



Ассоциация «ГОЛОС» —
достоверно о выборах с 2000 года

CITIZENS' WATCH

RUSSIA

Submission to the UN Universal Periodic Review 16th Session of the UPR Working Group

Submitted 9 October 2012

**Joint Submission by CIVICUS: World Alliance for Citizen Participation,
NGO in General Consultative Status with ECOSOC**

and

Citizens' Watch

and

GOLOS Association

CONTACTS

CIVICUS: World Alliance for Citizen Participation

Mr David Kode, Email david.kode@civicus.org
Ms Renate Bloem, Email renate.bloem@gmail.com
Tel +27 11 833 5959
www.civicus.org

Citizens' Watch

Mr. Pustyntcev Boris Pavlovich, Email: citwatchspb@gmail.com

GOLOS ASSOCIATION

Ms Lilia Shibanova, Email: lilia.shibanova@gmail.com

1. (A) Introduction

- 1.1 CIVICUS: World Alliance for Citizen Participation is an international movement of civil society with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action and civil society throughout the world, especially in areas where participatory democracy and citizens' freedom of association are threatened.
- 1.2 Citizens' Watch is a human rights NGO created in 1992 by a group of Russian human rights activists, lawyers, journalists and deputies to the Russian Parliament and the Saint Petersburg City Council. The goal of Citizens Watch is to assist in establishing parliamentary and civil control over police, security services and armed forces to help prevent violations of constitutional rights by these government agencies.
- 1.3 GOLOS Association is an independent association which was established in the year 2000 with the objective of protecting the electoral rights of citizens and promote civil society in Russia. GOLOS Association has independently monitored elections in Russia over the years.
- 1.4 In this document, CIVICUS, Citizens' Watch and GOLOS Association outline urgent concerns related to the stifling of freedom of association, assembly and expression through the adoption of several draconian laws by the Russian Parliament which seriously restricts the activities of civil society groups and makes them vulnerable to persecution by the State authorities.
- 1.5 CIVICUS, Citizens' Watch and GOLOS Association express serious concerns about the increasingly volatile environment in which civil society, human rights activists and minority rights groups operate in Russia which has resulted in the abuse, intimidation, harassment, assault and the assassination of human rights defenders.
- 1.6 We are alarmed by the actions of Russian law makers who have given police and other government representatives discretionary powers to prosecute and fine representatives of civil society organisations and activists by charging them with libel and treason using broad discriminatory legislation.
 - In section B, CIVICUS, Citizens' Watch and GOLOS Association highlight concerns over threats to civil society groups and suppression of the freedom of association;
 - In Section C, CIVICUS, Citizens' Watch and GOLOS Association highlight concerns regarding threats to freedom of assembly;
 - In Section D, CIVICUS, Citizens' Watch and GOLOS Association highlight concerns over threats to freedom of expression and access to information;

- In Section E CIVICUS, Citizens' Watch and GOLOS Association highlight concerns over the intimidation and harassment of human rights defenders and civil society activists;
- In Section F CIVICUS, Citizens' Watch and GOLOS Association make a number of recommendations to address the concerns listed.

2. (B) Concerns over threats to civil society groups and suppression of freedom of association

2.1 Article 30 of the Russian constitution provides for the right to associate and upholds the right for peaceful participation in public associations. Freedom of Association is also enshrined in Article 22 of the International Covenant on Civil and Political Rights (ICCPR), which Russia has duly ratified.

2.2 Nevertheless, Russian authorities have hurried through a spate of restrictive laws since the start of 2012, which are severely constraining the work of civil society organisations and impeding the exercise of the right to associate freely and peacefully. On 21 September 2012, the Kremlin endorsed the first reading of a new bill that would broaden the definition of treason. The bill which introduces amendments to current legislation will go through two other readings and if passed into law as expected, it would expand the definition of treason to include financial, technical or consultative assistance to another state or organisation that would infringe on Russia's "constitutional order, sovereignty or territorial integrity." Worryingly, if the law comes into force, it will provide the Russian authorities and especially the Federal Security Service (FSB) with sweeping powers to monitor the activities of civil society organisations using overt and covert means. Those who are found guilty of violating this law might face up to 20 years in prison for treason. This could seriously impact the independence of the civil society sector in Russia.

2.3 Unfortunately, the Russian Parliament has endorsed a number of controversial –laws in 2012 which have far reaching ramifications for freedom of association in the country. Of particular concern is the law "Introducing Amendments to Legislative Acts of the Russian Federation in Part Regulating Activities of Non-Commercial Organisations, which Carry Functions of Foreign Agents" and requires internationally funded CSOs to label themselves as "foreign agents" if they are engaged in "political activities." The term "political activities" is loosely defined in the law to cover the kind of advocacy activities many civil society groups undertake. In addition to making internationally supported CSOs more vulnerable to the risk of being discredited as "anti-Russian agents" in the eyes of the public at large, the law which has Cold War-era connotations also subjects them to increased and unwarranted official oversight and onerous auditing requirements.

2.4 The adoption of restrictive legislation has been followed by government actions to further curtail the activities of civil society by restricting support and funding to local NGOs. On 18 September 2012, Russia's foreign Ministry announced that the United States Agency for International Development (USAID) will cease operations in the country as of 1 October 2012. The move to close down the offices of USAID, which has been present in the country since 1992, has occurred within the context of a broad crackdown on civil society and Non-Governmental Organisations (NGOs) in the country. This action represents a massive blow for advocacy NGOs and engaged citizens who depend on assistance from international organisations to carry out their work as local businesses tend to shy away from supporting activities related to the promotion of human rights and good governance for fear of annoying the government. Recipients of USAID assistance include the submitting NGO GOLOS Association, which focuses on the protection of electoral rights, and the renowned and respected human rights group Memorial, which have been under the routine surveillance by security agencies for criticising official policies.

2.5. Despite the constitutional prohibition on discrimination, the work of civil society organisations working to protect the rights of sexual minorities remains particularly imperilled in Russia. In February 2012 the Legislative Assembly of St Petersburg approved a bill in its third reading banning any moves favouring LGBT activities. On 12 April 2012, LGBT activist Nikolai Alexejev was arrested after a solo demonstration in St Petersburg and accused of advancing homosexual propaganda. He was fined 500 rubles on 4 May 2012.

3. (C) Concerns regarding threats to freedom of assembly

3.1 Article 31 of the Russian Constitution guarantees freedom of assembly and in particular highlights "the right to assemble freely without weapons, hold rallies, mass meetings and demonstrations, marches and pickets." Freedom of peaceful assembly is also protected under Article 21 of the ICCPR, which Russia has duly ratified. Nevertheless, restrictions on the right to assemble freely both in law and practice are fast becoming part of a disturbing trend to limit civil and political freedoms in Russia. Additionally, impunity and use of disproportionate force to disperse peaceful demonstrations by security forces remains a major area of concern.

3.2 In June 2012, regressive legislation to limit freedom of assembly was pushed through Parliament in an effort to halt anti-government protests. The government sanctioned exorbitant increases to existing penalties for violating rules on participation in and organisation of public protests in Russia. Fine limits for breaching conditions on holding public assemblies were increased by 150 times for individuals and 300 times for organisations to send a chilling message to protestors. The new maximum penalty for participation in a protest that is not in accordance with government regulations is up to 300,000 rubles (approximately

US 9,000) for individuals and up to 1 million rubles (approximately US\$ 32,000) for organisations.

3.3 Law enforcement agencies have particularly targeted protestors denouncing President Vladimir Putin's return to the Presidency in May 2012. Reportedly, a strategy of selectively authorising protests and limiting the number of protesters for each demonstration has been adopted. Use of excessive force against anti-government protestors remains endemic. On 6 May 2012, police clashed with protestors expressing discontent about the assumption of the presidency by President Putin for an unprecedented third term. Over 400 protestors including anti-corruption activist Aleksey Navalny were arrested and approximately 80 were injured. Aleksey was re-arrested while taking part in other protests organised on 8 and 9 May and handed an administrative sentence of 15 days for disobeying police directives.

3.4 Furthermore, three members of the feminist punk group Pussy Riot band who performed an anti-President Putin protest action in Moscow's main cathedral were handed harsh sentences of two years imprisonment on charges of "hooliganism" which the presiding judge described as being motivated by religious hatred. The circumstances of the trial and subsequent verdict in Pussy Riot's case smack of political prosecution and a systematic attempt to clamp down on dissent.

3.5 In the first week of December 2011 strong arm tactics were employed against protestors demonstrating against electoral irregularities after the 4 December parliamentary elections which were won by Mr Vladimir Putin's United Russia Party. The demonstrations led calls for an annulment of the result. Specifically on 5 and 6 December, more than one thousand protestors and human rights activists were arrested during demonstrations and while some were released almost immediately, others were tried and handed fines and administrative sentences of 15 days and still, others were detained for longer periods.

4. (C) Concerns regarding freedom of expression and access to information

4.1 Article 29 of the Russian constitution guarantees freedom of thought and speech. Freedom of expression and information are also guaranteed through Article 19 of the ICCPR which Russia duly ratified.

4.2 Despite the guarantee of these freedoms, there remain serious concerns in Russia regarding online freedoms. Online platforms were successfully utilised to organise demonstrations late in 2011 and early in 2012 denouncing electoral malpractices and the election of Vladimir Putin for another term as President. The government has reacted by imposing legislation that aims to restrict online freedoms and claimed that this was necessary to prevent extremist content and information harmful to society, such as details on making or using narcotic drugs and methods of suicide.

4.3 On 30 July 2012, President Vladimir Putin assented to changes in the law on “information, information technologies and information protection” which mandates the creation of a blacklist or registry of websites that contain information that is prohibited by legislation or court order. The government claims that the law is aimed at preventing publication of content promoting extremism and other forms of abuse but civil society groups fear that the interpretation of this law will be used to target dissenting views.

4.4 Moreover, smear campaigns have been used to target bloggers who focus on sensitive issues like corruption and human rights violations and the authorities have on several occasions made public the private mailboxes of online bloggers and activists. In 2011 for example, the private mailboxes of anti-corruption activist Alexey Navalny were published on a public website. Other tactics used by the Russian authorities to restrict online freedoms include shutting down websites, arrest and intimidation of bloggers. In November 2011, anti-corruption blogger Vladimir Pronin was arrested and detained for blogs he published specifically referring to corruption in the police force in the city of Odintsovo. He was later released after his case was widely publicised through media outlets. Website owners have on several occasions received calls from the FSB asking them to remove specific content and this ultimately leads to self-censorship.

4.5 Moreover, Russian authorities have intensified their crackdown on online freedoms by imposing legislation which is clearly at variance with Article 29 of Russia’s constitution. On 13 July 2012, the lower house of Russia’s parliament approved a bill to make libel and slander a criminal offence. The criminalisation of slander and libel were voted by members of the lower house even though in December 2011 the previous government had reduced them from a criminal offence to mere administrative offences. The law is aimed at inhibiting media criticism of Russia’s leaders and under it, media houses can be fined up to 2 million rubles (approximately US\$ 61,000) for reproducing libellous statements.

5. (D) Concerns involving attacks, intimidation and harassment of human rights defenders and civil society activists

5.1 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection of human rights defenders. Our research shows that not only is the Russian government failing to protect civil society activists and human rights defenders but in some instances, government agents are directly responsible and complicit in their persecution.

5.2 On 7 July 2012, Igor Kalyapin, Chair of the Inter-Regional Committee Against Torture (IRCAT) was summoned by the country’s intelligence services apparently for his documentation work on violations of human rights and enforced disappearances in Chechnya. Officials alleged that Igor Kalyapin had made public confidential information in his publications. Igor had previously been

summoned on two other occasions in what amount to acts of intimidation aimed at preventing him from carrying out his human rights work.

5.3 On 5 April 2012, Elena Milashina, a journalist working for *Novaya Gazeta* newspaper which focuses on human rights issues was physically assaulted by unidentified men which left her bleeding. She also suffered from a broken tooth and concussion. Following the brutal assassination of human rights activist Natalya Estemirova in 2009, most human rights defenders and journalists halted their activities in the North Caucasus. Elena is one of the few journalists who continue to report on the situation in the region. These activists get little protection from the police and such attacks are not fully investigated leaving the perpetrators at large.

5.4 On 3 February 2012 Philipp Kostenko of the Anti-Discrimination Centre (ADC) Memorial and campaigner against discrimination and racism was physically assaulted by two unidentified individuals on his way to the ADC Memorial offices. Kostenko had taken part in demonstrations calling for an end to corruption and abuse by police and security and suffered a broken leg and brain concussion as a result of the vicious attack. Philipp was equally a victim of atrocious smear campaigns on 20 June 2012 as his pictures were pasted on major buildings in St. Petersburg in the same format as those published by police for criminals wanted by the authorities. The fictitious pictures had captions indicating that he was wanted for a crime committed on 19 June 2012. These are acts aimed at discrediting Philipp in the eyes of the Russian public and intimidate him.

5.5 On 12 January 2010, Anastasia Denisova, founder of ETHnICS, an organisation created to raise awareness on issues such as tolerance and non-discrimination was harassed and intimidated. She is also affiliated to the International Youth Human Rights Movement. Anastasia was interrogated by the Krasnodar police and told she was suspected of violating Russia's anti-piracy laws by using pirated software. The Police had on 11 January searched her apartment and confiscated her personal computer items. The investigations against her were stopped in April 2010 as it became evident that she had not committed any crime.

5.6 On 15 July 2009, human rights activist Natalya Estemirova who conducted research on human rights violations in Chechnya for the human rights organisation Memorial was abducted in Grozny and brutally assassinated. Her body was found later on the same day in Ingushetia with gunshot wounds. Before her death she had received several threats. She also came in for criticism from the President of Chechenya because of her activities as a human rights defender. The perpetrators of the act have not been brought to justice, three years after she was murdered and the environment for human rights defenders and civil society activists in Chechnya is increasingly dangerous and restrictive. In the immediate aftermath of her assassination, the office of the Human Rights

Centre “Memorial” in Grozny was closed temporarily and many human rights activists stopped reporting on human rights violations in Chechnya

6. (D) Recommendations to the Government of Russia

6.1 CIVICUS, Citizens’ Watch and GOLOS Association call on the Government of Russia to create an enabling environment for civil society to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights Defenders.

- The following minimum requirements in policy and practice for civil society to operate should be guaranteed: *freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state’s duty to protect.*

6.2 Regarding concerns over threats to civil society groups and suppression of freedom of association

- The bill which introduces amendments to Articles of the Criminal Code of the country and widens the definition of high treason should be amended and civil society and other affected parties should be consulted before it goes for a second hearing.
- The law “Introducing Amendments to Legislative Acts of the Russian Federation in Part Regulating Activities of Non-Commercial Organisations which carry Functions of Foreign Agents,” should be repealed as it sets a dangerous precedent and will subject NGOs to unwarranted interference from state authorities.
- Government officials should desist from smear campaigns against international NGOs operating in Russia and allow international agencies like USAID to continue their support for local organisations.
- Hate speech and violence promoted by the state media and government authorities should cease with immediate effect and tolerance promoted to ensure basic freedoms of minorities. Senior government officials should issue statements in support of civil society organisations to restore their confidence.
- LGBT activists should be protected by the law in line with international human rights standards. All impediments to applications for the registration of NGOs focusing on sexual minority rights should be removed.

6.3 Regarding concerns over freedom of assembly

- All three members of the Pussy Riot Band sentenced to two years in jail for exercising their fundamental rights of free expression should be released unconditionally and all charges against them dropped.
- Adequate protection should be accorded to those involved in peaceful protests in line with constitutional provisions aimed at promoting freedom of assembly.
- Law enforcement officials engaged in crowd control should be trained on the UN Basic Principles on the Use of Force and Firearms.
- Legislation sanctioning the imposition of huge fines to those deemed to have violated laws on participation should be repealed as this is in violation of international human rights norms and guarantees enshrined in the Russian constitution.

6.4 Regarding concerns over freedom of expression and access to information

- Attacks on human rights defenders, civil society activists and journalists should be properly and publicly condemned by senior government officials to ensure protection by law enforcement agencies.
- Unfettered access to online information resources should be allowed by removing all unwarranted restrictions on access to websites of civil society groups and media outlets.
- Laws on libel and slander should be amended.
- The government should desist from harassing and intimidating dissenters, online activists and bloggers.

6.5 Regarding concerns involving attacks, intimidation and harassment of human rights defenders and civil society activists

- Human rights activists and civil society members should be provided a safe and secure environment to carry out their work without fear of attacks. All instances of violations of their rights should be independently investigated and perpetrators be brought to justice.
- Smear campaigns against human rights defenders and civil society members should be publicly and unequivocally condemned by government authorities

- Adequate protection should be provided to human rights activists and representatives of minorities from state and non-state actors

6.6 Regarding Access to UN Special Procedures and Mandate Holders

- A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression and the Special Rapporteur on Freedom of Peaceful Assembly and Association.