



Human Rights Watch submission to the Conservative Party Human Rights Commission

The human rights situation in Russia

APRIL 2018

In this short submission, Human Rights Watch identifies some of our main concerns about human rights conditions in Russia. At the end of the submission, we suggest how the Conservative British Government and Conservative parliamentarians should best respond to these rights violations.

Suppression of the Political Opposition

1. From spring 2017 onwards, the Russian authorities systematically interfered with the presidential campaign of a leading opposition politician, Alexei Navalny. Formally disqualified from the race due to an outstanding criminal conviction resulting from a politicized, unfair trial, Navalny opened campaign offices in most of Russia's regions. Police across Russia searched Navalny's offices and seized campaign materials. Authorities frequently refused to authorize campaign sidewalk displays and detained campaigners on groundless charges. Police also raided the homes of local campaigners and their relatives. Navalny campaigners and offices also faced increasing attacks by ultra-nationalist groups and pro-Kremlin activists. Attackers vandalized campaign offices or campaigners' homes, stormed into meetings, stole campaign materials, and damaged office equipment and campaigners' vehicles. They also physically assaulted campaigners, beating them and throwing eggs and other objects at them. In some cases, police merely stood by or arrived too late to catch the attackers. Authorities registered complaints filed by campaigners, but typically failed to carry out an effective investigation.
2. These restrictions on and abuses against the political opposition - plus some of the wider rights violations identified below - meant that voters did not have real choices during the March 2018 Presidential election.

Restrictions on Freedom of Assembly

3. Since 2012, new legislation has imposed serious restrictions on free assembly in Russia. The authorities increasingly refuse to authorize protest rallies, arbitrarily detain and ill-treat peaceful protesters and subject them to administrative and criminal penalties. In 2014, the Russian parliament amended the law on public rallies, imposing steeper fines for violating rules on public gatherings, and establishing criminal responsibility for repeated involvement in unauthorized rallies and a maximum five-year prison sentence.
4. In December 2015, Ildar Dadin became the first person imprisoned under this provision, receiving a 30-month prison term for a series of peaceful, single-person pickets. In February 2017, Russia's Constitutional Court ruled that criminal sanctions for repeated breaches of public assembly regulations should not be applied in cases where protesters do not constitute a threat. The Supreme Court subsequently quashed Dadin's criminal sentence and he was released. This is a rare example of the Courts acting to prevent the worst excesses of state power.
5. In the spring and summer of 2017, government critics in numerous cities across Russia held peaceful anti-corruption protests that authorities refused to approve. Officials harassed and intimidated protesters, including schoolchildren and university students, and parents whose children participated. University administrators threatened students with expulsion for involvement.
6. As noted above, in 2017, police throughout Russia also interfered with political campaigning by Alexei Navalny, the prominent opposition politician, by, among other things, detaining Navalny's campaigners on groundless administrative charges.

Curtailing freedom of association

7. In recent years, the Russian authorities have engaged in a ferocious crackdown on freedom of association. In 2012, the Russian authorities passed the "foreign agents law". This label is applied to civil society groups that accept foreign funding and engage in very broadly defined "political activities". It has been used by the authorities to marginalize civil society groups and demonise them in the public eye. High-level officials and state-controlled media consistently portray rights groups as saboteurs paid by foreign actors to destabilise Russia. As of the end of March 2019, 79 NGOs were on the government's "foreign agent" registry, down from 150 in January 2017. Some groups have chosen to either give up foreign funding or close. Since 2012, over 30 independent groups, including several human rights organisations, closed rather than accept the "foreign agents" label.
8. The registry includes groups working on human rights, media, capacity building, the environment, groups that help people with HIV and AIDS, migrants and refugees, and groups that provide free legal advice.

9. In 2014, the foreign agents law was amended to authorize the government to forcibly register groups as “foreign agents”, and a law adopted in 2017 requires some foreign media and other information platforms deemed foreign by the government to register as “foreign agents” without judicial review and comply with the requirements set out in the foreign agent law. In 2015, the authorities passed a law on “undesirable organizations”, designed to ban from the country an increasing number of foreign and international donor organisations and to intimidate independent Russian groups and activists. Fourteen organizations are now banned, most of them American. One of the banned groups, Open Russia, is registered in the UK.
10. Russians maintaining ties with “undesirables” face penalties ranging from fines to up to six years in prison. In June, a Krasnodar court fined an activist 15,000 rubles (US\$260) for supposed involvement with the UK-based pro-democracy group Open Russia, banned in 2017, and in August, a Tula court fined another activist 1,000 rubles (\$17) for the same. At least 11 groups have been fined for their website’s hyperlinks to “undesirable” foreign organisations.

Limits on freedom of expression

11. Since 2012, the Russian parliament has adopted laws that have dramatically increased the state’s control over the media, especially online. With few exceptions, mainstream media outlets have become the voice of the state, with some of them using elaborate propaganda tools to mobilise patriotic support for the government.
12. In an attempt to control the internet, the Russian parliament has since 2012 adopted numerous laws that limit or can be used to interfere with freedom of speech and information. Some of the laws threaten privacy and secure communication on the internet and effectively make no digital communication in Russia safe from unchecked government surveillance. In April this year, the authorities enforced one of these laws by getting a court order to block Telegram, the mobile messaging app that has at least 12 million subscribers in Russia. The blocking of Telegram was followed by governmental blocking of over 16 million IP addresses, a tremendous blow to Russian internet users and internet-based services.
13. The Russian authorities have also used a very wide definition of “extremist speech” to curb legitimate free expression. For example, in December 2016, a court in Tyumen sentenced Alexey Kungurov, a journalist and blogger, to two-and-a-half years in prison for “publicly justifying terrorism.” The charges had stemmed from his blog post criticizing Russia’s actions in Syria. In 2017 a court found Jehovah’s Witnesses to be an “extremist” organisation and banned it in Russia. A man in Orel has been in custody since May 2017 and is currently on trial on extremism charges for leading Jehovah’s Witnesses in prayer and other similar actions. Police launched

extremism cases against Jehovah's Witnesses in several other cities. In April this year, the authorities arrested a Jehovah Witness in Bashkortostan on charges of "organizing the activity of an extremist organization" – he is currently on remand pending trial.

Staggering Repression in Chechnya

14. There appears to be a sustained campaign to force Memorial – one of Russia's leading human rights groups – to end more than two decades of documenting rights violations in Chechnya. On January 9, 2018, the local police arrested Oyub Titiev, the director of Memorial's office in Chechnya's capital, Grozny, on blatantly fabricated drug possession charges. A week later, masked assailants set fire to Memorial's office in Nazran, Ingushetia - a 90 minute drive from Grozny, destroying most of it. After almost another week, an assailant in Dagestan, several hours' drive from Grozny, torched a vehicle belonging to one of Memorial's drivers. After Titiev's arrest, Chechen police harassed the landlord of Memorial's Grozny office.
15. Meanwhile, the Kremlin-sponsored leader of Chechnya, Ramzan Kadyrov, unleashed a stream of invective against Memorial, calling human rights defenders "hired snitches" and "enemies of the people". In the years since 2009, after the murder of Natalia Estemirova (Memorial's lead Chechnya researcher), human rights defenders there have continued to face beatings, arson attacks, threats and smear campaigns. What is different now is the sustained nature of these attacks, and the exclusive focus on Memorial.
16. The case against Oyub Titiev is more than just a cynical fabrication of a criminal case to punish an activist for his human rights work – it is an attack on the very possibility of human rights work in Chechnya, a brazen attempt to silence the critics of Chechen authorities and leave the victims of abuses without any support.
17. There have also been very serious attacks on LGBT rights. In 2017, from late February and through to early April, security officials unlawfully rounded up dozens of men they believed were gay, searched their cell phones for contacts of other presumably gay men, and tried to coerce them, including through torture, into naming their gay acquaintances. They kept the men in several unofficial facilities, where Chechen authorities have for years held and tortured individuals suspected of dissent or sabotage. They exposed some of the captives to their families as gay and encouraged honor killings. At least two high-level local officials watched police humiliate and torture the detainees. Chechen authorities responded to the allegations by denying the existence of gay people in Chechnya, suggesting obliquely that families kill their gay relatives, and accusing journalists and human rights defenders of seeking to destabilize the republic. Chechen officials and public figures made serious threats against Novaya Gazeta, the newspaper that broke the story. The Russian LGBT

Network opened a special hotline for those in immediate danger and provided evacuation-related assistance to 79 persons. Many of them eventually found safe sanctuary abroad. International political pressure helped to produce this outcome.

Impunity for domestic violence

18. Domestic violence is widespread in Russia. Certain violent acts committed by family members are prosecuted as crimes, but domestic violence is not classified as a separate criminal offense despite public awareness campaigns, ongoing advocacy by women's groups, and two decades of discussion. Official statistics show that around 40 percent of all violent crimes in Russia are committed within the family, but chronic underreporting and the lack of a separate domestic violence offense make it difficult to ascertain the real scope of domestic violence
19. According to human rights groups, officials routinely fail to investigate or even respond to domestic violence allegations. Domestic violence victims suffer social stigma. Support services are lacking and do not provide victims with immediate and long-term solutions. A country with over 75 million women, Russia has only 400 shelter beds, far below Council of Europe standards.
20. In 2016, criminal code amendments decriminalized all first battery offenses that did not cause serious harm to health, except when such offenses occurred within a family. In February 2017, President Putin signed into law a bill decriminalizing a first offense of violence against a family member that did not cause serious harm to health. The 2017 law applies to violence against any family member, including women and children. Abusers, if found guilty of a first domestic abuse offense, would face a minimal fine, up to 15 days' administrative detention, or compulsory community service, rather than the penalty of up to two years' imprisonment they would face under the criminal code.

Attacking LGBT communities

21. In June 2013, President Putin signed into law a federal bill banning the promotion of information among children about "nontraditional" sexual relationships, widely understood to mean relationships among lesbian, gay, bisexual, and transsexual (LGBT) people. The law sets out administrative (not criminal) penalties, including heavy fines and the deportation and detention of foreigners found to have violated the law. During the 2013 UPR, Russia's peers flagged as discriminatory similar laws that had been adopted, beginning in 2006, in ten Russian regions. Also in June 2013, parliament passed a law banning the adoption of Russian children by foreign same-sex couples and by unmarried individuals from countries where marriage for same-sex couples is legal.
22. The federal "gay-propaganda" law specifically bans spreading among children information promoting the "attractiveness of nontraditional sexual relationships" and providing a "distorted notion of social equivalence of traditional and

nontraditional sexual relationships.” The ban applies to the press, television, radio, and the internet. The law is fundamentally discriminatory because it presumes that relationships among LGBT people do not have the same “social equivalency” as “traditional” relationships. It treats information that puts LGBT people in a positive light as harmful to children, and sets out similar sanctions for promoting among children drug and alcohol use and suicide.

23. In June 2017, the European Court of Human Rights ruled that the “gay propaganda” law violated freedom of expression, was discriminatory, encouraged homophobia, and was harmful to children.
24. While administrative cases under the law have so far been few, the law has clearly had harmful effects on Russia’s LGBT community. Public debates in the lead-up to and aftermath of the law’s adoption occasioned some instances of hateful, discriminatory, degrading rhetoric about LGBT people in Russia, including on state television stations. During the same period, Human Rights Watch and Russian rights groups documented an upsurge in violent attacks and harassment of LGBT people across Russia. In 2013 and 2014, dozens of LGBT people described to Human Rights Watch being beaten, abducted, humiliated, and called “pedophiles” or “perverts,” in some cases by radical homophobic groups, and in others by strangers on the subway, on the street, at nightclubs, at cafes, and in one case, at a job interview. Many of the victims did not report attacks against them to the police because they feared direct harassment from police and did not believe the police would take the attacks seriously. With regards to those who lodged complaints with the police, few effective investigations followed.

Recommendations for the Conservative British Government and Conservative parliamentarians and activists:

- **Defend human rights here in the UK and across Europe.** At times in the recent past, Conservative politicians have attacked human rights and proposed that the UK should scrap the UK Human Rights Act (HRA) and withdraw from the European Convention on Human Rights (ECHR). The latter proposal was specifically noted by the Russian government, which suggested that they too might withdraw from the ECHR. Britain will have no credibility in pressing the Russian government to uphold adverse rulings of the European Court of Human Rights if Ministers suggest that they would disregard those rulings themselves.
- **Speak out strongly and publicly in support of human rights defenders.** At the current moment, it is particularly important to speak out on behalf of Oyeb Titiev, arrested and detained in Chechnya on trumped up charges, in what appears to be a sustained assault on the human rights organization, Memorial.
- **Be prepared to provide temporary visas or full asylum status to Russian human rights defenders.** Given the relentless assault on Russian rights defenders, there may be a growing need for this kind of practical assistance.

- **Press for Russian adherence to its regional and international human rights obligations and the repeal of anti-human rights legislation on issues like free association and free assembly.** Specifically, the Russian government should be pressed to repeal the “foreign agents” law and the “undesirable organisations” law.
- **Press the Russian government to uphold not weaken its international and regional obligations on women’s equality.** At the very minimum, legislation should be adopted that would make domestic violence a specific criminal offense, punishable by stiffer penalties for assaults in domestic situations. There should also be mandatory training for law enforcement and judicial personnel on domestic violence, stronger legal protection for victims of domestic violence, and the provision of adequate shelters and medical and mental healthcare for victims.
- **Urge the repeal of the discriminatory “gay propaganda” law and ensure proper investigations into crimes of violence against LGBT.**

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