



RUSSIAN FEDERATION

AMNESTY INTERNATIONAL SUBMISSION TO THE UN UNIVERSAL PERIODIC REVIEW 16TH SESSION OF THE UPR WORKING GROUP, MAY-JUNE 2013

FOLLOW UP TO THE PREVIOUS REVIEW

During its first review in 2009, the Russian Federation supported a number of recommendations. These included the following:

Ratification of international instruments

The Russian Federation accepted recommendations to ratify the Convention for the Protection of All Persons from Enforced Disappearance;¹ it has, however, failed to act on these.

The Russian Federation rejected the recommendation to accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) by stating that the Public Monitoring Commission, established under the European Convention on the Prevention of Torture, largely duplicates the provisions of the OP-CAT.

Human rights defenders, journalists and lawyers

The Russian Federation accepted recommendations to protect human rights defenders including by revising the laws on combating extremism and on NGOs to ensure these conform to international standards.²³ Amnesty International is concerned to note that as of October 2012, such revision of the Law 'On Combating Extremist Activities' has not taken place. Besides, new legislation governing the operation of NGOs was introduced in July 2012 which, contrary to the Russian Federation's commitments, signals further stifling of civil society activism (see also below).⁴

Reform of the judiciary system

The Russian Federation accepted recommendations to reform its judiciary, including by increasing the independence of the judiciary.⁵ However, the steps taken so far by the government have failed to ensure its independence and to fully uphold the principles of fair trial.

Women's human rights

The Russian Federation supported recommendations to promote equality between men and women and to adopt specific legislation on combating domestic violence.⁶ Amnesty International is concerned to note that no such legislation has yet been adopted. Violence against women in the family remains widespread.

Torture and other ill-treatment

The Russian Federation supported recommendations to step up efforts to combat torture and to address the concerns of the Committee against Torture about the use of torture and other ill-treatment in the North Caucasus.⁷ However, despite a number of steps taken, torture and other ill-treatment, and impunity for their perpetrators, remain widespread across the Russian Federation.

The death penalty

Amnesty International regrets that the Russian Federation rejected a number of recommendations concerning the death penalty⁸ on the grounds that no executions have been carried out since 1996 and that all individuals sentenced to death

have had their sentences commuted to 25 years or life imprisonment.⁹ Amnesty International welcomes, however, the November 2009 decision of the Russian Constitutional Court to extend the moratorium on executions.¹⁰

Lesbian, gay, bi-sexual, transgender and intersex (LGBTI) rights

In its review in 2009, the Russian Federation rejected a recommendation to take policy measures to promote tolerance of LGBTI persons on the grounds that there was no official policy of discrimination against them.¹¹ However, in recent years laws banning “propaganda of homosexuality, lesbianism, bisexuality and transgenderness amongst minors” have been proposed at various levels and entered into force in eight of Russia’s regions.

THE HUMAN RIGHTS SITUATION ON THE GROUND

Restrictions on the rights to freedom of expression and assembly

There have been continuing encroachments on these rights in the Russian Federation since the last review, including a growing number of instances of arbitrary restriction on the right to freedom of assembly and increasingly harsh sentencing of peaceful protesters. Peaceful street gatherings, including of small groups of protesters who presented no public threat or inconvenience, have been routinely dispersed by police unless expressly authorized by the authorities, often with the use of excessive and disproportionate force by police. During the peaceful demonstrations which took place on 4 December 2011 after the disputed parliamentary elections, over 1,000 protesters were detained across the Russian Federation and more than 100 sentenced to administrative detention in proceedings that frequently violated their right to a fair trial. Several opposition activists were arrested “pre-emptively” at home or on their way to demonstrations.

Three members of the ‘Pussy Riot’ punk group were arrested in March 2012 and convicted of the crime of “hooliganism” in August 2012 in connection with their brief and peaceful, albeit provocative, political performance in a church. All three performers spent several months in detention, and two of them are currently serving a two-year prison sentence.

Further legislative restrictions on the rights to freedom of expression and assembly have been swiftly introduced since the inauguration of Vladimir Putin as President on 7 May 2012. These include tighter rules governing public gatherings and increased fines for those who fail to observe them; new restrictive regulations of the Internet; and re-criminalization of libel, only one year after it had been de-criminalized.

Human rights defenders and journalists

Human rights defenders and journalists continue to face harassment and intimidation, and often physical violence, while the perpetrators enjoy impunity. Several years after the abduction and killing, in July 2009, of the prominent human rights activist from the North Caucasus, Natalia Estemirova, no-one has been brought to justice.

Lawyers in the North Caucasus who represent victims of human rights violations are themselves frequently subjected to harassment, pressure and even violence by law enforcement officials. On 20 January 2012, lawyer Omar Saidmagomedov and his client were shot dead in the street of Makhachkala. The authorities claimed they had been armed and had shot at security officers, but Saidmagomedov’s colleagues dismissed these claims and alleged that he was a victim of an extrajudicial execution because of his professional activities.

The authorities have repeatedly tried to instigate criminal proceedings on spurious grounds against Igor Kalyapin, a prominent campaigner against torture. Several journalists who published information based on interviews with him, as well as human rights activists who wrote letters in his support to the Russian authorities, have themselves been summoned for questioning by criminal investigators or members of the Federal Security Service.

The right to freedom of association

New legislation regarding NGOs comes into force at the end of November 2012 requiring NGOs to register as 'organizations performing the functions of foreign agents' – language akin to accusations of spying – if they receive foreign funding and engage in very broadly defined 'political activities'. Failure to comply with these regulations envisages heavy fines and imprisonment. This law introduces significant administrative hurdles for NGOs, undermines their financial viability and creates new opportunities for the authorities to subject independent civil society organizations to harassment and pressure.

Torture and other ill-treatment

In spite of a number of positive initiatives in recent years, such as the introduction of Public Monitoring Commissions authorised to visit places of custody, torture and other ill-treatment remain widespread across the Russian Federation. The new Law on Police, which came into force in 2011, contains no substantive new provisions for strengthening the accountability of the police for torture and other ill-treatment. Allegations of torture used to extract confessions are seldom effectively investigated. Injuries – in cases when these are documented – are often dismissed as resulting from the legitimate use of force. Denial of adequate medical care in penitentiary institutions is widely reported.

Although a number of legal and policy safeguard exist to prevent torture and other ill-treatment, these are often circumvented by the investigation and other law enforcement officials in a number of ways. These include secret and unacknowledged detention and enforced disappearance of individuals. Amnesty International's research suggests that such practice is particularly widespread in the North Caucasus. Some individuals later "reappear", including in official places of custody; however, the fate and whereabouts of most of those forcibly disappeared remain unknown.

On 27 April 2010, Zelimkhan Chitigov was taken away from his home in Karabulak, Ingushetia, by a group of 30-40 armed masked men and held at a secret location until 30 April 2010 when he was handed over to local police. He told Amnesty International that during this time he was blindfolded and repeatedly tortured, which included kicking and punching, electrocution, having his toe-nails pulled out and skin twisted with pliers, and suspended on metal bars. The captors wanted him to confess to a crime he had not committed. After his transfer in official custody he was hospitalised due to his severe injuries. Two former senior police officials from Karabulak have been prosecuted in connection with Zelimkhan Chitigov's abduction, secret detention and torture – the first such case ever in Ingushetia. However, as of October 2012, their verdict had been repeatedly postponed and not yet announced. Both remain at large. None other perpetrators in the case have been identified, and reportedly the investigator was refused entry to a police compound where Zelimkhan Chitigov had allegedly been held in secret.

In most cases however, authorities fail to investigate effectively and impartially alleged cases of enforced disappearances, secret and unacknowledged detention, and torture and other ill-treatment. This creates a prevailing climate of impunity for their perpetrators.

In April 2012, special regional departments were created within the Investigative Committee to investigate crimes allegedly committed by police and other law enforcement officials. However, Amnesty International is concerned that these newly created departments are not sufficiently staffed and resourced to undertake full and effective investigations into the relevant alleged crimes, and that not all alleged cases of torture and other ill-treatment are automatically referred to them for investigation.

The right to a fair trial

The current reform of the judicial system in the Russian Federation appears to have stronger focus on increasing its material resources than on ensuring its independence and fully upholding the principle of fair trial in practice.

Amnesty International is concerned that a number of convictions have been politically motivated, including those of the 'Pussy Riot' members¹² and the second criminal conviction of Mikhail Khodorkovsky and Platon Lebedev.¹³

In 2010, the right to jury trial was abolished for terrorism-related crimes and crimes against the state, following which the conviction rate in such cases has reportedly increased.

Criminal lawyers across the country complain of procedural breaches which undermine their clients' right to a fair trial. These include being unlawfully denied access to their clients, failure by the investigation authorities to promptly inform the lawyer and family about the person's detention, deliberate involvement by investigators of allegedly unscrupulous lawyers as state-assigned legal councils for criminal suspects during their interrogation which involves the use of torture and other ill-treatment.

Lesbian, gay, bi-sexual, transgender and intersex rights

Legislatures in eight (out of 83) subjects (regions) of the Russian Federation have introduced laws banning "propaganda of homosexuality, lesbianism, bisexuality and transgenderism amongst minors", and similar local laws have been proposed in Moscow and several other regions. The term 'propaganda' remains undefined, or unclear, enabling its arbitrary use by the authorities. Moreover, the majority of these regional laws conflate the issue of sexual orientation with pedophilia thus linking the sexual abuse of children with consensual, private sexual activity and personal gender expression of adults. Amnesty International is concerned that these laws have been used to restrict the rights to freedom of expression and assembly of LGBTI individuals. In April 2012, the authorities in St. Petersburg refused to authorize pickets of LGBTI activists, and after two activists went ahead with the pickets, they were arrested and charged with "disobedience to lawful demands of the police" and "propaganda of homosexuality amongst minors".

Women's human rights

Over ten thousand women become casualties of domestic violence in the Russian Federation each year.¹⁴ There currently is still no specific law providing a framework for the prevention of domestic violence, although a draft law is currently being developed in consultation with, and spearheaded by, civil society organizations.

Amnesty International continues to be concerned over the inadequate provision of services for women facing domestic violence. There is an alarming lack of shelters for victims. According to independent estimates, across the country with a population of 143 million people there are only around 3,000 small local state centres which, amongst other things, can provide some support to victims of domestic violence. While some may offer temporary shelter facilities, there are only 23 centres which operate specifically as shelters providing refuge to victims of domestic violence. Moreover, these services are usually accessible only to those who are officially registered as residing in the local region. This restriction applies for example to Moscow's only shelter which, in a city with a population of over ten million inhabitants, provides space for only around a dozen women.

In some North Caucasus republics, gender inequalities have been growing under the spurious pretext of resurging ethnic or religious traditions, sometimes promoted by the local political leaders, as in the case in Chechnya and some other republics. This has resulted in increased vulnerability of women and girls to violence, including to domestic and sexual abuse.

"Zarema" (name changed) told Amnesty International that she had been systematically subjected to sexual violence by a close male relative over several years before she got married in 2010. After she left her family and moved with her husband to Grozny, Chechnya, she suffered months of physical abuse from him. During this time, Zarema sought help from her family, the local religious authorities and a special government commission set up to deal with family matters, but was told by all of them to stay with her husband and obey him. Fearing for her life and expecting reprisals from her husband and her brothers alike, Zarema left Chechnya and, feeling that they might discover her in her secret location, left the Russian Federation in spring 2012.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of the Russian Federation to:

International standards, ratifications, and UN mechanisms

- Ratify the Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture;
- Cooperate fully with all UN human rights mechanisms and the Special Procedures;

Rights to freedom of expression and assembly

- Respect and protect the rights to freedom of expression and peaceful assembly for all, including for those who represent a minority or have a dissenting political or other position;
- Remove legislative and other regulations which limit the legitimate exercise of these rights, and refrain from arbitrarily restricting the respective freedoms;
- Investigate all allegations of arbitrary, excessive and disproportional use of force by police against demonstrators, and bring to justice all those responsible.

Human rights defenders and journalists

- Respect and fully observe the right of human rights defenders and journalists to undertake their legitimate work without the fear of harassment, criminal prosecution or other pressure;
- Investigate promptly, effectively and impartially all instances of attacks against, killings of, or threats against human rights defenders, journalists and civil society activists, and identify and bring the perpetrators to justice;

The right to freedom of association

- Reverse the law 'On Introducing Changes to Certain Pieces of Legislation of the Russian Federation as Regards Regulation of Activities of Non-Commercial Organizations Performing the Functions of Foreign Agents'.

Torture and other ill-treatment

- Take effective steps to eliminate torture and other ill-treatment by law enforcement agencies;
- Introduce and strengthen effective mechanisms to ensure accountability of law enforcement officials for all human rights violations, including the use of torture and other ill-treatment, secret and unacknowledged detention, and enforced disappearances;
- Ensure that the new departments within the Investigative Committee mandated to investigate human rights violations committed by law enforcement officials are adequately resourced, and that all relevant cases are referred to it for investigation.

The death penalty

- Abolish the death penalty.

The right to a fair trial

- Take all necessary steps to effectively strengthen the independence of the judiciary, including by ensuring that courts are free from any form of pressure or political influence from the executive;
- Ensure that all criminal suspects and defendants have an unobstructed access to a legal council of their choice from the moment they are taken into custody and for the whole duration of criminal proceedings against them.

Lesbian, gay, bi-sexual, transgender and intersex rights

- Introduce legislation prohibiting discrimination on grounds of sexual orientation and take measures to ensure that it is fully and effectively implemented;
- Repel regional laws and regulations which promote or condone discrimination on grounds of sexual orientation, and take effective steps to prevent arbitrary use of the existing regulations to discriminate against the rights of LGBTI people, including their rights to freedom of expression and of peaceful assembly.

Women's human rights

- Introduce without delay specific legislation for the prevention of domestic violence;
- Allocate adequate resources for the development of services in support of victims of domestic violence, including the establishment of additional shelters as required, throughout the country;
- Take effective steps to end violence against women and girls in the North Caucasus, including by eradicating impunity for it, sending a clear message that human rights abuses against women will not be tolerated, ensuring that the victims have access to effective services and protection schemes, and amending regulations to protect women and girls from discrimination, including discrimination based on religious beliefs.

¹ Human Rights Council. Report of the Working Group on the UPR of the Russian Federation. A/HRC/11/19. Paragraphs 85.4 (UK, Brazil, Mexico), and 85.7 (Argentina, Mexico).

² A/HRC/11/19, Paragraphs 85.42 (Slovakia, Netherlands), 85.43 (Australia, Italy, Norway, Switzerland), 85.45 (Netherlands, and 85.46 (Austria)

³ Human Rights Council. Report of the Working Group on the UPR of the Russian Federation. A/HRC/11/19. Paragraphs 85.42 (Slovakia, Netherlands)

⁴ Amnesty International, 'Russian Federation: Freedom of Association under a New Attack', public statement, 13 July 2012 (AI Index: EUR 46/029/2012).

⁵ A/HRC/11/19, Paragraphs 85.35 (Malaysia) and 85.36 (New Zealand)

⁶ A/HRC/11/19, Paragraphs 85.27 (Algeria, Belarus) and 85.32 (Czech Republic, South Africa, New Zealand, Sweden).

⁷ A/HRC/11/19. Paragraphs 85.29 (Denmark, Australia)

⁸ A/HRC/11/19, Paragraphs 85.1 (Germany, Australia) and 85.2 (Germany, Brazil Australia).

⁹ Human Rights Council. Addendum to the Working Group Report on the UPR of the Russian Federation. A/HRC/11/19/Add.1/Rev.1, pg 2.

¹⁰ Russia moves one step closer to death penalty abolition. Amnesty International. November 20, 1999. <http://www.amnesty.org/en/news-and-updates/good-news/russia-moves-one-step-closer-death-penalty-abolition-20091120>

¹¹ A/HRC/11/19, Paragraph 85.28 (Sweden) and A/HRC/11/19/Add.1, page 5.

¹² Amnesty International, 'Pussy Riot: Russian court orders conditional release of one, other two jailed', press release, 10 October 2012 (AI Index: PRE01/483/2012); 'Russia: Release punk singers held after performance in church', public statement, 3 April 2012 (AI index: EUR 46/014/2012).

¹³ Amnesty International, 'Unfair Trial Concerns Cast Doubt on the Integrity of the Conviction of Mikhail Khodorkovsky and Platon Lebedev', public statement, 27 December 2010 (AI index: EUR 46/042/2010); 'Russian businessmen declared prisoners of conscience after convictions are upheld', press release, 24 May 2011 (AI Index: PRE01/276/2011).

¹⁴ Estimates by the National Centre for Prevention of Violence ANNA.