

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	613
Land:	Rusland
Kilde:	The Advocates for Human Rights
Titel:	Russian Federation's Compliance with International Covenant on Civil and Political Rights Treaty. Suggested List of Issues Relating to Freedom of Opinion and Expression and Discrimination Based on Religion
Udgivet:	1. juni 2020
Optaget på baggrundsmaterialet:	27. november 2020



**Russian Federation's Compliance with International Covenant on Civil and Political
Rights Treaty**

**Suggested List of Issues Relating to Freedom of Opinion and Expression and
Discrimination Based on Religion**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

**129th Session of the Human Rights Committee
29 June–25 July 2020**

Submitted 1 June 2020

The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. A growing number of victims fleeing violence and discrimination based on their religion in Russia have requested legal assistance from The Advocates in applying for asylum in the United States. First-hand information from asylum-seekers about the human rights violations that they experienced in Russia has been used in this submission with their permission.

EXECUTIVE SUMMARY

1. Government critics and people belonging to marginalized religious groups, particularly Jehovah's Witnesses, continue to experience discrimination, violence, harassment, and threats in the Russian Federation. The government of Russia fails to prevent human rights violations and curtailment of freedom of expression by ignoring discrimination and violence targeting Jehovah's Witnesses and government critics and at times Russian authorities participate in such discrimination and violence or reinforce such marginalization through legislation.
2. This report provides an overview of human rights violations in Russia related to freedom of religion and freedom of opinion and expression, with a focus on the experience of Jehovah's Witnesses. It concludes that the Russian Government has failed to uphold its human rights obligations to protect people from violence and discrimination on the basis of religion and political opinion.
3. The Advocates for Human Rights has received direct information about harassment, violence, and ill-treatment targeting Jehovah's Witnesses and political opposition members in Russia from its clients seeking asylum in the United States.¹ The firsthand experiences of these clients confirm that Russia's laws, policies, and practices fail to provide individuals with adequate protection from human rights violations.

Russia fails to uphold its obligations under the International Covenant on Civil and Political Rights

4. In its 2015 Concluding Observations, the Human Rights Committee ("Committee") expressed concern that the Russian Federation has failed to address (a) manifestations of xenophobic acts against religious minorities, (b) the practice of torture and ill-treatment, (c) the vague and open-ended definition of "extremist activity" in the Federal Law on Combating Extremist Activity, which has been used to curtail freedom of religion, particularly targeting Jehovah's Witnesses, (d) the harassment and intimidation of government critics, and (e) violations of the Covenant in the Autonomous Republic of Crimea, including arbitrary detention, ill-treatment, and discrimination and harassment of members of minorities of the Crimea region.²
5. In its Eighth Periodic Report, the government of the Russian Federation stated that the Constitution guarantees freedom of religion.³ It added that the Freedom of Conscience and Religious Associations Act prohibits establishing advantages, restrictions, or any other form of discrimination on the basis of attitude toward religion.⁴
6. Despite these legal protections, discrimination against and persecution of Jehovah's Witnesses and government critics are ongoing concerns.

¹ The case information presented in this submission is compiled from intake and other interviews conducted by The Advocates for Human Rights with asylum seekers from Russia between 2015 and 2020 (hereinafter referred to as "Interviews conducted by The Advocates (2015-2020)"). Some details have been removed to maintain confidentiality and to protect the identities of clients and their families. Information is used with permission.

² Human Rights Committee, *Concluding Observations on the Seventh Periodic Report of the Russian Federation*, (Apr. 28, 2015), U.N. Doc. CCPR/C/RUS/CO/7, ¶ 8, 14, 18, 20 and 23.

³ Human Rights Committee, *Eighth Report Submitted by the Russian Federation under Article 40 of the Covenant, due in 2019*, (Apr. 8, 2019), U.N. Doc. CCPR/C/RUS/8, ¶ 53; The Constitution of the Russian Federation art. 28.

⁴ Federal Law 125-FZ On Freedom of Conscience and Religious Associations (Sep. 26, 1997).

I. Discrimination against religious minorities. (Concluding Observations Paragraph 8)

7. The Committee expressed concern about the use of discriminatory language against religious minority groups in Russia. The Committee recommended that Russia institute awareness-raising campaigns to promote respect for human rights and tolerance for diversity, and also investigate hate crimes and punish such acts while providing adequate remedies to victims.⁵
8. In its Eighth Periodic Report, the Russian Government maintained that the Constitution guarantees the right to freedom of thought and expression for all.⁶ The report asserts that the Federal Law on Combating Extremist Activity has curtailed xenophobic actions by allowing the government to counter extremism involving xenophobia.⁷ The report further notes that in 2018, Russia adopted certain measures to improve investigations of hate crimes investigations.⁸
9. The SOVA Center for Information and Analysis reported that in 2018 there was almost no record of attacks motivated by religion in Russia; however, the report concedes that this trend is likely explained in large part by government-initiated restrictions on the activities of Jehovah's Witnesses. First, Jehovah's Witness leaders have been preoccupied with criminal cases against adherents and have stopped publishing information on attacks targeting Jehovah's Witnesses. Second, hate-motivated vandalism cases have waned as the government has confiscated buildings that Jehovah's Witnesses had previously used for worship.⁹ Third, prohibitions on their open missionary work have made Jehovah's Witnesses less visible targets of attacks. According to the report, prior to 2018, attacks on Jehovah's Witnesses "used to constitute the overwhelming majority of cases of" attacks motivated by religious hatred.¹⁰ Measures purportedly instituted to fight extremism have amounted to and promoted discrimination targeting Jehovah's Witnesses.¹¹
10. People who belong to other religious minority groups in Russia also experience discrimination and hate crimes. One client of The Advocates, for instance, reported that people in his neighborhood began to treat him differently after he converted from the Christian Orthodoxy to Seventh Day Adventism. When he took a walk outside, people in his Christian Orthodox community spat in his face and pushed him off of the sidewalk, calling him names like, "traitor" and "Satan." People also sent him hate messages and vandalized his

⁵ Human Rights Committee, *Concluding Observations on the Seventh Periodic Report of the Russian Federation*, (Apr. 28, 2015), U.N. Doc. CCPR/C/RUS/CO/7. ¶ 8.

⁶ Human Rights Committee, *Eighth Report Submitted by the Russian Federation under Article 40 of the Covenant, due in 2019*, (Apr. 8, 2019), U.N. Doc. CCPR/C/RUS/8, ¶ 51; The Constitution of the Russian Federation art. 29.

⁷ Human Rights Committee, *Eighth Report Submitted by the Russian Federation under Article 40 of the Covenant, due in 2019*, (Apr. 8, 2019), U.N. Doc. CCPR/C/RUS/8, ¶ 53; Federal Law 114-FZ On Combating Extremist Activities (July 25, 2002), <https://goo.gl/EfrgGo>.

⁸ Human Rights Committee, *Eighth Report Submitted by the Russian Federation under Article 40 of the Covenant, due in 2019*, (Apr. 8, 2019), U.N. Doc. CCPR/C/RUS/8, ¶¶ 69, 76.

⁹ SOVA Center for Information and Analysis, *Far Right and Arithmetic: Hate Crime in Russia and Efforts to Counteract it in 2018*, by Natalia Yudina (Apr. 2, 2019), <https://www.sova-center.ru/en/xenophobia/reports-analyses/2019/02/d40603/>.

¹⁰ *Ibid.*

¹¹ Levada Center, *Social Distance*, by Karina Pipia (May 22, 2019), <https://www.levada.ru/2019/05/22/sotsialnaya-distsantsiya/> (46% of Russians surveyed for the 2018 year have a negative view of religious sects, which in Russia is primarily understood to be Jehovah's Witnesses).

house with statements such as: “[w]e’ll spill your blood,” “[y]ou’ll burn in Hell,” and “[t]raitor.” He also frequently discovered swastikas on the wall outside his house.¹²

11. Suggested questions related to hate crimes and legal restrictions on members of religious minority groups:

- Please provide a breakdown of all incidents of religiously motivated hate crimes over the reporting period, disaggregated by religion targeted, and including number of reports to law enforcement, number of investigations, number of charges, number of private and public prosecutions, the outcome of each prosecution, and the penalty for each person convicted. Please also provide data concerning remedies provided for victims in each case, including compensation.
- What procedures are in place for investigators responding to reports of hate crimes based on animus toward a particular religion?
- What measures are in place to raise awareness of laws penalizing hate crimes motivated by religious animus and what efforts are in place to raise awareness of those laws among adherents of minority religious groups?
- How has the State Party promoted tolerance and acceptance of religious minority groups among the general public and among law enforcement?

II. Torture and ill-treatment of Jehovah’s Witnesses, in some cases to extract confessions, is prevalent. (Concluding Observations Paragraph 14)

12. In its Concluding Observations, the Committee expressed concern that reports of torture and ill-treatment, in some cases to elicit confessions, remain widespread.¹³ The Committee recommended that the State Party take effective measures to eradicate torture and ill-treatment, including by ensuring that all allegations of such treatment are promptly and thoroughly investigated by an independent and impartial body, that perpetrators are held accountable, and that victims are provided with effective remedies.¹⁴
13. In its Eighth Periodic Report, the Russian Federation noted that article 21(2) prohibits torture and other cruel or degrading treatment, and asserted that investigative bodies are currently focusing on the investigation of crimes involving the use of torture and cruel treatment by law enforcement.¹⁵ Yet criminalization of Jehovah’s Witness gatherings has led to assault and ill-treatment by government authorities, and there has been no investigation of those incidents by an independent and impartial body.¹⁶
14. In a highly publicized raid, on February 15, 2019, law enforcement searched twenty homes of Jehovah’s Witnesses in Surgut, Khanty-Mansiisk Autonomous Region-Yugra. In those raids, at least 40 people were arrested and several of them reported being kicked, punched,

¹² Interviews conducted by The Advocates (2015-2020).

¹³ Human Rights Committee, *Concluding Observations on the Seventh Periodic Report of the Russian Federation*, (Apr. 28, 2015), U.N. Doc. CCPR/C/RUS/CO/7 ¶ 14.

¹⁴ *Ibid.*

¹⁵ Human Rights Committee, *Eighth Report Submitted by the Russian Federation under Article 40 of the Covenant, due in 2019* (Apr. 8, 2019), U.N. Doc. CCPR/C/RUS/8 ¶¶ 166-167.

¹⁶ Amnesty International, *Urgent Action: Stop Prosecution of Jehovah’s Witnesses* (Third UA: 29/19 Index: EUR 46/0306/2019 Russian Federation), (May 3, 2019), <https://www.amnesty.org/download/Documents/EUR4603062019ENGLISH.pdf>.

electrocuted, and threatened with rape, in order to elicit a confession that they participate in an extremist organization.¹⁷

15. Firsthand accounts from The Advocates' clients are consistent with these reports of threats and torture. One client, who is a Jehovah's Witness, reported being stopped by the police and threatened by being told that they would "bring him somewhere no one would find him"; the police officers then stole his money and medical documents related to his religious beliefs.¹⁸
16. Another client was attacked by 20 men in military uniform as he was returning home from church. The men told him that if he did not stop practicing his religion, they would kill him. The attackers proceeded to assault the client for 45 minutes by hitting, slapping, and threatening him.¹⁹
17. Russian authorities have ignored calls from human rights groups to conduct thorough and impartial investigations into allegations of torture and ill-treatment of Jehovah's Witnesses.²⁰ Rather, officials reported that there were no substantial grounds for full official investigations, notwithstanding widespread reports and substantive evidence of torture and ill-treatment.²¹
18. **Suggested questions relating to torture and ill-treatment of Jehovah's Witnesses:**
 - What steps has the Russian government taken to respond to allegations of torture and ill-treatment of Jehovah's Witnesses by law enforcement and to ensure that victims receive effective remedies?
 - How have authorities responded to allegations of torture and ill-treatment connected with searches of homes of Jehovah's Witnesses in Surgut, Khanty-Mansiisk Autonomous Region-Yugra in February 2019?

III. Government critics continue to experience harassment and violence as a result expressing their political views. (Concluding Observations Paragraph 18)

19. In its Concluding Observations, the Committee expressed concern about reports of harassment, intimidation, and physical violence targeting opposition politicians.²² The Committee recommended that the State Party take immediate steps to provide effective protection to, inter alia, opposition politicians, and refrain from taking any measures that may constitute harassment or persecution of the right to freedom of opinion and expression.²³ The Eighth Periodic report insists that the government's Investigative Committee thoroughly

¹⁷ Ibid.

¹⁸ Interviews conducted by The Advocates (2015-2020).

¹⁹ Ibid.

²⁰ Amnesty International, *Urgent Action: Stop Prosecution of Jehovah's Witnesses* (Third UA: 29/19 Index: EUR 46/0306/2019 Russian Federation), (May 3, 2019), <https://www.amnesty.org/download/Documents/EUR4603062019ENGLISH.pdf>.

²¹ Ibid.

²² Human Rights Committee, *Concluding Observations on the Seventh Periodic Report of the Russian Federation*, (Apr. 28, 2015), U.N. Doc. CCPR/C/RUS/CO/7 ¶ 18.

²³ Ibid.

investigates crimes against opposition politicians in connection with their professional activities and pays particular attention to such matters.²⁴

20. Firsthand accounts from The Advocates' clients contradict the assertion that authorities closely monitor and respond to harassment and violence targeting government critics. One client of The Advocates was threatened and repeatedly assaulted by police officers because of his anti-corruption activism targeting local government officials. On one occasion, police officers pulled him over and assaulted him behind a convenience store in retaliation for his anti-corruption work. The second incident occurred when police officers ambushed him at work, hitting him in the face and stomping on him after telling him to cease his activism. A doctor classified the injuries as a result of a criminal act and the client filed a complaint with the local police and prosecutor's offices, but the case was never resolved. Moreover, the same client felt compelled to divorce his wife due to fear of threats targeted at his children. In 2018, his children were kicked out of after-school activities and child services threatened to take away the children unless he ceased his anti-corruption activity. The client and his family were forced to leave the country when they were notified that an administrative arrest warrant was issued for him due to his role in as an election observer for an opposition party.²⁵
21. Another client of The Advocates, who is a Jehovah's Witness, was beaten by five men, breaking his collar bone and ribs, after he assisted fellow Jehovah's Witnesses with petitioning local officials in opposition to a new rule which mandated school attendance on Saturdays (which is against their beliefs). During the assault, the perpetrators accused the client of being "too active" and "supporting enemies."²⁶
22. Local officials threatened a female client of The Advocates after she created a group to oppose a local law that blocked federally mandated benefits for certain families. An open forum was held regarding the law, but the group was threatened and asked not to attend. Local authorities prevented the group from owning a bank account and denied them government funding for a humanitarian efforts due to the group's criticism of local authorities. Eventually local authorities shut down the group without notice.²⁷
23. **Suggested questions relating to harassment and violence against opposition politicians:**
 - What steps is the government of Russia considering in order to create specific legislation preventing harassment and violence against government critics?

²⁴ Human Rights Committee, *Eighth Report Submitted by the Russian Federation under Article 40 of the Covenant, due in 2019* (Apr. 8, 2019), U.N. Doc. CCPR/C/RUS/8 ¶¶ 128–129.

²⁵ Interviews conducted by The Advocates (2015-2020).

²⁶ *Ibid.*

²⁷ *Ibid.*

- What measures has the State Party put in place to protect opposition politicians from discrimination and abuse based on their expression of political views?

IV. Jehovah's Witnesses in the Russian Federation continue to experience criminalization and persecution, and curtailment of freedom of expression, as a result of peaceful worship due to being classified as extremists. (LOIPR Paragraph 20)

24. In its Concluding Observations, the Committee expressed concern that the vague definition of “extremist activity” is used to curtail freedom of expression and religion, specifically by targeting Jehovah's Witnesses.²⁸
25. The Federal Law on Combating Extremist Activity vaguely defines extremism as “propaganda of exclusivity, superiority or inferiority of a person on the basis of their religious affiliation or attitude toward religion” and fails to include any concept of violence or hatred.²⁹ Further, the Russian Criminal Code criminalize certain acts, such as organization and participation in “extremist activities” and provides that such actions could result in 5-10 years in prison.³⁰ On April 20, 2017 the Supreme Court of Russia liquidated the Jehovah's Witnesses Administrative Center in Russia and its constituent local organizations, ruling that such activities and places of worship constituted extremist practice and solidifying the notion that the Federal Law on Combating Extremist Activity may be used to persecute activities associated with Jehovah's Witnesses.³¹
26. In its State Party Report, Russia stated that the Constitution guarantees freedom of expression and only allows the federal law to limit human rights to the extent necessary for the protection of constitutional order, morality, health, the rights and interests of others or national defense and security.³² Further, on September 14, 2018, Russia circulated guidance to procurators stating that the mere provision of information is not grounds for prosecution under the Russian Criminal Code, and that the intent to incite hatred is required for such prosecution.³³ In 2018 article 282 of the Criminal Code was amended to exclude criminal responsibility for one-off offenses that do not seriously endanger the constitutional system.³⁴
27. Despite Russia's purported efforts to limit the persecution of Jehovah's Witnesses, according to the Human Rights Watch, enforcement in Russia has increased its persecution of Jehovah's Witnesses.³⁵ As of December 2019, 313 Jehovah's Witnesses are facing or have faced persecution, suspicion or judgement in Russia, and 213 of such accused individuals

²⁸ Human Rights Committee, *Concluding Observations on the Seventh Periodic Report of the Russian Federation*, (Apr. 28, 2015), U.N. Doc. CCPR/C/RUS/CO/7 ¶ 20.

²⁹ Federal Law 114-FZ On Combating Extremist Activities (July 25, 2002), <https://goo.gl/EfrgGo>.

³⁰ Criminal Code of Russia, art. 280-282.2.

³¹ United States Commission on International Religious Freedom, *Inventing Extremists: The Impact of Russian Anti-Extremist Policies on Freedom of Religion or Belief*, by Maria Kravchenko (Jan. 2018), <https://www.uscirf.gov/sites/default/files/Inventing%20Extremists.pdf>.

³² Human Rights Committee, *Eighth Report Submitted by the Russian Federation under Article 40 of the Covenant, due in 2019* (Apr. 8, 2019), U.N. Doc. CCPR/C/RUS/8 ¶ 108; The Constitution of the Russian Federation, art. 29 and 53(3).

³³ Human Rights Committee, *Eighth Report Submitted by the Russian Federation under Article 40 of the Covenant, due in 2019* (Apr. 8, 2019), U.N. Doc. CCPR/C/RUS/8 ¶ 71.

³⁴ *Id.* ¶ 175.

³⁵ Human Rights Watch, *Russia: Escalating Persecution of Jehovah's Witnesses* (Jan. 9, 2020), <https://www.hrw.org/news/2020/01/09/russia-escalating-persecution-jehovahs-witnesses#>.

have been subjected to such treatment in just 2019.³⁶ Further, in 2019 alone 18 Jehovah's Witnesses have been found guilty of crimes with punishment ranging from major fines to up to six years in prison.³⁷

28. Using Federal Law on Combating Extremist Activity law as a Jehovah's Witness intimidation vehicle, since December 2019, Russian authorities have conducted 778 house searches (489 of such searches have taken place in 2019 alone) of Jehovah's Witnesses homes with the goal of unearthing religious paraphernalia to be used as evidence in persecution.³⁸ As of January 2020, the number of Jehovah's Witnesses under investigation and that have experienced house raids has doubled since 2018.³⁹ Firsthand reports of our client who is a Jehovah's Witness, confirms the persisting fear of practicing his faith, as he reported being afraid of random house searches, reading the Bible out loud, and phone call taps.⁴⁰ Certain eye-witness reports claim that law enforcement plants forbidden literature during house searches to generate evidence of persecution.⁴¹
29. Clients of The Advocates, who are Jehovah's Witnesses, have reported being harassed and threatened with the detainment of their children. On one occasion, the clients were forced to shelter their children with friends when they left their children with a friend while traveling, the children's teacher and another parent presented themselves as child services to the friend/caretaker and threatened to take the children away because they were left without parents due to their knowledge that the family were practicing Jehovah's Witnesses. On a different occasion, people portraying themselves as child services demanded that they be let into the home to inspect the house by threatening that they will take the client's four children on the spot otherwise and harassed the client into executing certain documents.⁴²
30. **Suggested questions relating to the criminalization and persecution, and curtailment of freedom of expression, as a result of peaceful worship due to being classified as extremists:**
- Is the government of Russia willing to halt mass prosecutions of Jehovah's Witnesses?

³⁶ Jehovah's Witnesses in Russia, *Свидетели Иеговы под гнетом репрессий. Итоги 2019 года*, (Dec. 31, 2019), <https://jw-russia.org/news/2019/12/1512.html>.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Human Rights Watch, *Russia: Escalating Persecution of Jehovah's Witnesses*, (Jan. 9, 2020), <https://www.hrw.org/news/2020/01/09/russia-escalating-persecution-jehovahs-witnesses#>.

⁴⁰ Interviews conducted by The Advocates (2015-2020).

⁴¹ United States Commission on International Religious Freedom, *Inventing Extremists: The Impact of Russian Anti-Extremist Policies on Freedom of Religion or Belief*, by Maria Kravchenko (Jan. 2018), <https://www.uscifr.gov/sites/default/files/Inventing%20Extremists.pdf>.

⁴² Interviews conducted by The Advocates (2015-2020).

- How does the government of Russia intend to prevent human rights violations of Jehovah's Witnesses perpetrated by law enforcement officials?
- Is the government of Russia willing to amend the Federal Law on Combating Extremist Activity to expressly denounce Jehovah's Witnesses as extremists?

V. Violations of Covenant rights of residents of the Autonomous Republic of Crimea and the city of Sevastopol continue to take place in connection with curtailment of freedom of expression. (LOIPR Paragraph 23)

31. In its Concluding Observations, the Committee expressed concern in regard of the reported violations of the Covenant in the Autonomous Republic of Crimea (which is currently under control of the State), particularly allegations of serious human rights violation, including violations of freedom of expression and information and discrimination of minorities.⁴³ Despite this concern, Russia continues to violate the Covenant in the Autonomous Republic of Crimea by harassing members of the Jehovah's Witness faith.
32. On March 5, 2020 the first Jehovah's Witness in Crimea was sentenced to six years in prison for "organizing activities of an extremist organization." Another individual who is a practicing Jehovah's Witness was sentenced to a fine of 400,000 rubles (6,000 US dollars). In each case the punishment stemmed solely as a result of peaceful exercise of their religion.⁴⁴
33. One client of The Advocates, who is a Jehovah's Witness, was assaulted, threatened, interrogated and robbed at the border of Ukraine and Crimea by men in border control uniforms because he had a Ukrainian passport. He was interrogated and threatened with imprisonment and reprisals if he chose to return to Ukraine, on a separate occasion by Crimea border control officers.⁴⁵
34. **Suggested questions relating to the violations of Covenant rights of residents of the Autonomous Republic of Crimea:**
- What training is the government of Russia considering providing for government officials with respect to complying with the Covenant rights of residents of the Autonomous Republic of Crimea and the city of Sevastopol?

⁴³ Human Rights Committee, *Concluding Observations on the Seventh Periodic Report of the Russian Federation*, (Apr. 28, 2015), U.N. Doc. CCPR/C/RUS/CO/7 ¶ 23.

⁴⁴ *Crimea: Jehovah's Witness Sentenced to Six Years in a Penal Colony*, Amnesty International, Mar. 5, 2020, <https://www.amnesty.org/en/latest/news/2020/03/crimea-jehovahs-witness-sentenced-to-six-years-in-a-penal-colony/>.

⁴⁵ Interviews conducted by The Advocates (2015-2020).