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## Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report - Section VII: Human Rights in Countries of Concern

### Russia

Despite some minor reforms and encouraging public statements about human rights in 2010, there was no evidence of systemic, far-reaching change. Continuing negative trends included restrictions on freedom of assembly, harassment and obstruction of NGOs and journalists, and racial discrimination and racist violence. The trial of Mikhail Khodorkovsky and Platon Lebedev was widely condemned for failing to adhere to basic standards of justice. No new information emerged in the investigations into the murders of the human rights defenders Anna Politkovskaya and Natalya Estemirova, or the death in custody of Sergei Magnitsky. Frequent reports of grave human rights abuses in the North Caucasus continued. The government also failed to provide full redress to victims of past abuses in Chechnya and elsewhere in the region.

The UK is the only EU member state that has an ongoing formalised process of government to government bilateral consultations on human rights with Russia. This

dialogue took place in January and we used this, the Foreign Secretary's visit to Moscow in October and other opportunities to lobby Russia on human rights issues and to identify areas for cooperation. UK funding helped to support conflict prevention and resolution efforts in the North Caucasus, encourage free and fair elections, and support independent media.

Human rights will remain central to the UK's bilateral relations with Russia in 2011. We will continue to press the Russian government to systematically address the human rights situation in the country – including at the 2011 UK–Russia Human Rights Dialogue. Several key areas of past concern are likely to remain in the forefront of public interest. Parliamentary elections will take place at the end of 2011. Freedom of assembly, in particular, is at risk of further restrictions. Justice will continue to be an issue – including appeals by Mikhail Khodorkovsky and Platon Lebedev. Activists for LGBT rights are likely to seek to exercise their right to demonstrate following the European Court of Human Rights ruling in 2010. The outlook for the North Caucasus also remains bleak, particularly in Dagestan. We believe that achieving a sustainable long-term solution to the problems in the North Caucasus depends on human rights being central to the security strategy for the region.

In 2011 the Russian government will proceed with a number of reforms initiated in 2010. These include the draft law “On Police”, which is set for passage through parliament in February, and the establishment of an independent Investigative Committee. These changes could deliver a measure of much needed reform to the country's law enforcement institutions, especially if the concerns of human rights activists are addressed before implementation. We will continue to work with the Russian Federation on human rights in international institutions, including in the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE), and the UN.

## **Elections**

Local elections took place in Russia on 14 March and 10 October. Independent electoral observers reported widespread irregularities and evidence of electoral malpractice, both during the electoral campaigns and on election days. These included vote-counting violations, the fraudulent use of absentee ballots, employers pressurising staff to vote, and voters receiving gifts. Monitoring organised by Russian NGO Golos also noted that some opposition figures were prevented from registering as candidates due to alleged administrative errors, and that United Russia incumbents had been using state resources to support their campaigns.

We supported Golos's efforts to raise awareness of legal regulations and voting procedures, and to counteract electoral malpractice. This included online information and analysis, as well as a number of practical tools for voters and Russian rights activists, such as the Golos Short-term Election Observer's Manual.

### **Access to justice**

Access to justice remained inconsistent in Russia, and the incomplete implementation of European Court of Human Rights judgments continued. The UK All-Party Parliamentary Human Rights Group emphasised this issue following their fact-finding mission to Chechnya in February. Their report of the visit noted that although Russia routinely paid compensation to the victims of human rights violations, it frequently failed to follow this with meaningful investigations into the violations themselves – fuelling a climate of impunity and increasing the chances that similar cases would occur in future.

We provided financial support to a number of Russian and international NGOs involved in litigating cases of human rights abuses domestically and through the European Court of Human Rights. In 2010 the Court handed down judgments in favour of 17 applicants supported by one of these organisations – the Russia Justice Initiative – and awarded more than €1,720,000 in damages.

On 15 January, Russia became the last Council of Europe member to ratify Protocol 14 to the European Convention on Human Rights, designed to streamline the way certain cases are dealt with in the European Court of Human Rights. This welcome move enabled the protocol to enter into force on 1 June.

In February, President Medvedev announced plans for a major reform of the Ministry of Interior and the police force, with the aim of reducing corruption and increasing public accountability. The draft law "On Police" was opened to public consultation over the summer. Some of the concerns of human rights activists had been addressed when the bill was submitted to parliament on 27 October, but reservations remained that the law might increase the powers of the police in ways that could be unduly invasive.

We continued to fund projects aimed at improving access to justice in Russia. One of these, run by the Independent Council for Legal Expertise, developed a new system for assessing police performance, establishing conciliation services across Russia to reduce police abuse of juvenile offenders, and creating arbitration tribunals allowing public participation in administering justice.

## **Rule of law**

We continued to support President Medvedev's modernisation agenda, particularly the focus on strengthening the rule of law. This included the development of a UK–Russia memorandum of understanding on justice cooperation, signed in November.

However, events in 2010 demonstrated the scale of reform necessary. The conduct of the second trial of Mikhail Khodorkovsky and Platon Lebedev, which concluded on 30 December, raised serious questions about the application of justice in Russia. In his statement on the verdict, William Hague called on Russia “to respect the principles of justice and apply the rule of law in a non-discriminatory and proportional way.” The EU High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission, Catherine Ashton, described the conduct of the trial as “a matter of serious concern and disappointment”.

The investigation into the death in pre-trial detention of Sergei Magnitsky due to inadequate medical treatment had not concluded by the end of 2010. On the anniversary of his death on 16 November, the Prosecutor-General's Office announced that it was extending the “preliminary” investigation until 24 February 2011. On the same day, the European Parliament passed a resolution calling for sanctions against officials involved in Magnitsky's death to prevent them from entering the EU, and to freeze their assets.

During 2010 we supported the Social Partnership Foundation's work to establish a network of independent prison monitoring boards and conduct an independent investigation into the Magnitsky case.

In October, the Russian government introduced penal system reforms to provide healthcare for detainees and eliminate inhuman and degrading treatment of prisoners. It

also began a process to amend the criminal procedure code in order to abolish the pre-trial detention of individuals with ill health.

Human rights activists expressed concern at controversial new legislation expanding the competence of the Federal Security Service (FSB) and allowing them to issue official warnings to those suspected of planning or “creating the conditions for” criminal activities. The law also introduced a new penalty of up to 15 days’ detention for obstructing or refusing to obey the request of an FSB officer.

Corruption remains a widespread feature of Russian society. Transparency International’s 2010 Corruption Perceptions Index ranked Russia 154 out of 178 countries. They also reported that 53% of Russians believe that corruption had increased in the country over the past three years. Russia’s Presidential Anti-Corruption Council made little impact in 2010. Russia failed to meet its obligations to the Council of Europe’s Group of States against Corruption, fulfilling just nine out of the Group’s 26 recommendations. The Group assessed that Russia had failed comprehensively to criminalise corruption or create effective punishments for offenders.

### **Death penalty**

Since 1996 Russia has had a *de facto* moratorium on the use of the death penalty. This was extended indefinitely by the Russian Constitutional Court in November 2009. However, Russia remained the only Council of Europe member state not to have ratified Protocol 6 to the European Convention on Human Rights, requiring the abolition of the death penalty, despite undertaking to do so when it became a member. At the UK–Russia Bilateral Human Rights Consultations, we urged Russia to abolish the death penalty.

### **Human rights defenders**

Human rights defenders in Russia remained at high risk in 2010. A widespread climate of impunity continued, resulting from a long-standing series of unsolved attacks on human rights defenders. Human rights defenders, particularly those working on issues related to the North Caucasus, were subjected to frequent intimidation, threats of violence and physical attacks.

The Mothers of Dagestan for Human Rights received persistent threats. In June, human rights lawyer Sapiyat Magomedova was beaten by police officers in Khasavyurt, Dagestan while attempting to gain access to one of her clients in the police station. By the end of the year no prosecutions had been made. In July, Oleg Orlov, head of the human rights organisation Memorial, was charged with slandering Chechen President Ramzan Kadyrov. He faced up to three years' imprisonment as a result. Several international human rights organisations believed that the charges against him were politically motivated and expressed concern over the conduct of the trial, set to continue in 2011. Other human rights defenders in the North Caucasus region, particularly in Chechnya, reported receiving threats during 2010. They feared for their safety and did not wish to be named.

Such threats were not confined to the North Caucasus. In May, a court in the Sverdlovsk region sentenced the human rights activist Alexei Sokolov to five years' imprisonment. Human Rights Watch believed that the charges were false and likely to have been a retaliatory punishment for his work as a human rights defender. On 4 November, Konstantin Fetisov, an environmental activist who had campaigned against the construction of a new motorway through the Khimki forest north of Moscow, was hospitalised following a vicious attack.

NGOs continued to face general intimidation. In September, Russian authorities carried out snap inspections on 38 Russian and international NGOs. Officials demanded financial and organisational information at short notice and threatened to prosecute NGOs for administrative offences if this information was not supplied in time.

There was little progress in 2010 in the investigations into the high-profile murders of Russian human rights defenders in previous years. The investigations into the murders of Anna Politkovskaya in 2006, and Natalya Estemirova in 2009, had produced no results by the end of the year. The trial of those accused of the 2009 murder of human rights lawyer Stanislav Markelov was set to open in early 2011.

We maintained close contact with many Russian human rights defenders and organisations working to protect their interests. We supported Russian NGOs such as Agora, which provides legal protection for human rights defenders across Russia, and the Nizhny Novgorod Committee Against Torture, which runs an innovative network of investigation teams in Chechnya. We also contributed to the implementation of a new

EU strategy to protect human rights defenders in Russia, participated in the trial monitoring of cases against human rights defenders, and raised individual cases with the Russian authorities in our bilateral contacts and together with EU partners.

### **Freedom of expression**

Media freedom in Russia remained limited in 2010. The NGO Reporters Without Borders ranked Russia 140 out of 178 countries in their 2010 Annual Press Freedom Index. According to the Glasnost Defence Foundation, 12 journalists were killed and a further 58 attacked in Russia during the year. Ninety journalists were detained by the FSB and 45 criminal prosecutions were brought. In November, the Kommersant reporter Oleg Kashin was brutally beaten outside his home in central Moscow. President Medvedev was swift to condemn the attack and order an investigation, but no suspects had been apprehended by the end of the year. The chair of the Presidential Council on Human Rights said that the attack was undoubtedly linked to Kashin's reporting of sensitive topics and proposed stricter penalties for those convicted of threatening or attacking journalists.

Television news remained dominated by state-owned news channels, which very rarely provided coverage of opposition politicians or viewpoints critical of the government. Some newspapers and radio stations were able to take a more independent line, but self-censorship was widely practised and editors avoided highly sensitive topics such as criticism of the government's policies on human rights and the North Caucasus or allegations of official corruption. The internet, however, continued to be predominantly free, although it is not used as a source of news by the majority of people in Russia.

Broadcast and print media freedom in the North Caucasus were particularly restricted. Online news is therefore often the only source of impartial reporting. We continued to support the work of the independent media agency Caucasian Knot which provides balanced and objective online media reporting of news from across the Caucasus region. More than 3 million people accessed the site in each quarter of 2010.

### **Freedom of religion and belief**

In general, the government continued to respect the constitutional provision for religious freedom, although some minority religious groups were subjected to restrictions. Believers of those religions considered to be traditional – Russian Orthodoxy, Islam,



Judaism, and Buddhism – were able to operate and worship freely. But the vagueness of the law “On Freedom of Conscience and Associations” continued to leave potential for abuse, with minority religious groups more likely to be targeted. For example, Russian authorities in several regions prevented Jehovah’s Witnesses from opening places of worship, citing alleged administrative offences such as the contravention of fire regulations.

We made our concerns in this area clear to the Russian government, including at our bilateral Human Rights Consultations in January.

### **Women’s rights**

Domestic violence remains a major problem in Russia. The Ministry of Internal Affairs estimates that 80% of women have experienced domestic violence at least once in their lives. According to the women’s rights NGO ANNA, many women are reluctant to report violence, and law enforcement agencies frequently failed to respond to reports when they were made. Gender discrimination in employment remains commonplace, with many job descriptions specifying gender and age requirements. In some parts of the North Caucasus, women continue to face honour killings, bride kidnapping, polygamy, and enforced adherence to Islamic dress codes.

On 18 June, uniformed men drove around the centre of the Chechen capital Grozny firing paintball guns at women who were not wearing headscarves. Human rights activists, including the head of the Moscow Helsinki Group, Lyudmila Alexeyeva, believed that these attacks were carried out by police. Chechen President Ramzan Kadyrov welcomed the incidents, calling the victims “naked women” and announcing his “gratitude” to the assailants.

### **Minorities and other discriminated groups**

In 2010 the Moscow city authorities again refused to permit a Gay Pride march to take place in the city. In October, the European Court of Human Rights ruled that the persistent banning of gay rights demonstrations violated the right to freedom of assembly. It also underlined that preventing such rallies was illegal discrimination on the basis of sexual orientation.

We raised the issue of non-discrimination with Russia bilaterally, and also championed the cause within the Council of Europe, which resulted in the adoption of the Committee of Ministers' recommendation against discrimination on grounds of sexual orientation and gender identity in March.

According to the Russian disability rights NGO Perspektiva, there are more than 12 million disabled people in Russia. People with disabilities continue to face barriers to employment and education, and widespread discrimination. Russian laws on accessibility for disabled people exist, but are frequently unenforced. Although Russia signed the UN Convention on the Rights of Persons with Disabilities in September 2008, ratification had not taken place by the end of 2010. We supported work by Perspektiva and the Mental Disability Advocacy Centre to bring Russian legislation into line with the standards required by the convention.

## **Racism**

Human rights organisations continued to express concern over ongoing incidents of racial discrimination and racist violence in Russia. According to the Russian NGO Sova, grassroots xenophobic violence increased in 2010, with 37 people killed and 368 injured in racially motivated attacks. In December, a series of demonstrations by nationalist groups culminated in a serious outbreak of violence in Moscow's Manezh Square. Demonstrators clashed with riot police, before carrying out attacks on people of non-Slavic appearance. The UK welcomed steps taken by President Medvedev to condemn the violence.

## **Conflict**

The situation in the North Caucasus remains of deep concern, with human rights violations continuing in a context of resurgent terrorist violence and ongoing conflict between state security forces and militant groups. Russian official figures stated that more than 300 militants were killed in the region in 2010. The North Caucasus Federal Government reported that murders across the region increased by 5% during the year.

Violence in Dagestan continued unabated. Incidents of violence increased in Kabardino-Balkaria, and a number of terrorist attacks took place in Chechnya. The security situation in Ingushetia remained serious, but with overall levels of violence decreasing. The Parliamentary Assembly of the Council of Europe's report in June on human rights in the North Caucasus called the situation "the most serious... in the entire geographical area encompassed by the Council of Europe in terms of human rights protection and the affirmation of the rule of law".

We supported a number of Russian and international NGOs seeking to mitigate and resolve conflict in the North Caucasus region. This included funding for Nonviolence International to build understanding and trust between youth and law enforcement officers, and the NGO Memorial to monitor the human rights situation in the region and collect first-hand evidence of human rights violations for use in trials.

Reports of torture, abductions and extra-judicial killings by federal security personnel in the North Caucasus continued in 2010. We worked with the Russian NGO Committee Against Torture to facilitate independent investigations into allegations of torture. Evidence from these enabled the prosecution of cases in Chechnya, as well as entrenching local courts' knowledge and use of human rights law.

### **Other issues: Freedom of assembly**

The year 2010 began with the detention of a veteran human rights defender, 82-year-old Lyudmila Alexeyeva during a New Year's Eve demonstration at Triumfalnaya Square in central Moscow. The demonstration was part of the Strategy 31 campaign, named after the article of the Russian constitution which guarantees freedom of assembly. The campaign holds demonstrations in cities across Russia on the 31st day of every month with 31 days. Over the course of the year Moscow authorities continued to ban Strategy 31 demonstrations from taking place in the square, despite authorising other protests in the same location, such as those by pro-Kremlin youth groups. When the demonstrators sought to assert their right to assemble, police carried out mass arrests, often using violence in order to do so. The Moscow authorities did grant permission for the 31 October rally and again for a rally on 31 December. Although the October rally passed off peacefully, mass arrests of protesters and opposition politicians in December reversed this positive trend.

We continued to address the issue of freedom of assembly with the Russian government, including at the UK–Russia Human Rights Dialogue in January. We urged Russia to adhere to its UN and Council of Europe commitments and underlined the importance of peaceful protest and democratic dialogue.

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