



UPR Submission  
**Russia**  
September 2008

This submission highlights Human Rights Watch's key concerns regarding Russia's compliance with its international human rights obligations in several areas of our research. More detailed information is in the HRW reports attached to this submission.

### **August 2008 conflict with Georgia**

Human Rights Watch researchers in South Ossetia and Georgia documented serious violations of international humanitarian law and human rights law by Russian forces as well as Russian-backed South Ossetian militias during the August 2008 conflict with Georgia.<sup>1</sup>

Human Rights Watch research indicates that Russian forces' use of indiscriminate force during the conflict killed and injured civilians and left many homeless. Russian cluster munitions attacks have killed and injured civilians and unexploded cluster submunitions are, at this writing, threatening the civilian population. The use of cluster munitions in populated areas is indiscriminate and endangers civilians because of both their broad area effect and the large number of explosive duds they leave behind. Under international humanitarian law, indiscriminate attacks including attacks in populated areas with weapons that cannot be targeted solely at military targets are prohibited.

Russian forces fired at convoys transporting civilians, killing and wounding them as they attempted to flee the conflict zones. Russian forces also failed to fulfill its obligations under international humanitarian law to ensure civilian protection in areas in which it exercised effective control. Russian-backed Ossetian militias attacked, abducted and, in some instances, killed ethnic Georgian civilians and looted and burned Georgian villages. Tens of thousands of people have been displaced from their homes as a result. Human Rights Watch urges the Human Rights Council to make the following recommendations to Russia:

#### *Recommendations*

- Ensure a transparent and effective investigation for all violations of international humanitarian and human rights law by Russian and Ossetian forces and hold perpetrators accountable;
- Publicly undertake not to use cluster munitions in the future and join the Convention on Cluster Munitions;

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<sup>1</sup> The information presented focuses on Russia's international human rights obligations since the current review is specific to Russia; however Human Rights Watch's research on the conflict has examined the actions of all parties. More information can be found at [www.hrw.org](http://www.hrw.org).

- Provide precise strike data on cluster attacks to facilitate cleanup of areas contaminated by submunitions; and allow unfettered access to Russian controlled-areas to international demining organizations;
- Ensure security for those displaced by the conflict to return to their homes. Ensure compensation for property damaged by looting and torching.

### **Restrictions on Russian Civil Society**

Russia's 2006 NGO law subjects Russian and foreign nongovernmental organizations (NGOs) to excessive government scrutiny and unlawful government interference. The law grants state officials excessive powers to interfere in the founding and operation of NGOs. Organizations may be denied registration for presenting documents "prepared in an inappropriate manner" or if an organization's activities are considered objectionable. The law imposes onerous reporting requirements on NGOs, and allows "planned" and unplanned audits which can happen at any time and for any length of time. During audits and reports, the law gives the authorities unlimited discretion to request documents for inspection and to interpret them, including for compliance with the constitution, laws, and "interests" of Russia in the broadest terms. The law also places onerous documentation requirements and unreasonable bureaucratic hurdles on NGOs.

Authorities implement the NGO law selectively to harass organizations that work on issues that are considered controversial, that may be capable of galvanizing public dissent, or that receive foreign funding. They also use tax inspections, inspections for fire code or labor code compliance, and police raids, and politically motivated criminal charges to harass and intimidate such organizations. Many NGOs are vulnerable to being targeted under the 2002 Law on Countering Extremist Activity, which designates certain forms of defamation of public officials as extremist and allows any politically or ideologically motivated crime to be designated as extremist. Those most targeted by all of these measures are NGOs and activists that are outspoken on controversial topics of Russian government policy, such as Chechnya or human rights more broadly, or on organizations that are in some way affiliated with or viewed as supportive of the political opposition.

Human rights defenders have been targeted with threats and violence, and tactics such as those above. In just the last six months, Human Rights Watch has received credible and disturbing claims of harassment, beatings, threats, enforced disappearances, and illegal detentions of human rights defenders from the North Caucasus and other regions of Russia. This harassment of NGOs and human rights defenders is an unmistakable part of the Russian government's efforts to weaken—in some cases beyond recognition—the checks and balances needed for an accountable government.

Journalists who report critically on sensitive issues risk harassment, and even death. The September murders of two journalists from Russia's Northern Caucasus highlight the risks to journalists reporting on the conflict in the Caucasus. Journalists also risk being charged with extremism or slander, a tactic which seeks to silence critical reporting.

### *Recommendations*

- Russia should amend its NGO law to minimize state involvement in the founding and running of NGOs, and strictly define the terms under which the government can interfere in legitimate private citizen activity;
- The government should facilitate the work of and issue standing invitations to the special procedures of the Human Rights Council and accept to organize visits by the Special Rapporteur on the Situation of Human Rights Defenders; the Special

Rapporteur on Extrajudicial, Summary, or Arbitrary Executions; and the Special Rapporteur on the Independence of Judges and Lawyers;

- The government should investigate and prosecute attacks on human rights defenders and journalists.

## **North Caucasus**

The armed conflict in Chechnya affected the stability and security of communities across the North Caucasus and continues to do so. The situation throughout the region remains volatile and marked by impunity and ongoing serious human rights abuses in the name of counterterrorism.

### *Chechnya*

Although in Chechnya, the armed conflict has subsided and parts of the capital, Grozny, have been rebuilt, security forces continue to use torture and illegal detention, and impunity for abuses is rampant. Human Rights Watch remains deeply concerned about impunity for crimes committed by federal and local military, security and law-enforcement forces during both Chechen Wars. The European Court of Human Rights has found Russia responsible for serious human rights abuses in Chechnya in 37 judgments to date. The Court determined that Russia was responsible for extrajudicial executions, torture, and enforced disappearances and confirmed the systematic nature of abuses in Chechnya. Although Russia has complied with its obligation to pay compensation to victims, it has taken no effective steps to ensure an end to continuing abuses and to impunity for crimes.

Recent cases illustrate the ongoing nature of many abuses and also the danger to those who speak out about human rights problems. On August 3, 2008, 42-year-old Mokhmadalakh Masaev was abducted and “disappeared” in Chechnya, less than a month after a newspaper published his account of ill-treatment in Chechnya. Masaev stated that in 2007 forces loyal to Chechen President Ramzan Kadyrov abducted him and kept him in illegal detention for four months in a secret detention facility located in Kadyrov’s native village, Tsentoroi.

In another example, in June 2008, Chechen law enforcement officers detained for several hours four staff members of the Grozny office of the Memorial Human Rights Center as they attempted to film a building reportedly formerly used as an illegal detention facility. Before their release they were harassed and threatened with execution, and their belongings were seized and tampered with.

### *Ingushetia*

The human rights situation in the republic of Ingushetia has significantly worsened since the summer of 2007, which saw a rise of insurgency attacks on public officials, security and law-enforcement personnel, and civilians.

The Russian government’s response to these attacks, however, has not been in accordance with Russian and international law. The counterinsurgency practices adopted by the authorities of Ingushetia involve extra-judicial executions, unlawful, abduction-style detentions, and torture and cruel or degrading treatment. These practices antagonize the local population and serve to further destabilize the situation in the republic.

A leading Russian human rights organization, the Memorial Human Rights Center estimates that in 2007 alone, security personnel were responsible for up to 40 extrajudicial executions in counterinsurgency operations. Memorial estimates that security personnel are responsible for between 11 and 15 extrajudicial executions of local residents in the past year alone. Further, Memorial reported that in 2007, security forces abducted 33 civilians, five of whom subsequently disappeared and one was killed. Human Rights Watch has documented several of these cases. As in Chechnya, no meaningful investigation has been launched into these killings, and law enforcement officials continue to violently detain and “disappear” those suspected of involvement with the insurgency.

### *Recommendations*

- Ensure access to the region for international monitors, including the UN Working Group on enforced and involuntary disappearances and the Special Rapporteurs on torture and extrajudicial, summary and arbitrary executions, in full agreement with the requirements for conducting visits that these procedures; terms or reference set forth;
- Ensure meaningful accountability mechanisms to bring perpetrators of serious abuses to justice and ensure transparency regarding investigations and/or prosecutions undertaken, including their outcome;
- Immediately stop the practice of extra-judicial executions, enforced disappearances, abduction-style detentions, and other abuses perpetrated in particular by security services, military, and law-enforcement agencies;
- Sign and Ratify the International Convention on the Protection of All Persons from Enforced Disappearance;
- In cases of arrest, ensure that all procedural guidelines are fully observed and family members are provided adequate information on the status and whereabouts of their arrested relatives.

### **Migrant Labor in the Construction Sector**

Russia has between 4-9 million migrant workers, some 80 percent of whom come from the countries of the former Soviet Union with which Russia maintains a visa-free regime. Human Rights Watch has documented numerous human rights abuses against migrant workers in the construction sector, where at least forty percent of Russia's migrant workers are employed. Both private and state employers, including companies and individuals, in the construction sector routinely fail to provide migrant workers with contracts as required under Russian labor law. This failure is so widespread, that workers whose employers refuse to provide them with a contract do not realistically have the option of seeking employment with an employer who will.

Employers frequently fail to pay workers fully and promptly; in many cases employers may not pay wages at all for several months. Employers may threaten or use violence by construction site guards, police, or others to intimidate workers who protest against non-payment of wages. Human Rights Watch documented numerous accidents on construction sites, in many cases due to employers' failure to respect safety laws. Few construction employers provide health insurance for migrant workers. Human Rights Watch also documented numerous cases of police abuse against migrant workers, including arbitrary detention, beatings, use of threats of expulsion in order to force the migrant to pay a bribe and forcing migrants to work for free as for example cleaning police stations.

Intermediaries, including official employment agencies, individual employment recruiters, brigade leaders, diaspora groups and others are subject to little regulation. In many, although not all cases, intermediaries themselves abuse migrants, may be directly or indirectly involved in arranging workers employment with abusive employers, or provide migrant workers with false or improper documentation, rendering their clients' stay illegal and making them more vulnerable to abuse. Migrant workers have few options for seeking redress for abuses by employers, intermediaries, or police. Often, migrant workers become irregular due to the violations of the labor law by the employers such as failure to provide the contract or to send a notification to the migration authorities that the migrant has been hired. Migrant workers are often reluctant to bring a complaint forth to the authorities out of fear that they will risk fines or expulsion as a result of their status, rather than a thorough and fair examination of their complaint.

### *Recommendations*

- Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Draft and implement comprehensive legislation to regulate the activities of intermediary organizations and individuals acting as intermediaries;
- Establish an accessible, effective and safe complaint mechanism for all migrant workers, including those with irregular status; undertake a campaign to educate migrant workers about the mechanism.

### **HIV and Drug Dependence**

Hundreds of thousands of people in Russia, many of them youths and young adults, are dependent on drugs and at immediate risk of HIV infection. While Russia has made considerable progress expanding access to antiretroviral (ARV) treatment for people living with HIV, its efforts to ensure that injection drug users have access to effective drug dependence treatment services—a key factor in both general HIV prevention and treatment for injection drug users—have fallen far short. Ultimately, Russia will not be able to stop its injection drug use-driven HIV epidemic without offering proven drug treatment programs.

An estimated 65 to 80 percent of all persons living with HIV in Russia are injection drug users, and more than 10 percent of injection drug users in Russia are HIV-positive. Studies in many countries worldwide have shown that methadone maintenance therapy helps reduce HIV infections as it enables many patients to stop using illicit drugs altogether or helps them adopt less risky injection behavior. Maintenance therapy has also been shown to play a central role in aiding drug users in accessing and adhering to ARV treatment. Yet, Russia continues to refuse to make maintenance therapy available to drug dependent people—worse, it has outright banned the use of methadone for treatment purposes. As shown by our 2007 study, *Rehabilitation Required: Russia's Human Rights Obligation to Provide Evidence-based Drug Dependence Treatment*, the drug treatment services that are offered are insufficiently accessible, incomplete, and often not based on scientific evidence. The prohibition of maintenance treatment and the various other failings of the drug dependence treatment system in Russia violate the right to health.

### *Recommendations*

- Immediately lift the ban on the medical use of methadone and buprenorphine in the treatment of drug dependence, and introduce maintenance therapy programs;
- Reform the drug user registry to remove blanket restrictions on the rights of people on the registry.

## **Annexes**

1. Relevant press releases on Russian violations in Georgia:

**Georgia/Russia: Do Not Attack Civilians in South Ossetia**

<http://hrw.org/english/docs/2008/08/08/georgi19575.htm>

**Georgia/Russia: Use of Rocket Systems Can Harm Civilians**

<http://hrw.org/english/docs/2008/08/12/georgi19594.htm>

**Russia/Georgia: Investigate Civilian Deaths**

<http://hrw.org/english/docs/2008/08/13/russia19620.htm>

**Georgia: Russian Cluster Bombs Kill Civilians**

<http://hrw.org/english/docs/2008/08/14/georgi19625.htm>

**Russia/Georgia: Militias Attack Civilians in Gori Region**

<http://hrw.org/english/docs/2008/08/16/georgi19630.htm>

**Georgia: International Groups Should Send Missions**

<http://hrw.org/english/docs/2008/08/17/georgi19633.htm>

**Georgia: Civilians Killed by Russian Cluster Bomb 'Duds'**

<http://hrw.org/english/docs/2008/08/20/georgi19660.htm>

**EU: Protect Civilians in Gori District**

<http://hrw.org/english/docs/2008/08/27/georgi19704.htm>

**Georgia: Satellite Images Show Destruction, Ethnic Attacks**

<http://hrw.org/english/docs/2008/08/28/georgi19712.htm>

2. Choking on Bureaucracy (<http://hrw.org/reports/2008/russia0208/>)

3. Justice for Chechnya ([http://www.hrw.org/eca/2007/justice\\_for\\_chechnya.pdf](http://www.hrw.org/eca/2007/justice_for_chechnya.pdf))

4. As if They Fell from the Sky (<http://hrw.org/reports/2008/russia0608/>)

5. Rehabilitation Required (<http://hrw.org/reports/2007/russia1107/>)