

## Human rights in Russia

### No light at the end of the tunnel

#### SUMMARY

Russia is a signatory to several international human rights treaties and, as a member of the Council of Europe, the European Convention on Human Rights. Its constitution directly guarantees the human rights of Russian citizens, which are also protected by institutions such as a Human Rights Ombudsman and a Presidential Council.

However, the human rights situation in Russia is increasingly difficult. Repressive legislation adopted over the last few years has severely curtailed human rights by targeting freedom of expression and human rights activism. Western criticisms are dismissed by the Kremlin as interference in Russian domestic affairs.

Human rights observers have compiled an extensive catalogue of abuses in Russia. These range from extrajudicial killings and inhuman treatment including torture, to confiscation of private property. A dysfunctional justice system denies Russians the right to a fair trial; ethnic minorities, women and LGBT persons are heavily disadvantaged, in practice and in some cases also in law.

Some of the worst abuses in all these areas have occurred in the North Caucasus and Crimea, for example due to repression of the Crimean Tatar minority.



#### In this briefing:

- Framework for human rights in Russia:
  - at international level
  - at European level
  - at national level
- Main human rights violations
- EU support for human rights in Russia
- Position of the European Parliament

## Framework for human rights in Russia

### Russia and human rights at international level

*A mixed record on ratification of international human rights instruments*

Russia has ratified [11 of the 18 international human rights treaties](#) listed on the website of the United Nations Office of the High Commissioner for Human Rights. This puts it behind all other large European countries except for Belarus, although in this respect it still does better than the United States (five treaties). On a positive note, Article 15(4) of Russia's constitution enshrines these and other international treaties as an integral part of the country's legal system, and gives them primacy over national law.

### Russia and human rights at European level

*The role of the European Court of Human Rights in Russia is now in question*

In 1998, Russia became a party to the European Convention on Human Rights and thereby to the European Court of Human Rights (the Court, ECtHR) in Strasbourg. Since then, the ECtHR has played an important role in the country. Russian Supreme Court judges receive [training](#) on the Convention, and courts [often refer to ECtHR case law](#).

Russian victims of human rights can appeal to the ECtHR. [One in seven](#) ECtHR cases are from Russia, proportionate to the country's population; the Court has ruled against Russia in a significantly higher number of cases ([94%](#)) than the average for all countries in the Court's jurisdiction (84%).

The relationship between Russia and the Court has long been a [difficult](#) one. The Council of Europe periodically raises [concerns](#) about the country's failure to fully apply ECtHR judgments; Russian authorities usually comply with penalties (for example, paying compensation to complainants), but are much more reluctant to address the underlying issues, for example by amending the legislation or administrative procedures which gave rise to a complaint. Russian concerns about ECtHR interference with its sovereignty were raised in 2010 by the [Markin case](#) on parental leave for military fathers, in which the Court criticised the Russian Constitutional Court.

On that occasion, Russia eventually complied with the ECtHR judgment; however, in December 2015 a [new law](#) empowered its Constitutional Court to overturn ECtHR judgments. This was [applied for the first time](#) in April 2016, when an ECtHR ruling requiring Russia to review its ban on voting rights for prisoners was deemed unconstitutional; perhaps it will also enable Russia to avoid paying out a €2 billion compensation awarded to (former oil company) Yukos shareholders by a [2014 ECtHR judgment](#). Such selective

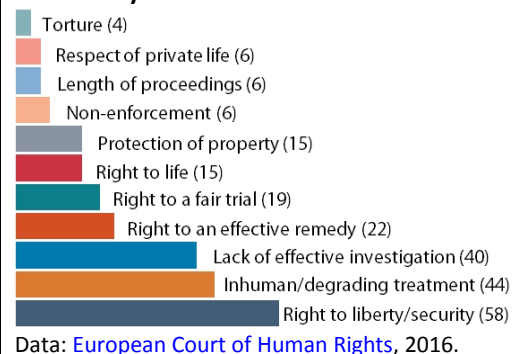
execution of ECtHR judgments will clearly limit the Court's capacity to uphold human rights in Russia.

### The human rights environment in Russia at the national level

*Human rights are guaranteed by the constitution*

As well as referring to international human rights standards, the [Russian constitution](#) directly guarantees numerous rights, such as the right to equality, human dignity, privacy, freedom of speech, association and peaceful assembly, and private property.

**Human rights violations by Russia in cases ruled on by the ECtHR in 2015**



## EPRS Human rights in Russia: No light at the end of the tunnel

### *State human rights institutions — well-meaning but ineffectual*

Russia has a [Presidential Council for Civil Society and Human Rights](#), and [similar institutions](#) at the regional level. The Presidential Council includes some respected figures, such as veteran human rights activist [Lyudmila Alexeyeva](#), and it has not shied away from criticising repressive new legislation such as the [anti-terrorism package](#) adopted in June 2016, which it [denounced](#) as 'unconstitutional'.

However, these bodies only have an advisory role and their influence is limited. The Kremlin sometimes follows Presidential Council recommendations on less politicised issues such as [prison reform](#), but has ignored its criticisms of the laws on 'foreign agent' NGOs and 'gay propaganda', described in greater detail below. Frustrated with their lack of influence, several Council members [resigned](#) after Putin became president again in 2012.

There is also a [human rights ombudsman](#). The suitability of Tatyana Moskalkova, appointed to this role in April 2016, has been [questioned](#); unlike her predecessors, she has no background in human rights activism, having worked instead as a senior police officer before joining the Russian Parliament as a member of the pro-Kremlin Just Russia party. On her appointment, Moskalkova [dismissed](#) Western criticisms of Russia's human rights record as attempts to blackmail and destabilise the country.

### *Non-governmental organisations under fire*

Russian NGOs in the field of human rights include [Memorial](#), co-founded by former Soviet dissident Andrei Sakharov, the [Moscow Helsinki Group](#), which also dates back to Soviet times, and the [Sova Center](#). Such NGOs have come under increasing pressure from new legislation: a [2012 law](#) requires organisations engaged in vaguely defined 'political activity' and supported by foreign funding to register as 'foreign agents'.

Russian NGOs now face a difficult choice. They can register, as in the case of Memorial's Human Rights Centre and over [130 other NGOs](#), knowing that their 'foreign agent' status with its connotations of espionage and treason will alienate support; they can close down, as in the case of Memorial's Anti-Discrimination Centre; or they can forego foreign funding, as in the case of most groups in the rest of the Memorial network and the other two human rights NGOs listed above. The latter option is not an easy one, given the [scarcity of domestic funding](#) — for example, corporate donors are unwilling to give money to organisations which are critical of the Kremlin.

[Further legislation](#) adopted in 2015 has banned 12 foreign NGOs from operating in Russia altogether; these include the Soros Foundation and Freedom House.

### *Human rights in general increasingly curtailed by repressive new legislation*

Not only NGOs but human rights in general have been targeted by repressive new legislation, much of it adopted in a frenzy of legislative activity during the [sixth \(2011-2016\) term of office of the State Duma](#) (lower house of parliament). Heavy fines and lengthy prison sentences now apply to offences such as: participating in unauthorised protests; promoting 'non-traditional sexual relations'; 'offending the feelings of religious believers'; 'promoting extremism'; and 'threatening Russian territorial integrity'.

### *Many Russians see human rights activism as anti-Russian*

Not only the Kremlin but also [many Russians see](#) human rights activism as a Western tool for destabilising Russia — a view that legislation on foreign agent NGOs only reinforces. Meanwhile, Patriarch Kirill, leader of the Russian Orthodox Church, has even

[claimed](#) that certain human rights are 'heresy' and 'contradict God's word'. Such attitudes make it difficult for human rights activists to attract mainstream support.

### Main human rights violations

The following are some of the main areas in which human rights violations occurred.

#### Dignity and right to life

*Extrajudicial killings are still common, especially in North Caucasus*

Russia's moratorium on capital punishment (see box) does not mean that the right to life is guaranteed. High-profile killings include that of opposition leader Boris Nemtsov – allegedly carried out by [Chechens with possible links](#) to Chechen leader and Putin ally Ramzan Kadyrov. There have also been many less publicised cases, typically from the North Caucasus region, where victims (often suspected insurgents) were abducted by unknown assailants. Witnesses at ECtHR hearings claimed the latter were state agents, on the basis of [evidence](#) such as their ability to pass through police checkpoints unhindered. The police are also accused of failing to investigate such cases properly.

*Widespread inhuman treatment, torture and death in prison and police custody*

In 2009, [Sergei Magnitsky](#), an accountant who claimed to have uncovered tax fraud by high-ranking officials, died in prison. His case is typical of [many others](#). According to Mediazona [website](#), there were 197 deaths in police custody in 2015, including 109 from a 'sudden deterioration in health conditions' and 62 suicides; taking into account police cover-ups, the real number may be even higher. In cases brought to the ECtHR, survivors of police brutality [claim](#) to have been beaten, subjected to electric shocks and denied access to medical treatment.

*Official statements encourage violence against regime critics*

President Vladimir Putin's [denunciation](#) of regime critics as traitors and 'fifth columnists' and [thinly veiled threats](#) by Ramzan Kadyrov create an atmosphere of fear and encourage attacks by pro-Kremlin thugs. Six opposition activists in a group including Alexei Navalny were injured in an [assault by a group of Cossacks](#). Human rights activists have also been targeted: in December 2014, shortly after Kadyrov accused the Committee Against Torture NGO of collaborating with Western intelligence services, its offices were [set on fire](#); a few months later, the organisation's headquarters were trashed by a mob. During a March 2016 tour of the North Caucasus, there was a [third attack](#) on the group's activists and accompanying journalists; masked men assaulted them and set their bus on fire.

#### Freedom and citizens' rights.

*Freedom of expression in the media is severely curtailed*

Recent years have seen a severe clampdown on media freedom of expression. A [2014 law](#) limiting foreign investors to a 20% stake in Russian media companies will result in even more outlets coming under the control of the state and pro-Kremlin oligarchs; the few remaining genuinely independent outlets face an increasingly difficult operating environment. For example, Moscow-based

#### Capital punishment in Russia

Russia's constitution (Article 20(2)) and its criminal code allow for capital punishment. However, its application was suspended in 1996 (to meet the conditions for Russia to accede to the Council of Europe). A majority of Russians still believe that the death penalty should be re-introduced (60% according to a [2015 poll](#), compared to 80% 14 years earlier); the populist LDPR opposition party [periodically proposes legislation](#) restoring it for crimes such as terrorism, but these proposals have not been backed by the parliamentary majority.

## EPRS Human rights in Russia: No light at the end of the tunnel

Dozhd TV was dropped by most advertisers and cable providers after it conducted a [provocative poll](#) on the siege of Leningrad during the Second World War. Others have come under [Kremlin pressure](#): editors from the highly respected RBC media group recently became the latest journalists to [lose their jobs](#) this way, not long after RBC coverage of the Panama Papers scandal exposed the involvement of persons closely linked to the regime.

The authorities have also used anti-extremism and similar legislation to muzzle the media. In 2016 the Federal Security Service (FSB) [launched an investigation](#) against Ekho Moskvyy radio station; potentially, journalists face criminal charges of 'violating Russia's territorial integrity' and 'inciting hatred on the basis of ethnic origin' for an article which described Chechnya as a political time bomb and suggested it should secede from the Russian Federation. Media repression is reflected in Russia's low ranking in the Reporters Without Borders' [Press Freedom Index](#): 148th out of 180 countries.

### *Clampdown on social media*

Such restrictions affect not only journalists, but also members of the public posting on social media. According to [Sova Centre](#), the number of persons convicted under anti-extremism legislation has tripled over the last five years to 232, most of them in relation to online comments. In 2015, [43 prison sentences](#) were handed down for online comments, mainly for extremism, but also for inciting ethnic hatred, public disorder and terrorism.

In 2016 came the [first conviction](#) for 'disseminating lies about Soviet activity during the Second World War', with a fine of RUB 200 000 (€3 000), merely for sharing an article about the country's joint attack on Poland with Nazi Germany. Meanwhile, under a blasphemy law adopted in 2013 after punk group Pussy Riot's performance in a Moscow cathedral, one man faces a year in jail for [denying the existence of God](#), while another could be sentenced to up to five years for [playing Pokemon Go in church](#).

### *Right to protest: unauthorised rallies are discouraged*

[New laws](#) adopted in 2012 and 2014 (following the Maidan protests in Kyiv) have introduced tougher penalties for unauthorised rallies. Another potentially repressive measure is the creation of a new [National Guard](#) in April 2016 to 'fight terrorism'. According to [Yabloko](#) opposition party, the new body could be used to crack down on legitimate protests, for example after the September 2016 parliamentary elections.

### *Right to property: private assets at risk of seizure or destruction*

The cases of oil companies Yukos and [Bashneft](#), in which lucrative private assets were plundered by the Kremlin on the pretext of alleged tax and money laundering offences, are examples of a wider culture of expropriation, in which businessmen enjoy only [nominal ownership](#) of assets. Some 44% of entrepreneurs responding to one [survey](#) felt that the Russian legal system gave them no protection from government attack, and a further 24% claimed that 'it only helps them rob us of our businesses'. Similar concerns have been raised by former [Crimean owners](#) of assets ranging from banks to film studios seized after Russia's annexation of the peninsula, and by residents of North Caucasus, whose houses were [destroyed](#) in counter-terrorism operations.

### *Right to privacy: new legislation gives security forces access to private data*

Repressive [anti-terrorism legislation](#) adopted in June 2016 could threaten the right to privacy. Telecom companies will have to store records of all calls and text messages for



six months, and metadata for three years. They will also be required to help the FSB decode encrypted messages.

### Justice

Opponents of the regime have been convicted under trumped up charges — for example, opposition activist Alexei Navalny is serving a [suspended sentence](#) for embezzlement and he now faces possible [libel charges](#). Memorial Human Rights Centre [estimates](#) that there are at least 87 political prisoners in the country.

However, Russia's dysfunctional justice system has resulted in human rights abuses on a much wider scale, not only in politically motivated trials. In criminal cases, defendants are held in crowded and unhygienic pre-trial [detention centres](#) for years before their case is heard — sometimes for longer than the maximum sentence which their offence carries. Furthermore, defendants are systematically confined to metal cages when they appear in court — a practice which undermines the presumption of innocence and [violates the ban](#) on degrading treatment in the European Convention on Human Rights.

An April 2014 [UN report](#) on the independence of Russian judges and lawyers found that judges were under strong pressure from authorities to find defendants guilty, just 1% of whom are acquitted in judge-only trials (juries which try certain limited types of severe crimes were apparently less susceptible to political pressure, with acquittal rates of 20%). Low acquittal rates also reflect an imbalance between prosecution and defence, with defence lawyers frequently complaining of problems in accessing evidence and seeing their clients in private. In the 2015 [Rule of Law Index](#) compiled by US-based NGO World Justice Project, Russia came 75th out of 102 countries, with a particularly low score in criminal justice.

### Equality

#### *Violence and discrimination against ethnic minorities and migrants*

There is widespread hostility towards persons of non-Slavic appearance – whether from the Russian Caucasus or neighbouring central Asian countries. According to a 2013 [survey](#), over a quarter of Russians would strongly object to having a neighbour or colleague from either of these groups. However, despite this hostility, the number of xenophobic attacks has fallen substantially since the mid-2000s – in 2015, there were only 38 [ethnically motivated attacks](#), three times less than in 2014. Sova Center partially explains this positive trend by a crackdown on far-right activists.

Particularly difficult is the situation of central Asian migrants working illegally in Russia – as many as 8.5 million of them, according to one [estimate](#). Such migrants face abusive employment conditions, for example on the [Sochi Olympics](#) construction site, where many were forced to work over 70 hours a week and were cheated out of their wages. Another vulnerable group are the over 110 000 [stateless persons](#) living in Russia – some of them Roma, [denied registration](#) by the authorities in breach of their right to Russian nationality as permanent residents of Russia with former Soviet citizenship.

#### *'Anti-gay propaganda' law exacerbates pre-existing widespread homophobia*

The above-mentioned 2013 [survey](#) shows that Russians are even more hostile towards LGBT persons than to foreigners – over half would be unhappy to live next door to or work with one. Such attitudes are reinforced by a 2013 ['anti-gay propaganda' law](#), banning promotion of 'non-traditional sexual relationships' among minors; the law has been used to crack down on LGBT activism in general, not only that targeted at minors. Gay pride marches had already been [banned](#) by Moscow city authorities for several

years, and the new law makes it even more unlikely that such events will take place in the future. Although this legislation does not criminalise homosexuality, it appears to have encouraged a rise in [anti-LGBT violence](#), which in many cases [goes unpunished](#) by the authorities. Several LGBT teachers have also been pressured to [give up their jobs](#).

### *A mixed record on gender equality*

Russia has a mixed record in the field of gender equality – female labour market participation has traditionally been high, and an impressive [38% of management positions](#) are held by women, compared to an average [21% in the EU-28](#). Russian women are also better educated (85% in tertiary education, compared to 68% of men). However, in spite of all this, they earn 39% less than their male counterparts ([EU-28: 16%](#)), and are more likely to work in low-skilled and precarious positions. Employers often refuse to recruit women for fear of having to finance generous [maternity benefits](#), and some openly flout anti-discrimination legislation by [advertising for men](#).

The Russian criminal code does not specify domestic abuse as a crime, and there are no official statistics on the subject. However, estimates point to widespread violence against women, with [14 000 killed](#) by husbands and partners every year. Many cases are [dismissed](#) by the police as a family matter or referred to civil courts.

### *Smaller religions face harassment*

Unlike in Soviet times, most Orthodox Christians, Muslims and Jews practice their faith without serious harassment. However, authorities in some parts of Russia [refuse to register](#) smaller groups such as Jehovah's Witnesses, Scientologists and Orthodox splinter groups, making it illegal for them to operate, and some of their texts have been classified as extremist. Evangelising religions are affected by legislation adopted in July 2016, [banning](#) missionary activity outside officially recognised places of worship.

### **Human rights abuse hotspots in the North Caucasus and Crimea**

In Dagestan (North Caucasus), Russian security forces have been [accused](#) of human rights abuses in their operations against insurgents – for example, denying suspects access to legal representation, destroying houses without offering compensation and carrying out mass round-ups. Authorities in neighbouring Chechnya were even more heavy-handed: in violation of Russian law, local ruler Ramzan Kadyrov ordered the relatives of jihadists to be expelled and their homes to be [razed to the ground](#).

Women's rights are also under threat in the region, with [reports](#) of abductions, forced marriages and honour killings, as well as [attacks](#) on women failing to comply with Islamic dress codes. In divorce cases, traditional legal practices often award custody of children and property to men.

Many human rights abuses have also been reported from [Crimea](#), under *de facto* Russian rule since March 2014. Members of the Crimean Tatar minority and Ukrainians have been particularly targeted: the Mejlis (an assembly which represents the Tatars) has been [banned](#) on the grounds of 'extremism', and Crimean TV Channel ATR has [closed down](#). Several Tatars and Ukrainians have been [abducted](#) following the annexation; some have been released, but others have been found dead with signs of violence and torture. Seven Tatars are [still reported missing](#), including two who disappeared recently. The police have not investigated these cases effectively. For nearly two years, these problems were exacerbated by the absence of international human rights observers on the peninsula; finally, in January 2016 a delegation from the Council of Europe was able to visit Crimea and [report](#) on the situation.

## EU support for human rights in Russia

In 1997, the EU and Russia concluded a [partnership and cooperation agreement](#); this is still the legal framework for EU-Russia relations today, even if implementation of most aspects [has been suspended](#) since Russia annexed Crimea. According to this agreement, both Russia and the EU are committed to supporting democracy and human rights.

In line with this commitment, 'human rights consultation' meetings between the EU and Russia were held every six months between 2005 and 2013. These were [criticised](#) by the International Federation for Human Rights as 'a mere diplomatic exercise' which did nothing to improve the human rights situation in Russia.

The EU still supports Russian human rights NGOs through its [European Instrument for Democracy and Human Rights](#) (EIDHR). In 2015, it disbursed [€2.2 million](#) to four NGOs. However, the impact is limited: since 2012, most NGOs have been discouraged from applying for EU grants by the above-mentioned ['foreign agents' law](#), which stigmatises Western-funded organisations; even before that, EIDHR funding had been [criticised](#) for excessive red tape, making it difficult for smaller Russian NGOs to participate.

For its part, directly or indirectly, Russia [supports pro-Kremlin NGOs](#) in EU countries, which among other things have denounced discrimination against Russian-speaking minorities in the Baltic States.

### Position of the European Parliament

Human rights abuses are a recurrent theme in European Parliament resolutions on Russia. During the Parliament's current term, it has so far adopted no fewer than seven resolutions specifically on this subject: two (in [February](#) and [May](#) 2016) on the situation of the Crimean Tatars; two (in [April](#) and [September](#) 2015) on the illegal detention of foreign nationals, including Ukrainian pilot Nadiya Savchenko; two on the harassment of opposition politicians ([case of Alexei Navalny](#), January 2015; [murder of Boris Nemtsov](#), March 2015); and one on the [closing down of Memorial NGO](#) (October 2015).

The European Parliament highlights the work of human rights defenders through its annual Sakharov Prize, named after former Soviet dissident Andrei Sakharov. In 1988, another Soviet dissident, [Anatoli Marchenko](#), posthumously became one of the first prize-winners, followed in 2009 by [Memorial network](#), co-founded by Sakharov.

## Disclaimer and Copyright

The content of this document is the sole responsibility of the author and any opinions expressed therein do not necessarily represent the official position of the European Parliament. It is addressed to the Members and staff of the EP for their parliamentary work. Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

© European Union, 2016.

Photo credits: © zatvorniknik / Fotolia.

[eprs@ep.europa.eu](mailto:eprs@ep.europa.eu)

<http://www.eprs.ep.parl.union.eu> (intranet)

<http://www.europarl.europa.eu/thinktank> (internet)

<http://epthinktank.eu> (blog)

