

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	306
Land:	Rusland
Kilde:	UK Foreign and Commonwealth Office
Titel:	Human Rights and Democracy: The 2012 Foreign & Commonwealth Report - Russia
Udgivet:	15. april 2013
Optaget på baggrundsmaterialet:	29.april 2013



Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Russia

Publisher [United Kingdom: Foreign and Commonwealth Office](#)

Publication Date 15 April 2013

Cite as United Kingdom: Foreign and Commonwealth Office, *Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Russia*, 15 April 2013, available at: <http://www.refworld.org/docid/516fb7c311.html> [accessed 24 April 2013]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

The start of 2012 was marked by mass protests following reports of alleged electoral fraud in the parliamentary elections of December 2011. Citizens were able to assemble freely and express dissent, and there were hints of a shift towards greater openness through proposed political reforms. From May, this trend was reversed. By the end of the year there had been a marked deterioration, characterised by attempts to control civil society, restrict political opposition and marginalise minority groups. Human Rights Watch called these moves "unprecedented in the post-Soviet era". Several key events signposted the direction of travel. Domestic and international observers of the presidential election reported indications of electoral malpractice, protests on the eve of the presidential inauguration in May saw violent clashes between protesters and the police, and opposition politicians have faced increasing pressure. The two-year sentence given to the feminist punk group Pussy Riot was widely considered to be a disproportionate response to an expression of political belief.

A package of restrictive legislative measures that constrained the environment for civil society, most notably a law requiring many foreign-funded NGOs to register as "foreign agents", as well as new laws on libel and treason, gave rise to particular concern. Minority groups have also been affected through restrictive legislation passed in several Russian regions, including St Petersburg. There are plans to introduce this at a federal level. Positive developments have come in the sphere of disabled people's rights, including progress on accessibility measures following

Russia's ratification in May of the UN Convention of the Rights of Persons with Disabilities.

Our human rights objectives for 2012 focused on elections and democracy, protecting and promoting freedom of expression, supporting stability in the North Caucasus, development of the rule of law and progress towards greater equality and reduced discrimination. Our aim is to support the long-term development of human rights and democracy in Russia, underpinned by a vibrant civil society. Progress for disabled people's rights in 2012 has followed several years of sustained UK support for Russian NGOs working in this area. UK-funded projects totalling £1.2 million run by Russian NGOs have this year contributed to gradual progress in several other areas, including enabling Russian citizens to access justice through the European Court of Human Rights, raising awareness about LGBT rights and supporting the expansion of independent media.

In 2012, we spoke publicly on human rights in Russia and engaged in high-level lobbying on a number of issues. The Prime Minister raised human rights concerns in his meeting with President Putin in August. The Foreign Secretary did so when he met Foreign Minister Lavrov in May. At the annual UK-Russia Human Rights Dialogue in London in July, senior officials discussed a wide range of subjects including restrictive new legislation passed earlier in the year, freedom of assembly and expression, protection of human rights defenders, the situation in the North Caucasus and the Magnitsky case (see Access to justice and the rule of law, below), as well as human rights in the UK. We made regular public statements of concern about human rights and democracy issues throughout the year, including on the conduct of elections and the new law on NGOs. We engaged regularly with human rights activists and conducted first-hand assessments on the situation on the ground, including monitoring elections, political rallies and LGBT rights demonstrations. We also worked with the EU and other like-minded partners to deliver our human rights objectives.

In the first half of 2013, Russia's human rights record will be examined for the second time under the UN Human Rights Council's Universal Periodic Review process. We will play an active part in the review, which will provide an opportunity to discuss challenges and identify steps to bring about improvement. In 2013, the five priority themes for our human rights work will remain democracy, freedom of expression, the North Caucasus, the rule of law and equality and non-discrimination. We will monitor developments on the passage of further restrictive legislation, such as the draft federal law prohibiting the "propaganda of homosexuality to minors", which the Duma passed at the first reading in January, and the implementation of the new legislation passed in 2012. We will maintain our focus on the NGO climate and supporting civil society. Building on unprecedented interest in the London Paralympic Games, we will continue also to support the rights of disabled people in Russia, which will host the next Winter Olympic and Paralympic Games in 2014.

Elections

Prime Minister Putin won the Russian presidential election in March with over 60% of the vote, according to the Russian Central Election Commission. The OSCE ODIHR observer mission concluded that the voting process was technically well run, but voters' choice was limited, electoral competition lacked fairness and the count was marred by irregularities. The Russian electoral rights organisation Golos pointed to credible examples of electoral malpractice such as multiple-voting and ballot-box-stuffing. Political competition was limited during the campaign period, with several candidates prevented from entering the race, owing to the requirement to collect two million signatures of support in order to register their candidacies. ODIHR described this as "excessively burdensome" and noted the clear advantage given to Prime Minister Putin in media coverage. The Foreign Secretary made a statement stressing that all allegations of electoral violations should be thoroughly investigated.

Laws liberalising the process of registering political parties and reinstating the direct election of regional governors were passed in April. These reforms offered prospects of a more open and competitive electoral system, but have so far had little impact in practice. Despite the registration of many new political parties, including several previously obstructed from registering, none were able to make significant gains in regional elections during the year. Gubernatorial elections in October lacked significant competition, with the introduction of "filters" limiting the ability of new candidates to register.

Freedom of expression and assembly

The year began with the authorities demonstrating a more open approach to freedom of assembly, including during the presidential election campaign period. Both opposition and pro-Putin groups were permitted to hold a number of large protests. Violent clashes between protesters and the police took place on 6 May, the eve of President Putin's inauguration, as thousands of Russians protested in Moscow in support of fair elections.

The following weeks saw widespread arrests of peaceful protesters across Moscow. A new law was introduced which results in fines rising from 2,000 to 300,000 Roubles (£6,000) for individuals who participate in unsanctioned rallies, and from 5,000 to 1,000,000 Roubles (£20,000) for the organisers.

A law passed in July reinstated libel as a criminal offence, punishable by harsh financial penalties. Human Rights Watch described this move as "regressive and out of step with international human rights law". Another new law increased regulation of the Internet. Although principally intended to protect minors from harmful online content, many human rights activists expressed concern that the increased powers could be used to impose censorship more widely. Reporters Without Borders said that "the latest legislative initiatives give all the appearance of a concerted attack on freedom to disseminate information. In each of these bills, imprecise language and vague definitions are far too open to interpretation."

The second half of the year saw increased pressure on and harassment of opposition politicians. Prominent opposition deputy Gennady Gudkov was expelled from the Duma. Although this was ostensibly over his alleged business dealings, many independent commentators linked the move to his outspoken support for the opposition protest movement. Opposition leader Alexei Navalny was charged with large-scale embezzlement, a move which also raised questions of political motivation.

In July, three members of feminist punk group Pussy Riot were convicted for performing an anti-Putin protest song in Moscow's main cathedral and given a two-year sentence in a prison colony. The UK and many others in the international community criticised the sentence. Foreign Office Minister Alistair Burt issued a statement condemning the sentence as a disproportionate response to an expression of political belief, and the Prime Minister raised the case with President Putin during their meeting in London in August. In October, a Moscow court suspended the sentence of Pussy Riot member Yekaterina Samutsevich. Her release is welcome but many areas of concern remain, including the long period of detention of the three suspects without bail and the upholding of the two-year sentences for Nadezhda Tolokonnikova and Maria Alyokhina.

In April, President Medvedev announced the launch of a new public television channel. This was widely seen as signalling increased media freedom, but there has been little change since then in the controls exercised over the media.

Civil society

A new law on NGOs entered into force in November. This requires an NGO in receipt of foreign funding and engaged in (vaguely defined) "political activities" to register with the Ministry of Justice and identify itself publicly as a "foreign agent". The move has been severely criticised by human rights organisations. Amnesty International expressed concern that the law would "stifle civil society development in Russia and is likely to be used to silence critical voices". We made clear that labelling NGOs with a term that generates mistrust could only have a negative impact on the freedom of civil society. At the end of 2012, uncertainty remained about how the new law would be applied in practice, with many NGOs unsure whether their work constituted "political activity". Very few were considering labelling themselves "foreign agents". Some NGOs, such as the Moscow Helsinki Group, have announced that they will no longer accept foreign funding in order to avoid this requirement. Others have said they will contest the law as unconstitutional.

A law expanding the definition of treason came into force in November. The law could now apply to Russian citizens who represent international organisations, and human rights activists are concerned that it is likely to increase self-censorship.

Human rights defenders

Concerns about the environment in which human rights defenders operate in Russia have increased in the last year. Many are subject to harassment and violence. At particular risk are those who work on issues related to the conflict in the North Caucasus, elections, corruption, xenophobia and nationalism, and LGBT rights. Those who criticised the authorities were routinely targeted throughout the year. Activists of the Joint Mobile Group of Russian human rights organisations in Chechnya faced severe harassment and intimidation.

On 5 December, Kazbek Gekkiyev, a journalist who worked for Russian state television news in the North Caucasus, was shot dead. The OSCE Representative on Freedom of the Media, Dunja Mijatović, expressed her concern over the attack and called for early steps to bring the perpetrators to justice.

Impunity for past attacks on Russian human rights defenders and journalists remained a major problem in 2012. During the year, investigations continued into the murders of human rights defenders Natalia Estemirova and Anna Politkovskaya without producing conclusive results.

We have regular direct contact with human rights defenders, provide support to those who are subject to harassment and raise their cases with the Russian authorities.

Access to justice and the rule of law

In 2012, the application of rule of law in Russia remained inconsistent, as underlined by several high-profile human rights cases. Opposition activist Leonid Razvozzhayev was allegedly abducted from Ukraine in October following his appeal for political asylum in Kyiv. Razvozzhayev's lawyers say that confessions were extorted from him through unlawful means while he was in police custody in Russia. Amnesty International said that these reports were "extremely disturbing" and called on Russia to ensure that the allegations are "promptly, thoroughly, effectively and independently investigated".

More than three years after the death in pre-trial detention of Russian lawyer Sergei Magnitsky, there has been no meaningful progress towards securing justice. Magnitsky's death has come to symbolise the failings of Russia's judicial and prison systems. In meetings with their Russian counterparts, the Foreign Secretary and Minister for Europe David Lidington urged the Russian authorities to press forward with their investigation and hold those responsible to account. We regard their imprisonment as having worrying implications for the rule of law in the country. The Deputy Prime Minister, Nick Clegg, met Khodorkovsky's relatives in February and called on the Russian authorities to strengthen respect for the law, tackle corruption and promote genuine independence of the judiciary.

The UK and Russian Justice Ministries continued a programme of cooperation in 2012, looking to share expertise and improve standards. In 2012, we funded a number of practical projects focused on judicial cooperation and developing the rule of law in Russia.

Torture

Torture and deaths in police custody in Russia remain of great concern. In March, Sergei Nazarov died in Kazan after he was brutally assaulted in police custody. The incident provoked local protests and raised national awareness of the issue. Impunity continues to be a serious problem. The case of Islam Umarpashayev, who was tortured while being illegally detained by Russian security forces in Chechnya during 2010, remained unresolved this year. We have made clear that there needs to be real and systemic change in this area.

In November, the UN Committee against Torture published its report on Russia's compliance with the 1987 Convention against Torture and Other Degrading Treatment or Punishment. The report strongly criticised Russia for failing to investigate widespread allegations of torture, intimidation, harassment and attacks against those who monitor and report on human rights. The committee expressed serious concern about numerous allegations that detainees have been tortured to extract confessions which were then used as evidence in court, and failure to ensure that all detainees have the right to access a lawyer.

In 2012, we continued to support the Russian NGO Committee against Torture, who work to expose torture by law enforcement officials and ensure that they are prosecuted, and we also provided training to the police on how to fulfil their human rights obligations.

Conflict and protection of civilians

The situation in the North Caucasus region remained unstable and tense, with ongoing low-level violence. According to the independent news agency Caucasian Knot, 700 people were killed and 511 injured in 2012 as a result of the conflict; 91 of those killed and 113 of those injured were civilians. The attacks included a number against Muslim religious leaders, which the authorities blamed on radical Islamic insurgents. Throughout the year, there were also reports of grave human rights violations committed by state security forces, including allegations of extrajudicial killings, torture and disappearances. We have expressed concern about the low success rate in investigating and bringing to justice those responsible. We have called for Russia to implement fully key European Court of Human Rights judgments, and have called for action on individual cases through the Council of Europe's Committee of Ministers.

In 2012, the UK became a contributor to the Council of Europe's Human Rights Trust Fund, which is currently running a project to support implementation of European Court of Human Rights judgments on the operations of the security forces in Chechnya. We also supported a range of conflict prevention projects in the North Caucasus. These focused on building trust and facilitating dialogue between conflicting groups, and on tackling impunity for human rights violations in the region. With our support the New Eurasia Foundation NGO ran a programme to build links between youth leaders and young politicians from different communities

across the region, and the Chechen Human Rights Centre provided human rights training to Chechen police and prosecutors.

Freedom of religion or belief

The Russian Constitution provides, in theory, for freedom of religion. The most prominent religious groups (the Russian Orthodox, Muslim, Buddhist and Jewish faiths) are able to operate and worship freely, albeit with some restrictions. But non-recognised religions, such as Protestantism, continue to face bureaucratic obstacles in a range of areas, including in acquiring legal status, establishing places of worship or distributing religious literature.

Some Russian legislation remained a barrier to religious freedom, including statutes on "extremism" which were used to restrict the activities of minority religions. Our Embassy in Moscow engaged with a range of religious representatives throughout the year, including members of religious minorities.

Women's rights

Women in Russia continue to face high levels of violence. The Anna Centre, a Russian NGO, reported that the absence of federal legislation on domestic violence was a significant barrier to tackling the issue. Following a visit to London in 2011 where Russian legislators studied UK approaches to preventing violence against women, 2012 saw progress in formulating Russian legislation in this field. We hope to see this introduced in 2013. During 2012, we also funded a project run by the Russian NGO Ekaterina, which worked with Russian authorities in the Urals region to prevent and deal with domestic violence.

Lesbian, gay, bisexual and transgender rights

During the year, regional legislation was passed in 10 Russian regions, including St Petersburg, which prohibits "propaganda of homosexuality and paedophilia to minors". In January 2013, the State Duma passed the first reading of a draft law which would apply such a ban at the federal level. We condemn discrimination in all its forms and will make clear to Russia that all individuals should enjoy the right to freedom of expression, freedom of association and peaceful assembly.

Disability rights

There have been continued positive developments in the sphere of disabled people's rights, including progress on accessibility measures following Russia's ratification of the UN Convention on the Rights of Persons with Disabilities. As part of efforts to build on the awareness of disability rights generated by the London Paralympic Games, the British Embassy in Moscow supported the Breaking Down Barriers Film Festival organised by Russian disability rights NGO Perspektiva. The UK, jointly with Russia, Brazil and Korea as future host nations of the Olympic and Paralympic

Games, released a communiqué pledging to use the games to promote and embed respect for human rights across the world.