



January 2011

country summary

Russia

In 2010 Russia demonstrated increased openness to international cooperation on human rights, but the overall human rights climate in the country remained deeply negative. President Dmitry Medvedev's rhetorical commitments to human rights and the rule of law have not been backed by concrete steps to support civil society. The year 2010 saw new attacks on human rights defenders, and the perpetrators of brazen murders in the previous year remained unpunished.

Civil Society

Despite the Kremlin's repeated statements about the importance of normal working conditions for NGOs, human rights defenders remain vulnerable to harassment and attacks, and those working to end impunity in the North Caucasus are especially at risk.

In September Oleg Orlov, chairman of the Memorial Human Rights Center, stood trial for criminal slander, a charge that carries up to three years in prison. The charge stems from Orlov's statement that Ramzan Kadyrov, the leader of Chechnya, was politically responsible for the July 2009 murder of Natalia Estemirova, a leading Memorial researcher in Chechnya. No one has yet been held accountable for Estemirova's murder. It is unclear if the investigation has examined possible official involvement or complicity in the crime.

Memorial resumed its activities in Chechnya in late 2009, following a six-month suspension after Estemirova's murder and threats against other staff. Under the leadership of the Nizhny Novgorod Committee Against Torture, 12 Russian human rights organizations established mobile groups that worked by rotation in Chechnya throughout 2010. The groups assist Memorial in investigating human rights violations in the republic and provide legal aid to victims.

In a May 2010 meeting with NGOs working on the North Caucasus, President Medvedev urged local authorities to cooperate with civil society organizations. However, Kadyrov and other high-level Chechen officials continued to make threatening statements about rights groups. In a televised interview in July, Kadyrov described human rights defenders and

Memorial activists as “enemies of the state, enemies of the people, enemies of the law.” The Kremlin failed to react.

Rights activists in the republic of Dagestan, particularly the Mothers of Dagestan for Human Rights, continue to receive threats. In June 2010, human rights lawyer Sapiyat Magomedova was severely beaten by police in the city of Khasavyurt. The alleged perpetrators, although identified, have not been held to account.

Human rights defenders working in other regions also faced harassment and attacks. In February 2010 Vadim Karastelev, a human rights advocate in the port city of Novorossiisk, served seven days of administrative detention for organizing an unsanctioned demonstration in support of Aleksei Dymovsky, a former police officer whose YouTube video exposé of police corruption received nationwide attention. The day after Karastelev’s release, unknown assailants brutally beat him, causing serious injuries.

Responding to public outcry about police violence and lawlessness, the government pledged to undertake major reforms. However, the draft law on police proposed in 2010 falls short of what is necessary to best prevent human rights violations by law enforcement officials and ensure civilian oversight over policing.

In May 2010 a court in the Sverdlovsk region sentenced Alexei Sokolov, a prisoners' rights advocate from Ekaterinburg, to five years in prison on spurious criminal charges after an unfair trial. The charges appear to be in retaliation for his work exposing police and prison abuse.

Throughout 2010, police continued to disperse, sometimes violently, the public rallies held in large cities on the thirty-first day of each month in support of Article 31 of the constitution, which guarantees freedom of assembly. The year 2010 opened with the detention of Ludmilia Alexeeva, Russia’s leading human rights defender, then aged 82, at a Moscow rally on New Year’s Eve. Prominent activist Lev Ponomarev twice faced administrative detention in 2010 for participating in rallies.

Yet there was also a breakthrough in autumn 2010, when the authorities allowed an October 31 rally that drew at least 1,000 peaceful protesters to Triumfalnaya Square in central Moscow. This development stands as a great victory for Russia’s civil society movement and its international supporters. Incidentally, the authorities consented to this rally just as the European Court of Human Rights (ECtHR) issued a stinging rebuke to Moscow in the *Alexeev v Russia* ruling, saying that the Russian authorities repeatedly denied activists the right to hold gay pride marches, in violation of the right to freedom of assembly.

In June a Moscow court found the co-organizers of the Forbidden Art-2006 exhibition, Yuri Samodurov and Andrei Erofeev, guilty of inciting religious hostility. The court maintained that the artworks on display contained images offensive to Christians, and fined Samodurov and Erofeev 200,000 (US\$6,452) and 150,000 (\$4,839) rubles respectively.

NGOs and the media remain vulnerable to vague anti-extremist legislation, which the authorities use to silence critics. In July 2010, new provisions to the law on the Federal Security Service (FSB) were adopted allowing the FSB to issue warnings to individuals, organizations, and media outlets. The warnings require individuals or organizations to stop activities the FSB considers actually or potentially extremist. In September 2010, the Moscow prosecutor's office launched an unprecedented wave of intrusive inquiries into foreign-funded NGOs.

The North Caucasus

The Islamist insurgency in the North Caucasus republics remained active in 2010. In countering it, law enforcement and security agencies continued to commit grave violations of fundamental human rights, such as torture, enforced disappearances, and extrajudicial killings.

The use of unlawful counterinsurgency methods coupled with rampant impunity for abuses, antagonizes the people of Chechnya, Ingushetia, and Dagestan, and widens the gap between the public and the government. On March 29, for the first time since 2004, a major attack was perpetrated in Russia's capital. Two suicide bombers from Dagestan exploded themselves in the Moscow metro during morning rush hour, killing 40 and wounding dozens.

Despite the fact that their monitoring capacity is severely hampered by security concerns, human rights groups continued to document abductions and extrajudicial killings in 2010.

The Chechen government has brazenly adopted a policy of collective punishment. In 2010, high-level Chechen officials, including the president, stated publicly that insurgents' families should expect punishment unless their relatives surrender. Stopping short of directly instructing law enforcement agencies to destroy the house of insurgents' families and apply other collective punishments, such statements encourage lawless actions by police and security personnel.

Violations of women's rights in Chechnya intensified in 2010. Women not wearing headscarves are harassed on the street. Local authorities unambiguously condoned the

pelting of unveiled women on the streets with paintball guns, which resulted in the hospitalization of at least one woman in June. In a July television interview, Kadyrov said that the women deserved such treatment for failing to dress appropriately. The Chechen authorities have banned those refusing to wear headscarves from working in the public sector or attending schools and universities.

In the republic of Ingushetia, despite President Yunus-Bek Yevkurov's stated commitment to uphold the rule of law and improve the working climate for human rights NGOs, law enforcement and security agencies continue to perpetrate abductions, torture, and killings. According to Memorial, 12 civilians were abducted, three forcibly disappeared, and 11 were extrajudicially executed between January and September 2010.

The year 2010 saw new insurgent attacks in Dagestan and new abductions of residents by law enforcement and security officials. The appointment of Magomedsalam Magomedov as the republic's new president in early 2010 has had no noticeable impact on the human rights and security situation in Dagestan.

Salafi Muslims are especially vulnerable to persecution in Dagestan because the authorities suspect them of ties to the insurgency. In May seven Salafi men were arbitrarily detained and severely beaten by Kazbekovsky district police officials; one victim died of his injuries. Police torture is endemic beyond unlawful counterinsurgency practices. In July, police detained a 14-year-old boy in the village of Khotoba on suspicion of theft, and severely beat him, causing serious injuries and the loss of hearing in one ear.

Cooperation with the European Court of Human Rights

In January 2010 – after years of delay – Russia ratified Protocol 14 to the European Convention for Human Rights, becoming the last Council of Europe (CoE) member state to do so. Protocol 14 streamlines the case review process at the ECtHR and strengthens the enforcement mechanisms of the CoE's Committee of Ministers.

To date the ECtHR has issued more than 150 judgments holding Russia responsible for grave human rights violations in Chechnya. Russia continues to pay the required monetary compensation to victims but fails to meaningfully implement the core of the judgments, in particular conducting effective investigations and holding perpetrators accountable. The Russian authorities have also failed to take sufficient measures to prevent the recurrence of similar abuses and new complaints are lodged with the ECtHR every year. The failure to fully

implement the court's judgments denies justice to the victims and fuels the climate of impunity in Chechnya.

Lack of Accountability for Laws of War Violations

Over two years since the Russian conflict with Georgia over South Ossetia, Russian authorities have yet to ensure a comprehensive investigation into and accountability for international human rights and humanitarian law violations by their forces.

Russian forces used cluster bombs in areas populated by civilians in Georgia, leading to civilian deaths and injuries. Russia also launched indiscriminate rocket attacks on civilian areas, causing casualties. Russian forces in Georgia failed to protect civilians in areas under their effective control whilst also preventing Georgian forces from policing these areas.

Health Issues and HIV/AIDS

In 2010 the Russian government continued to violate the rights of hundreds of thousands of drug users who are denied access to effective drug treatment and HIV prevention. The government's 2009 decision to shift funding away from HIV prevention services resulted in the closure of 42 health centers in August 2010. A number of other sites operate under an extended grant from the Global Fund to Fight AIDS, Tuberculosis and Malaria, but these programs also face closure. The government's opposition to drug treatment using methadone or buprenorphine puts injection drug users at grave risk of HIV infection. Unnecessarily restrictive narcotics laws unduly limit the accessibility of morphine for patients with pain due to cancer, HIV/AIDS, and other illnesses, condemning many to severe suffering.

Migrant Worker Rights

Russia has between 4 and 9 million migrant workers, over 80 percent of whom come from the region of the former Soviet Union. Forty percent of migrant workers labor in construction, where they face abuses that include confiscation of passports, denial of contracts, non-payment or delayed payment of wages, and unsafe working conditions. Migrant workers have few effective options for redress. Legislative changes adopted in May tie foreign workers more closely to their employers and may discourage a worker from leaving an abusive employer. Other legislative changes introduced a system for simplifying legal employment of workers employed by private persons as nannies, contractors, and in other non-commercial jobs.

To complete the large-scale construction projects necessary for Russia to host the 2014 Winter Olympic Games in Sochi, employers are hiring large numbers of migrant workers from

other parts of Russia and from other countries. Some workers have reported employers' failure to provide contracts, non-payment or severe delays in payment of wages, and substandard employer-provided housing.

Expropriation of Property and Evictions in Advance of the 2014 Olympic Games

To make way for venues for the 2014 Winter Olympics, hundreds of families living in the Adler region of Sochi will lose their property through state expropriations. Some will also lose their livelihoods, such as small hotels and farms. Although the regional government has in most cases promised compensation, serious concerns remain about the compensation amounts and procedures, and the means of challenging official actions.

International Actors

In 2010 Russia showed some improved cooperation on human rights, but Russia's international partners did not do enough to encourage human rights reform.

In February, after two years of stalled negotiations, Russia allowed a delegation from the United Kingdom's parliament to conduct a fact-finding visit to Chechnya.

In March Dick Marty, the rapporteur on human rights in the North Caucasus for the Parliamentary Assembly of the Council of Europe (PACE), made a long-awaited visit to Chechnya, Ingushetia, and Dagestan. Marty's critical report on the lack of legal remedies for victims of human rights violations was unanimously adopted at the June session of PACE, marking the first time the Russia delegation voted in favor of a critical report on the North Caucasus.

The European Union held two rounds of human rights consultations with Russia. While the consultations provide an important forum for working-level discussions on human rights, the lack of follow-up mechanisms, isolation from high-level political meetings, and the absence of high-level Russian participation undermine their effectiveness. The EU continued negotiations on its Partnership and Cooperation Agreement with Russia, which expired in 2007.

The United States and Russia initiated a civil society working group for government representatives and civil society experts to discuss thematic issues in both countries. The working group convened in Washington, DC in January to focus on corruption and children's rights. It met in May in the Russian city of Vladimir to discuss prison reform and migration. The meetings, while providing a good platform for discussion, have not had any practical outcome to date.

The Office of the Prosecutor at the International Criminal Court continued its preliminary examination of the 2008 armed conflict between Russia and Georgia over South Ossetia and sent delegations to Russia in March 2010 and to Georgia in June to obtain additional information on domestic remedies and proceedings.