, personnel have been using physical force and tactical equipment in ways that are not always lawful or well-founded,” said Zabarchuk.

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“What’s worrying is not only the high rate of disease, but the depressing death rate among convicts,” he said. “This is a problem that I would particularly like to single out, since the basic prison contingent is not made up of very old men or young children, but able-bodied people who are, you could say, in the prime of their lives and strength. Nevertheless, many of them do not live out their sentences, or they leave disabled.”¹¹⁶⁸

One reason for the mortality rate was the failure of correctional facilities to provide prisoners with proper medical care. And even when they do, said Zabarchuk, medical equipment is outdated and medical personnel often lack the proper education for their jobs.”

Mary McAuley (an associate of the International Centre for Prison Studies, King's College London) notes in May 2010 with regard to Russia’s criminal code and the imposition of custodial sentences on juveniles,

“These are still ‘adult’ codes, and court procedure is designed with adults in mind. While later amendments have brought some improvement – encouraging judges only to use detention on remand in serious cases, and to apply compulsory educational measures – the absence of a probation service, effective social workers, or educational programmes encourages judges to respond, as before, to requests from police and prosecutors.

Their life is made much easier if the child awaits trial in prison (which may last six months or longer). The police have neither the resources nor the inclination to monitor the actions of children on remand. Once before the judge, the child can really only expect a ‘conditional sentence’ (and re-offending will send him or her straight to custody) or a custodial sentence. Very hesitantly, community service, fines, and electronic bracelets are being added to the list of sanctions but these are primarily used for adults.”¹¹⁶⁹

A May 2010 article in *The Guardian* reports that Russian President Medvedev has ordered an inquiry into the death of an inmate following inadequate access to health care in a detention facility,

“Russia’s president, Dmitry Medvedev, today ordered an urgent inquiry into why a prisoner who died last week in custody was refused medical treatment [].

Trifonova died on Friday, despite repeated requests for her release. She had been suffering from severe diabetes and kidney failure. She was almost blind and only able to breathe with

¹¹⁶⁷ The New York Times, Russian Rights Groups Criticize Inquiry of Magnitsky’s Death, 22 April 2010, <http://www.nytimes.com/2010/04/23/world/europe/23moscow.html?ref=russia> , accessed 15 August 2010

¹¹⁶⁸ Theotherussia.org, High Mortality Rate in Russian Prisons ‘Depressing’, 6 April 2010, <http://www.theotherussia.org/2010/04/06/high-mortality-rate-in-russian-prisons-depressing/> , accessed 1 September 2010

¹¹⁶⁹ Open Democracy - Russia, Children in prison, 28 May 2010, <http://www.opendemocracy.net/od-russia/mary-mcauley/children-in-prison> , accessed 1 September 2010

one lung. When she complained of breathlessness, doctors advised her to sleep "standing up".

[]

In a stinging editorial, the business daily Vedomosti dubbed Trifonova's prison ordeal "slow torture".

It noted she was so ill at the time of her arrest she was using a wheelchair. "She became my client in March and when I visited her in jail her eyesight was about 10% and her lungs were full of liquid," her lawyer, Vladimir Zheryonkov, told the Moscow Times. Medvedev ordered criminal charges to be brought against Sergei Pysin, the chief investigator in the case, who had opposed Trifonova's numerous petitions for bail."¹¹⁷⁰

In May 2010 *Human Rights Watch* issued a report concerning the sentencing of a prisoners' rights advocate, alleging mistreatment of the detained person,

"On May 13, 2010, a court in the Sverdlovsk region sentenced Sokolov, a prisoners' rights advocate and a member of the public prison monitoring oversight board, to five years in a high security prison on charges of robbery and theft.

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Sokolov is the chairman of Pravovaia Osnova (Legal Basis), an organization that defends prisoners' rights and has exposed corruption and torture by police and prison officials.

In January 2009, the Public Chamber of the Russian Federation appointed Sokolov to the public prison monitoring board, which is legally authorized to visit detention facilities, speak with detainees, and monitor detention practices. But the police had begun to threaten Sokolov several months before that appointment.

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According to an account of the arrest made by Sokolov and transmitted to his lawyer, the policemen who arrested him hit him several times and threatened him, saying that even though they might not be able to beat him, they would find "other ways to torture" him. They also told Sokolov that "the police aren't under anyone's control," apparently in reference to his monitoring work."

On 6 April he told a court that her medical condition had "stabilised", citing doctors' reports. Two other investigators were also disciplined. It remains doubtful whether any serious punishment will follow."¹¹⁷¹

According to a June 2010 report by *Radio Free Europe/Radio Liberty* a prisoner was killed while in detention and three prison officers have been arrested in connection with the death,

"Three prison guards were arrested today in Chelyabinsk, Russia, on suspicion of killing a prisoner, [].

In June 2, an inmate of the labor camp No. 2 in Chelyabinsk was found dead. His name has not been made public. An autopsy and forensic tests established that he was suffocated and his body bore evidence of beating.

The investigators allege that the prisoner was killed by three prison guards. The guards, who have not been named, are reported to have confessed to the killing. Russian Prosecutor General Yuri Chaika has taken the case under his personal control."¹¹⁷²

In June 2010, *Amnesty International* states in a report on the arrest of two individuals in the North Caucasus territory of Ingushetia,

¹¹⁷⁰ The Guardian, Russian prisoner who died in custody told to sleep standing up, 4 May 2010, <http://www.guardian.co.uk/world/2010/may/04/russian-prisoner-died-vera-trifonova> , accessed 21 August 2010

¹¹⁷¹ HRW, Russia: Reverse Conviction of Human Rights Defender, 19 May 2010, <http://www.hrw.org/en/news/2010/05/19/russia-reverse-conviction-human-rights-defender> , accessed 9 September 2010

¹¹⁷² Radio Free Europe / Radio Liberty, Russian Prison Guards Arrested Over Inmate's Death, 9 June 2010 http://www.rferl.org/content/Russian_Prison_Guards_Arrested_Over_Inmates_Death/2066823.html , accessed 3 September 2010

“Beslan Tsechoev and Adam Tsechoev were arrested last week in a raid on their home by dozens of masked uniformed men, according to family members, and have been held incommunicado since then. Beslan Tsechoev has been diagnosed with severe head and back injuries, prompting allegations he was beaten at the police station where the two men are being held.”¹¹⁷³

3. Property restitution

The Russian Constitution, adopted in 1993, includes a number of provisions pertaining to property rights,¹¹⁷⁴

Article 8 states,

“In the Russian Federation recognition and equal protection shall be given to the private, state, municipal and other forms of ownership.”¹¹⁷⁵

Article 9, 1-2 states,

“1. Land and other natural resources shall be utilized and protected in the Russian Federation as the basis of life and activity of the people living in corresponding territories.
2. Land and other natural resources may be in private, state, municipal and other forms of ownership.”¹¹⁷⁶

Article 34, 1 states,

“1. Everyone shall have the right to a free use of his abilities and property for entrepreneurial and economic activities not prohibited by law.”¹¹⁷⁷

Article 35, 1-4 states,

“1. The right of private property shall be protected by law.
2. Everyone shall have the right to have property, possess, use and dispose of it both personally and jointly with other people.
3. No one may be deprived of property otherwise than by a court decision. Forced confiscation of property for state needs may be carried out only on the proviso of preliminary and complete compensation.
4. The right of inheritance shall be guaranteed.”¹¹⁷⁸

¹¹⁷³ Amnesty International, Russia urged to protect two brothers tortured and detained in Ingushetia, 15 June 2010, <http://www.amnesty.org/en/news-and-updates/russia-urged-protect-two-brothers-tortured-and-detained-ingushetia-2010-06-15> , accessed 19 August 2010

¹¹⁷⁴ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

¹¹⁷⁵ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

¹¹⁷⁶ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

¹¹⁷⁷ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

¹¹⁷⁸ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

Article 36, 1-3 states,

- “1. Citizens and their associations shall have the right to possess land as private property.
2. Possession, utilization and disposal of land and other natural resources shall be exercised by the owners freely, if it is not detrimental to the environment and does not violate the rights and lawful interests of other people.
3. The terms and rules for the use of land shall be fixed by a federal law.”¹¹⁷⁹

Article 72, 1 – 2 states,

- “1. The joint jurisdiction of the Russian Federation and the subjects of the Russian Federation includes:
 - c) issues of possession, use and disposal of land, subsoil, water and other natural resources;
 - d) delimitation of state property;
2. Provisions of this Article shall be equally valid for the Republics, territories, regions, cities of federal importance, autonomous regions or autonomous areas.”¹¹⁸⁰

A 2001 journal article by Swiss Law firm *Secretan Troyanov* notes that the enforcement of federal laws in connection with land rights are complicated by the existence of local legislation,

“Under Article 72 of the Russian Constitution the regulation of land is a joint competence of the Russian Federation and its Regions. It is therefore the general opinion that the Regions may adopt their own land laws as long as they are not in contradiction with federal law. Various such laws have been adopted in a number of Regions.

[]

Unfortunately today many questions do not have a precise answer, i.e. depend on the view taken by the competent local administration or the registering authorities.”¹¹⁸¹

The US civil society group *IREX* states in a September 2009 report that land rights have evolved differently across the various regions of the Russian Federation,

“The asymmetric federalism that developed in Russia over the 1990s was reflected, among other things, in an asymmetric access to the formerly Soviet property obtained by Russia's ethnic republics and specifically by the more resourceful Tatarstan, Bashkortostan and Sakha. Relying on these assets, these republics created relatively autonomous systems of political economy and property regimes within their territories.

[]

The evolving relations between the federal and regional governments have however changed the nature of property regimes established as a result of earlier deals.”¹¹⁸²

Freedom House notes in its January 2010 report on the events of 2009 that rights to property are subject to uneven enforcement,

¹¹⁷⁹ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

¹¹⁸⁰ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

¹¹⁸¹ Secretan Troyanov, Land Ownership in Russia, 4 January 2001, <http://www.lexuniversal.com/en/articles/887>, accessed 28 August 2010

¹¹⁸² IREX, Asymmetric Federalism and Property Rights in Russia, September 2009, <http://www.irex.org/programs/iaro/research/09-10/Sharafutdinova.pdf>, accessed 17 August 2010

"Property rights remain precarious. State takeovers of key industries, coupled with large tax liens on select companies, have reinforced perceptions that property rights are being eroded and that the rule of law is subordinated to political considerations."¹¹⁸³

International market research company *Euromonitor* reports in a May 2007 article that housing provision in Russia is inadequate,

"Despite rising incomes and the expansion of the middle class, the provision of adequate and affordable housing is still an important issue in Russia. Renewed state investment in housing has been made a national priority alongside efforts to encourage growth in the private housing sector.

[]

Russia's housing stock does not meet its housing needs [],

Much of the population still lives in ageing Soviet era housing stock, particularly outside the main cities. More than half of homes need repair and many have not been repaired in 40-50 years.

The new 2006 Housing Code makes owners fully responsible for the maintenance of their property, but this is often a burden for owners of Soviet era housing. In the case of rented accommodation, local municipalities do not have sufficient funds either."¹¹⁸⁴

A June 2009 report by *Bloomberg* news agency states that the Russian government has acquired land in order to facilitate construction of new housing,

"President Dmitry Medvedev's government has acquired almost 2.5 million acres, an area larger than Cyprus, to promote construction of single-family homes and move Russians out of Soviet-style apartment blocks, the official in charge of the effort said.

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Seventy-seven percent of Russia's 142 million people are "cooped up" in apartments, a legacy of Soviet policies that "excluded everything oriented toward the individual," Medvedev said in April 2008 as he unveiled his home-building program.

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At least 14 million square meters of housing will be under construction next year on land owned by the Federal Fund for the Promotion of Housing Construction Development, Braverman said.

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"There's a terrible need for affordable housing in Russia," said Nuri Katz, chief executive officer of Century 21 Russia."¹¹⁸⁵

A *BBC News* article in August 2010 notes that in December 2009, Russia's ministry of economic development handed two land sites being used for agricultural research to the Russian Housing Development Foundation – the decision was subject to court appeal,

"[] The court will then announce the decision regarding the earlier ruling of handing the station to the Russian Housing Development Foundation - a state body that decides whether public land can be used to build private homes.

In December 2009, Russia's ministry of economic development handed two of the station's land sites to the Russian Housing Development Foundation.

¹¹⁸³ Freedom House, *Freedom in the World - Russia* (2010), 12 January 2010, http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2010&country=7904&pf, accessed 26 August 2010

¹¹⁸⁴ Euromonitor, *Housing Russia becomes a state policy*, May 2007, <http://www.euromonitor.com/housing-russia-becomes-a-state-priority/article>, accessed 26 August 2010

¹¹⁸⁵ Bloomberg, *Medvedev Pursues Russian Home-Ownership 'Dream' to Break With Soviet Past*, 9 June 2010, <http://www.bloomberg.com/news/2010-06-09/medvedev-amasses-land-for-russian-dream-of-single-family-home-ownership.html>, accessed 1 September 2010

But the Housing Development Foundation told the BBC Saint Petersburg needed the land [],
"Using the land for agricultural purposes will impede the future realisation of the city's plans to further develop the city of Saint Petersburg."¹¹⁸⁶

According to the *USDOS*, in 2009 the seizure of properties owned by religious groups continued to present difficulties for certain faiths,

"Restitution of religious property seized by the Communist regime remained a problem, particularly for Muslim and Protestant groups. Many properties used for religious services, including churches, synagogues, and mosques have been returned, but efforts to secure the return of other property continued, and the return of property originally used for schools and other functions not strictly linked to worship has been more difficult to achieve. The Russian Orthodox Church had greater success reclaiming pre-revolutionary property than other groups, although it still had disputed property claims, including claims to 30 properties in Moscow alone.

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In 2006 Muslims in Beslan appealed to the Presidential Council for Cooperation with Religious Associations to return the historic Cathedral Mosque, which was occupied by a vodka bottling plant and a bottle washing shop, to the Muslim community. The Jewish community was seeking the return of a number of synagogues, religious scrolls, and cultural and religious artifacts, such as the Schneerson book collection, which authorities claimed as part of the country's cultural heritage. The Roman Catholic Church reported 44 disputed properties, including the Saints Peter and Paul Cathedral in Moscow."¹¹⁸⁷

The *USDOS* further notes that certain religious groups faced problems in relation to acquiring properties,

"Various minority religious organizations encountered difficulties in obtaining or renovating property.

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Some local and municipal governments prevented minority religious groups from obtaining venues for large gatherings and from acquiring property for religious uses."¹¹⁸⁸

Human Rights Watch notes in its 2010 annual report with regard to the planned Sochi Olympics,

"The IOC did not grant a request to meet with activists or citizens seeking to raise concerns about property rights and environmental violations in connection with preparations for the Games."¹¹⁸⁹

4. Food security and livelihoods

Article 7 of the Russian Constitution, adopted in 1993, states,

"1. The Russian Federation is a social State whose policy is aimed at creating conditions for a worthy life and a free development of man.

2. In the Russian Federation the labour and health of people shall be protected, a guaranteed minimum wages and salaries shall be established, state support ensured to the family, maternity, paternity and childhood, to disabled persons and the elderly, the system

¹¹⁸⁶ BBC News, Houses may replace Europe's largest collection of crops, 7 August 2010, <http://www.bbc.co.uk/news/science-environment-10899318>, accessed 2 Sept 2010

¹¹⁸⁷ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

¹¹⁸⁸ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm>, accessed 10 August 2010

¹¹⁸⁹ Human Rights Watch, World Report 2010, p.432, <http://www.hrw.org/world-report-2010>, accessed 25 August 2010

of social services developed, state pensions, allowances and other social security guarantees shall be established.”¹¹⁹⁰

The *UN Development Programme* states in its most recent report published in April 2009 that Russia is experiencing demographic challenges,

“Russia has been grappling for some time with demographic developments, which must be qualified as a crisis. Short life expectancy is the main feature of this crisis, though by no means its only feature.

The birth rate is too low, the population is shrinking and ageing, and Russia is on the threshold of rapid loss of able-bodied population, which will be accompanied by a growing demographic burden per able-bodied individual.

The number of potential mothers is starting to decline and the country needs to host large flows of immigrants. The list of problems could be continued.”¹¹⁹¹

The Guardian reports in August 2009 that poverty in Russia remains a problem,

“According to Russia’s state committee on statistics, the figure for Russians living below the poverty line went up to 24.5 million during the first three months of this year – a steep increase from 18.5 million by the end of 2008.

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One economist said the significance of the poverty figures should not be exaggerated. He said that they concealed wide regional differences in a country which has huge disparities in income between the elite, living in Moscow and St Petersburg, and those living in crumbling villages and single-factory industrial towns.”¹¹⁹²

The Russian newspaper *Pravda* notes in a June 2010 article that there have been improvements for poorer households in Russia,

“The number of households with the income level below the poverty line in Russia dropped from 38 to 3 percent in 1998-2009, experts of the international monitoring of economic conditions in Russia (RLMS) said in their latest report.

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The level of extreme poverty, when family income measures 50 percent and lower than the living wage, made up 1.1 percent, which is also the lowest index. In 2008, the level of poverty made up 4 percent.

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The number of children living in extreme poverty dropped from 3.1 percent in November 2008 to 1.4 percent in November 2009. Poverty among senior citizens decreased 2.5 times – from 1.5 percent to 0.6 percent. Only one of 1,000 seniors lives in a household with the income of 50 percent less than the poverty line.

As for Russian regions, the lowest level of poverty has been reported in Moscow and St. Petersburg (1.3 and 1.6 percent respectively). The number of poverty-stricken children is the largest in Siberia and the Far East (9.8 percent).

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The average share of the budget on food dropped to 44 percent: the Russians used to spend 73 percent of their income on food in 1993-1994.”¹¹⁹³

¹¹⁹⁰ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

¹¹⁹¹ UNDP, 2008 National Human Development Report - Russia Facing Demographic Challenges, April 2009, p.7, http://www.undp.ru/documents/NHDR_2008_Eng.pdf, accessed 28 August 2010

¹¹⁹² The Guardian, Millions more Russians shunted into poverty, 31 August 2009, <http://www.guardian.co.uk/world/2009/aug/31/russia-economy-poverty-increase-putin>, accessed 8 September 2010

¹¹⁹³ Pravda, Poverty in Russia Disappears in a Remarkable Manner, 2 June 2010, http://english.pravda.ru/russia/economics/02-06-2010/113611-poverty_russia-0/, accessed 1 September 2010

The *Austrian Federal Ministry of the Interior* states in a September 2009 publication with regard to the economic situation in Chechnya,

“All sources agree that the social-economic situation in Chechnya is still very bad. There is a huge unemployment, low level of social benefits and so on. A lot of people work only in the building industry. The old industry that was destroyed during the war has still not recovered.

The system of social benefits is in place and working, but very corrupt and infected by the so called “otkat”. On each level some money disappears so that the actual beneficiary gets far less than he is entitled to.

Most sources said that corruption in Chechnya is enormous and omnipresent and constitutes a mayor problem. It seriously slows down the further development of the local economy.”¹¹⁹⁴

A *US Department of Agriculture* translation of Russia’s latest food security doctrine launched by President Medvedev in January 2010 states,

“With respect to improvement of economic availability of foodstuffs to all groups of population, special attention must be paid to implementation of measures aimed at poverty alleviation, priority support to the poorest layers of the population short of sufficient funds to afford healthy diets, as well as arrangements for healthy feeding of pregnant and nursing women, infants, pre-school and school children, health feeding in social welfare institutions.”¹¹⁹⁵

A *Reuters* article in May 2010 states that the Russian agricultural industry is in crisis,

“But despite cheap loans issued for domestic agricultural producers and schemes to import livestock and equipment, Russia’s agriculture remains in a deep crisis. Critics say it is a shame that Russia, with a third of the world’s richest “chernozem” black soils, one fifth of all water resources and just 2 percent of the earth’s population, still cannot feed itself.

Some sector experts say the Kremlin’s agriculture project does not address the big problems: poor infrastructure in rural areas and big monopolies dominating the wholesale market in agricultural products. Gordeyev told the government meeting Russia’s food market was still heavily dependent on imports and unstable as a whole.”¹¹⁹⁶

A report published by the *Austrian Federal Ministry of the Interior* in September 2009 notes that Chechens can experience difficulties in finding work in the Russian Federation,

“Several sources stated that it sometimes can be difficult for ethnic Chechens to find work in the regions of the RF. Nevertheless in some agricultural regions of the Russian Federation, such as Astrakhankaya, Volgogradskaya and Tverskaya oblasts, Chechens do work on animal farms or run trade business.”¹¹⁹⁷

Regarding employment prospects in Russia’s labour market, the *UNDP* states in April 2009,

¹¹⁹⁴ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.11, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

¹¹⁹⁵ USDA, Russian Federation Food Security Doctrine Adopted, 11 February 2010, http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Food%20Security%20Doctrine%20Adopted%20_Moscow_Russian%20Federation_2-11-2010.pdf, accessed 1 September 2010

¹¹⁹⁶ Reuters, Russia readies for high grain price, food security, 19 May 2010, <http://www.reuters.com/article/idUSL1933296520080519>, accessed 20 August 2010

¹¹⁹⁷ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.7, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

"Female employment is at high levels in Russia for a number of historical reasons, and the growing labor deficit suggests that demand for female labor will stay high in the foreseeable future.

[]

Russian women who leave the labor market to have a child usually do so only temporarily."¹¹⁹⁸

A September 2009 report published by the *Austrian Federal Ministry of the Interior* notes that the NGO *Memorial* did not believe that Chechen children were being excluded from schools, "Memorial stated that there are no problems anymore concerning the access to schools for Chechen children."¹¹⁹⁹

The *UNDP* further reported on barriers to employment for young people and those with disabilities in Russia,

"There is considerable potential for improving employment rates among young people. Longer time spent in education is inevitably pushing upwards the average age when young people enter the labor market, but higher youth employment could be achieved by removing other barriers.

Young people are currently discriminated against on the formal employment market and are at greater risk than mid- and senior working-age groups of finding themselves unemployed or informally employed.

[]

Russia has low employment rates among the disabled and members of their families. Development of social service provision for people with health problems and restricted ability to work should help to increase employment rates."¹²⁰⁰

A September 2009 report published by the *Austrian Federal Ministry of the Interior* notes that young people from Chechnya face difficulties in finding work due to the poor economic situation in the region,

"Young people are however confronted with difficulties concerning their future. The economical situation in Chechnya is bad, people haven't got a job and quite often they haven't got the means to guarantee their own basic needs such as housing and food. They have two options: either join Kadyrov's people or the fighters in the mountains. The youngsters are "between the devil and the deep blue sea". The ones that go to the mountains often do not find what they have been looking for."¹²⁰¹

5. Access to health care and education

The Russian Constitution, adopted in 1993, includes a number of provisions pertaining to the right to health,¹²⁰²

Article 7, 2 states that,

¹¹⁹⁸ UNDP, 2008 National Human Development Report - Russia Facing Demographic Challenges, April 2009, pp.125-126, http://www.undp.ru/documents/NHDR_2008_Eng.pdf, accessed 28 August 2010

¹¹⁹⁹ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.8, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

¹²⁰⁰ UNDP, 2008 National Human Development Report - Russia Facing Demographic Challenges, April 2009, pp.129-130, http://www.undp.ru/documents/NHDR_2008_Eng.pdf, accessed 28 August 2010

¹²⁰¹ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.56, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

¹²⁰² Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

“2. In the Russian Federation the labour and health of people shall be protected, a guaranteed minimum wages and salaries shall be established, state support ensured to the family, maternity, paternity and childhood, to disabled persons and the elderly, the system of social services developed, state pensions, allowances and other social security guarantees shall be established.”¹²⁰³

Article 41 states,

“1. Everyone shall have the right to health protection and medical aid. Medical aid in state and municipal health establishments shall be rendered to individuals gratis, at the expense of the corresponding budget, insurance contributions, and other proceeds.

2. In the Russian Federation federal programmes of protecting and strengthening the health of the population shall be financed by the State; measures shall be adopted to develop state, municipal and private health services; activities shall be promoted which facilitate the strengthening of health, the development of physical culture and sport, ecological and sanitary-epidemiological well-being.

3. The concealment by officials of the facts and circumstances posing a threat to the life and health of people shall entail responsibility according to the federal law.”¹²⁰⁴

In a February 2010 report the *World Bank* notes Russia’s “[] relatively low level of public health spending in the country (about 3.6 percent of GDP in 2008) that underlines the significant gap between the constitutional commitment to a range of medical care services and the actual funding to pay for them.”¹²⁰⁵

The *Chechen Social and Cultural Association* states in a September 2009 report published by the Austrian Federal Ministry of the Interior that health care in the republic of Chechnya suffers from a lack of medical professionals,

“Chechnya is short of the experts. Therefore, a lot of people leave Chechnya to undergo treatment outside her borders.

In general, what is lacking in Chechnya is qualified, professional personnel: doctors, lawyers, etc. Some doctors have just started to return. Chechnya also needs pedagogical staff: mathematicians, physicians. It was agreed that the specialists must come back to Chechnya. That is top priority.”¹²⁰⁶

The *UNDP* notes in 2009 that in recent years the share of health spending in Russian GDP has begun to grow, though,

“However, to date, absolute levels of Russian per capita health spending remain low compared with other developed countries. According to a WHO estimate, they were USD 561 (PPP) in 2005. This is roughly equal to the level in European countries in the mid-1970s. Today, European per capita health expenses are 4-6 times greater.”¹²⁰⁷

The *UNDP* report of 2009 further notes that healthcare is widely subsidised unofficially by service users,

¹²⁰³ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

¹²⁰⁴ Constitution of the Russian Federation (English version), adopted on 25 December 1993; with amendments of 09.01.1996, 10.02.1996 and 09.06.2001, available from <http://legislationline.org/download/action/download/id/1631/file/40e7c5194d7db79b900b350d2a20.htm/preview>, accessed 21 August 2010

¹²⁰⁵ World Bank, Action Needed: Spiraling Drug Prices Empty Russian Pockets, February 2010, http://www-wds.worldbank.org/external/default/WDSPContentServer/WDSP/IB/2010/03/05/000333038_20100305041450/Rendered/PDF/533250BRI0ECA01Box345607B001PUBLIC1.pdf, accessed 17 August 2010

¹²⁰⁶ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.72, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

¹²⁰⁷ UNDP, 2008 National Human Development Report - Russia Facing Demographic Challenges, April 2009, p.166, http://www.undp.ru/documents/NHDR_2008_Eng.pdf, accessed 28 August 2010

“Inadequate funding and the need to maintain standards force health providers to cover shortfalls at the patient’s expense, leading to development of a shadow economy in health care with negative impact on quality of service provision and on public health.”¹²⁰⁸

A March 2009 article published by the *British Medical Journal* (BMJ) notes that health care provision in Russia is generally of a poor standard,

“The main problems facing Russia’s public healthcare system are the poor health of the population and the vagueness of healthcare guarantees by the state.”

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Inadequate financial and material resources for both primary care and hospitals are coupled with relatively low efficiency of use of the available resources, and structural disproportions between outpatient and inpatient care.

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There are also big regional differences in the availability of healthcare resources and huge income inequality.”¹²⁰⁹

The March 2009 *BMJ* article further reports that poorer households are disproportionately affected by inadequate healthcare provision,

“The burden of health expenditure is higher for households in the regions with a lower level of economic development. In 2003, the average proportion of household income (minus food related expenses) spent on health was 9.2% in 2003 for developed regions and 10.6% for less developed regions.”¹²¹⁰

According to a March 2010 report published by the *World Health Organisation* on multi-drug and extensively drug-resistant tuberculosis (M/XDR-TB),

“The Russian Federation, which was able to provide high-quality continuous surveillance data from 12 of its oblasts and republics, reported proportions of 23.8–28.3% MDR- TB among new TB cases in three of its oblasts in the northwest part of the country.”¹²¹¹

The *World Health Organisation’s* March 2010 report cited the following data with regard to tuberculosis infections in the regions,

“Proportions of MDR-TB exceeding 12% among new TB cases (in countries reporting more than 10 MDR-TB cases) have been documented in the following countries or subnational areas:

[]

Russian Federation (Bryansk Oblast, 12.9%, Tomsk Oblast, 13.0%, Vladimir Oblast, 14.0%, Republic of Chuvashia, 14.2%, Marii El Republic, 16.1%, Belgorod Oblast, 19.2%, Kaliningrad Oblast, 19.3%, Ivanovo Oblast, 20.0%, Arkhangelsk Oblast, 23.8%, Pskov Oblast, 27.3% and Murmansk Oblast, 28.3%) in 2008.”¹²¹²

The *European Association for Palliative Care (EAPC)* notes in a 2006 report that palliative care is generally lacking,

¹²⁰⁸ UNDP, 2008 National Human Development Report - Russia Facing Demographic Challenges, April 2009, p.166, http://www.undp.ru/documents/NHDR_2008_Eng.pdf, accessed 28 August 2010

¹²⁰⁹ BMJ, Russia’s healthcare system: in need of modernization, 23 March 2009, <http://www.bmj.com/content/338/bmj.b2132.full>, accessed 19 August 2010

¹²¹⁰ BMJ, Russia’s healthcare system: in need of modernization, 23 March 2009, <http://www.bmj.com/content/338/bmj.b2132.full>, accessed 19 August 2010

¹²¹¹ WHO, Multidrug and extensively drug-resistant TB, March 2010, p.1, http://whqlibdoc.who.int/publications/2010/9789241599191_eng.pdf, accessed 23 August 2010

¹²¹² WHO, Multidrug and extensively drug-resistant TB, March 2010, p.7, http://whqlibdoc.who.int/publications/2010/9789241599191_eng.pdf, accessed 23 August 2010

“Palliative care is best developed in St. Petersburg and Moscow, although the availability and quality of palliative care services vary considerably in different parts of the country and in total palliative care is provided for only 7-9% of patients who need it.”

There is poor understanding and support relating to the provision of palliative care in the wider society.

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Historically, palliative care has been developed in Russia as part of cancer care, and most hospices still admit cancer patients only. To be able to provide care for other terminally ill patients, the hospice services need to be developed further.”¹²¹³

In 2009, according to the *USDOS*, those with HIV or AIDS encountered discrimination despite the existence of legislation to prevent such prejudice,

“Persons with HIV/AIDS often encountered discrimination. A federal AIDS law contains anti-discrimination provisions but was frequently not enforced.

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Persons with HIV/AIDS found themselves alienated from their families, employers, and medical service providers. In 2008 Project GayRussia succeeded in its campaign to persuade the Ministry of Health to cancel a ban on gay men donating blood. They began a new campaign during the year to persuade the Ministry of Foreign Affairs to end discrimination against foreign travelers with HIV-positive status, without success as of year's end.”¹²¹⁴

World Health Organisation data available from 2005 states that the Russian Federation faces an extremely grave HIV epidemic,

“The Russian Federation has a concentrated HIV epidemic among injecting drug users. It has one of the most rapidly growing HIV epidemics globally, with an explosive increase since 1996. According to UNAIDS, an estimated 850 000 people were living with HIV/AIDS at the end of 2004, of whom 60% were 20–39 years old and almost two thirds were men.

The number of people officially registered as living with HIV/AIDS in the Russian Federation has increased significantly from 3623 cases as of 31 March 1997 to 327 899 cases reported as of December 2005 according to the Federal AIDS Center.

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The epidemic is largely concentrated among injecting drug users. The estimated 1.5 million to 3.5 million injecting drug users account for 87% of the people living with HIV/AIDS but less than 10% of the people receiving antiretroviral therapy, according to data compiled by the WHO Regional Office for Europe in August 2005. The HIV prevalence rate among injecting drug users approaches 65% in some cities.”¹²¹⁵

The *World Health Organisation* further noted the existence of the Russian Federation 1995 law on HIV/AIDS,

“The 1995 Federal Law on HIV/AIDS includes a wide range of legal guarantees and social protection related to HIV/AIDS. Under this law, the state guarantees anonymous and confidential HIV testing; pretest and post-test counselling; and free access to health care and social welfare services for people living with HIV.

Voluntary counselling and testing, although available on a large scale, is often compromised by inadequate quality of counselling, lack of informed consent, lack of

¹²¹³ EAPC, EAPC Task Force on the development of Palliative Care in Europe - Russia, August 2006, <http://www.eapcnet.org/download/forPolicy/CountriesRep/Russia.pdf> , accessed 23 August 2010

¹²¹⁴ US Department of State, 2009 Country Report on Human Rights Practices: Russia, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136054.htm> , accessed 10 August 2010

¹²¹⁵ WHO, Summary Country Profile for HIV/AIDS Treatment, 2005, http://www.who.int/hiv/HIVCP_RUS.pdf , accessed 26 August 2010

confidentiality and the extensive volume of mandatory testing (up to 20 million people annually, according to the Federal AIDS Center). Despite a policy of free, universal access to antiretroviral therapy, coverage is estimated at less than 3% of those in need (2004).¹²¹⁶

The *International AIDS Society* notes in a 2007 report, "The majority of HIV patients needing antiretroviral therapy (ART) in Russia are Injection Drug Users (IDU). There is no drug replacement therapy in Russia."¹²¹⁷

The UK charity *Tearfund* states in a 2009 report that the Russian health care system has proven unable to meet the needs of those living with HIV/AIDS,

"State healthcare systems and government responses to HIV have struggled to meet the vast scale of need in Russia.

Despite the hard work of many committed individuals in government institutions, negative attitudes to drug users and people living with HIV still prevail in this sector and discourage many people from seeking the support they need. Much of the frontline work is currently led by NGOs.

To meet the challenges of such a huge country, there is a pressing need for better collaboration and a more comprehensive response, particularly around prevention."¹²¹⁸

A *Human Rights Watch* report in 2007 notes that those seeking treatment for drug addiction face discrimination,

"In Russia, people who enroll in public drug treatment programs are added to registries (those who can afford to seek private drug treatment are not). Being listed on the registry can lead to loss of employment, housing and even child custody. Faced with these consequences, many people don't see public drug treatment as a viable option."¹²¹⁹

More recently, a July 2010 report by the charity *Tearfund* notes,

"Galia Kutranova, Tearfund's Russia manager, commented recently: "Helping people overcome drug addiction is critical to preventing the spread of HIV in Russia. But it's an uphill task." Kutranova continued: "Stigma and fear is rife among those facing the double whammy of drug addiction and HIV.

Few seek help, for fear of being arrested for their addiction or shunned for their HIV status." "Our experience in Russia is that treating drug addiction as a crime undermines successful treatment and fuels the spread of HIV. Drug addiction is a disease, not a crime and must be treated as such," said the Tearfund manager."

A *World Bank* report in 2010 states that HIV infection has spread widely across the Russian Federation, "HIV has been detected in 88 of the country's 89 administrative territories, but it is spreading unevenly across the country. In some places such as the Nizhny Novgorod region, interventions appear to have stabilized localized epidemics, but in at least 9 territories, serious epidemics are underway."¹²²⁰

¹²¹⁶ WHO, Summary Country Profile for HIV/AIDS Treatment, 2005, http://www.who.int/hiv/HIVCP_RUS.pdf, accessed 26 August 2010

¹²¹⁷ International AIDS Society, Individual case management for injection drug users on antiretroviral therapy in St. Petersburg, Russia: success without replacement therapy, 2007, <http://www.iasociety.org/Default.aspx?pagelId=11&abstractId=200721914>, accessed 20 August 2010

¹²¹⁸ Tearfund, Voices from the Margins, 2009, http://tilz.tearfund.org/webdocs/Tilz/HIV/voices_from_margins_web.pdf, accessed 20 August 2010

¹²¹⁹ Human Rights Watch, "Rehabilitation Required: Russia's Human Rights Obligation to Provide Evidence-Based Drug Treatment," Vol. 19, No. 7(D), November 2007

¹²²⁰ World Bank, HIV/AIDS in the Russian Federation, 2010, <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/EXTECAREGTOPHEANUT/EXTECAREGTOPHIVAIDS/0..contentMDK:20320143~menuPK:616427~pagePK:34004173~piPK:34003707~theSitePK:571172.00.html>, accessed 20 August 2010

A *RIA Novosti* report in January 2010 highlights the custody case of an HIV-positive woman,

“An HIV-positive Russian woman won a precedent-setting victory against widespread discrimination on Monday when a court awarded her custody of her orphaned younger brother.

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The Supreme Court of the republic of Tatarstan ruled in Izambayeva's favor after she appealed the decision of a Kazan city court denying her custody on the grounds that she was HIV positive.”¹²²¹

International AIDS charity *AVERT* also comments on treatment facilities in Russia, stating in 2010, “One leading Russian harm reduction advocate went so far as to say, “Conditions within drug treatment facilities in Russia remind more of prisons than hospitals.”¹²²²

[See also Section G. Lesbian, Gay, Bisexual and Transgender (LGBT) Persons; 3. Treatment of people with HIV and AIDS]

A 2010 report by *Medecins sans Frontieres* notes the healthcare challenges experienced by residents of the North Caucasus in 2009,

“MSF has been providing support to hospitals and through clinics and has been raising awareness of the mental health problems caused by the conflict.

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Healthcare needs vary across the North Caucasus regions in Russia. For MSF, the priorities are to provide treatment for tuberculosis (TB), to offer psychosocial support, and help vulnerable groups such as displaced people and illegal migrant workers who have experienced neglect or violence.

Prevalence of all strains of TB remains high, particularly in Chechnya where the entire health infrastructure was ruined during the war. Furthermore, there is an irregular supply of TB drugs, the necessary diagnostic tools are not yet in place, and infection control measures are unsatisfactory.

In the region of Ingushetia in the south of the country, the mental health of the population is also becoming a serious concern. Intense insecurity coupled with political instability has exacerbated chronic psychological problems.

Throughout 2009, MSF doctors continued to offer free paediatric care in two clinics in Grozny in the south, and to provide women with free healthcare in two clinics in the nearby Staropromyslovsky district. Together these clinics conducted more than 1,500 consultations with women every month, many of whom were displaced or from low-income, rural families. MSF also supplied drugs and medicines to a hospital in Grozny and to regional health centres in three mountainous villages.

After several years' absence, MSF returned to Dagestan, again in the south, to provide treatment for migrant workers and internally displaced people in a health centre there.

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Access to the mountainous southern region remains a tough challenge due to the remote location of the communities. MSF's priority is to improve the treatment for TB, including drug-resistant forms of the disease.”¹²²³

¹²²¹ RIA Novosti, HIV-positive Russian woman wins child custody case, 25 January 2010, <http://en.rian.ru/russia/20100125/157679781.html>, accessed 29 August 2010

¹²²² AVERT, HIV and AIDS in Russia, Eastern Europe & Central Asia, September 2010, <http://www.avert.org/aids-russia.htm>, accessed 3 September 2010

¹²²³ Medecins sans Frontieres, Focus on Russian Federation, undated, http://www.msf.org.uk/russian_federation.focus, accessed 1 November 2010

Medecins sans Frontieres further reports in March 2010 on its activities in Chechnya, particularly with regard to its work in treating tuberculosis,

“The MSF tuberculosis (TB) programme in Chechnya has treated over 3 500 patients since its inception in 2004. The program covers the entire republic, providing support to the Ministry of Health staff in five district TB dispensaries: Gudermes, Nadterechny, Shali, Shelkovskoy and Grozny.

MSF teams train health care workers in tuberculosis diagnosis and treatment monitoring, as well as registration and reporting in TB facilities.

MSF has provided quality drugs for treatment, laboratory consumables and food for patients and staff. They have also implemented infection control measures and health care waste management and ensured minimum water and sanitation standards in the health facilities. They provide patient support by monitoring the patients’ adherence to the TB treatment.

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Current activities in the republic include the TB programme, primary healthcare and psychosocial assistance focused on chronic trauma.”¹²²⁴

An *Austrian Federal Ministry of the Interior* report in September 2009 cites the testimony of a professor of the Russian Academy of Science, reporting the “basic” treatment facilities available in Chechnya,

“Medical treatment in today’s Chechnya is very basic. There are hospitals but there remains a problem because of a significant lack of qualified/trained personnel (due to the above mentioned emigration of the “intelligentsia”). Therefore many Chechens travel to receive medical treatment in Moscow or other parts of the Russian Federation (especially Vladikavkaz).

In this context one has to keep in mind that medical treatment in the Russian Federation in general is free, but only at the place of your residence. A treatment outside of your place of residence is considered as an extra and has to be paid. There are schools but there are not enough teachers to guarantee a decent level of education.”¹²²⁵

Medecins sans Frontieres states in a January 2010 report on its work in Ingushetia that the high levels of violence have impacted residents’ mental health,

“Fear is dominating people’s lives in the North Caucasus republic of Ingushetia. MSF is one of the few aid organisations still working in the republic and is witness to the severe impact the violence is having on the people.

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“Every day emergency hospitals in Ingushetia receive victims of armed violence,” says Lamara Umarova, supervisor of MSF’s northern Caucasus psychosocial programmes. “When people experience traumatic stress, it overturns their perception of the world. After counselling sessions people are better aware of their condition, their problems. They understand how to cope with them, but it’s not easy to do that given the situation they live in.”¹²²⁶

¹²²⁴ Medecins sans Frontieres, TB Day: A not uncommon story from Chechnya, March 2010, http://www.msf.org.uk/not_uncommon_story_chechnya_20100324.news, accessed 3 September 2010

¹²²⁵ Austrian Federal Ministry of the Interior, FFM Moscow 2008 - A joint mission by experts from Belgium, Austria and Poland, 10 September 2009, p.22, www.bmi.gv.at/cms/BMI_Service/Report_FFM_Moscow_2008.pdf, accessed 13 September 2010

¹²²⁶ Medecins sans Frontieres, Ingushetia: Solidarity in a forgotten republic, 26 January 2010, http://www.msf.org.uk/ingushetia_solidarity_20100126.news, accessed 29 August 2010