



HELSINKI COMMISSION REPORT

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IN BRIEF

Human Rights and Democracy in Russia

The Russian Federation has adopted, by consensus, OSCE commitments relating to human rights and fundamental freedoms, free and fair elections, the rule of law, and independence of the judiciary.

Democracy, Rule of Law, Independence of the Judiciary, Free and Fair Elections

Although structured as a federation, Russia is a highly centralized authoritarian state. Vladimir Putin has ruled (as either prime minister or president) since 1999. Teenagers participating in the anti-corruption demonstrations in 2017—including those who will be first-time voters in Russia's 2018 presidential elections—have never known any other leader.

The judiciary and law enforcement are used in service of the regime and as tools of political repression. Official corruption is widespread. As a consequence, there is a climate of impunity for officials responsible for egregious human rights violations such as the torture and murder of corruption whistleblower lawyer Sergei Magnitsky, or the assassinations of opposition politician Boris Nemtsov, journalist Anna Politovskaya, or human rights activist Natalya Estimerova.

Russia has not had passably free or fair elections since 2000. The OSCE Election Observation Mission for the 2016 Duma elections concluded, "Democratic commitments continue to be challenged and the electoral environment was negatively affected by restrictions to fundamental

freedoms and political rights, firmly controlled media and a tightening grip on society."

On August 22, 2017, Russian authorities detained famed film and theater director Kirill Serebrennikov for allegedly misusing state funds. The highly publicized case is widely seen as punishment for his criticism of the government.

Principle VII Detainees (P-VII Detainees)

Principle VII of the 1975 Helsinki Final Act's ten Guiding Principles recognizes the right of individuals to know and act upon their human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, without distinction as to race, sex, language or religion.

Memorial, a Russian organization first established to report on the crimes of Stalinism, has tracked political prisoners in Russia for years. According to a list submitted by *Memorial* to the OSCE Human Dimension Implementation Meeting in 2016, there were at least 52 individuals imprisoned for political reasons at the time.

Russian political activist Vladimir Kara-Murza stated in testimony at a U.S. Helsinki Commission hearing in April 2017 that the number of political prisoners in Russia today rivals the number of political prisoners held by the entire Soviet Union during the worst days of the Cold War. As of September 2017, *Memorial* has identified 121 individuals detained for political or

religious reasons. The U.S. Commission on International Religious Freedom also tracks cases of individuals imprisoned in connection with their faith.

Freedom of the Media / Freedom of Expression

The Committee to Protect Journalists reports that 2016 was the worst year on record for Russia, with 259 journalists jailed. The government has increased legal restraints on journalists, and journalists who report on sensitive subjects—e.g., the situation in Ukraine and Syria, LGBT issues, the environment, elections, and the government in general—are at risk of persecution, violent attacks, and murder].

Journalists in Russia have been assassinated and beaten with impunity. Journalist Nikolai Andrushchenko, who reported on corruption in St. Petersburg, died on April 19, 2017 after he was beaten into a coma outside his office on March 9. Editor Dmitri Popkov was shot five times at a bathhouse in Minusinsk, near Krasnoyarsk, on the evening of May 23-24, 2017. His colleagues believe that his death was a result of his work on corruption at the newspaper *Ton-M*.

Threats have also been leveled against Elena Milashina and Irina Gordienko, the two journalists for *Novaya Gazeta* who first reported on the mass arrest, beatings, and murders of gay men in Chechnya at the beginning of this year.

Freedom of Association

Russia continues to systematically repress independent associations. It has designated 141 organizations so-called “foreign agents,” without evidence that any of these organizations take direction from foreign principals or otherwise act as their agents.

The Russian Ministry of Justice has determined that criticism of the “foreign agents” law qualifies as political activity under the “foreign agents” law. Notable victims of that law include GOLOS Association, Russia's only independent

election monitoring organization; the Levada Center, Russia's only independent polling agency; and *Memorial*, one of Russia's oldest organizations dedicated to preventing a return to authoritarianism.

Freedom of Assembly

Russia uses a variety of legal measures to prevent demonstrations and punish those who protest against the government. Following the election fraud that marred the 2011 presidential elections, mass protests—known as the Bolotnaya Square protests—triggered retaliation that has continued for years. Subsequent repression of participants, as well as civil society and journalists, suggest that the government has been determined to prevent similar mass anti-government demonstrations from occurring.

In 2014, the government's post-Bolotnaya Square fears led it to introduce new measures to prevent dissent. A new provision in the criminal code, Article 212.1, acts as a repression multiplier. Any individual who participates in three un-sanctioned protests within a six-month period may be charged with a new crime: repeated violations of the rules on conducting public acts. In effect, this punishes offenders twice for the same acts.

The first person prosecuted under the law was Ildar Dadin, who had carried a sign saying “yesterday – Kiev, tomorrow – Moscow.” In targeting him, the regime was targeting the message that it fears the most. Jailed in 2015, Dadin was finally released in February.

Nevertheless, in late March 2017, thousands of Russians held anti-corruption demonstrations in 99 cities across 11 time zones. Most of these protests lacked official prior approval and, taken together, were the largest demonstrations in five years. Hundreds were arrested, including opposition politician Alexei Navalny.

Anti-corruption protests were held again in June 2017 in cities across Russia. Led by

Navlany, thousands of Russians participated in the demonstrations, with particularly significant youth turnout.

Authorities detained 650 people in the Moscow protest after it moved towards Tverskaya Street with an estimated turnout of 5,000. Three hundred and fifty people were detained at a similar protest in Saint Petersburg, which had reports estimating its attendance ranging from 3,500 people, according to the Russian Interior Ministry, to 10,000, reported by the Associated Press. As part of the crackdown on protesters, Navalny was sentenced to 30 days in prison.

In August 2017, Russian far-right activists from the group “Straight Edge” attacked members of an LGBT rights group in Saint Petersburg, leading to the injury of 15 participants. In response, the City of Saint Petersburg removed the Mars Field from its list of “Hyde Park” areas of free speech and assembly, leaving only four such areas in the city.

Freedom of Religion

In 2016, Russia introduced a series of amendments known as the “Yarovaya package,” named after a Russian lawmaker. Nominally intended as counter-terrorism measures introduced after the 2015 downing of a Russian airline in Egypt, the laws have been used against opponents of the government’s actions in Ukraine and to punish disfavored religious activity.

In April, the Russian Supreme Court upheld a Ministry of Justice decision, based on the Yarovaya package, to ban the estimated 170,000-member Jehovah’s Witnesses as “extremist.” It is the first time that Russia has banned and sought to liquidate a religious organization on the national level. The pacifist group, which had been persecuted by the Soviet Union, was placed on the Ministry of Justice’s list of “extremist” organizations on August 17, 2017. This may be a precursor to the confiscation of their property, in accordance with the Supreme Court’s decision.

Chechnya

In early 2017, reports surfaced that more than 100 men in Chechnya—targeted for being gay—were detained by authorities, beaten, tortured, and some killed. Chechen authorities denied the reports, arguing that there are no gay men in Chechnya and, if there were, their families would kill them.

Ramzan Kadyrov, who was placed into the Chechen presidency by Vladimir Putin in 2007, runs Chechnya as a state within a state. Kadyrov’s rule has been marked by the assassination of his critics, forced disappearances, abductions, and attacks on human rights activists and journalists, including Natalia Estemirova and Anna Politkovskaya. In addition to the extrajudicial killings of gay men, Novaya Gazeta reported in July 2017 that 27 other individuals were reportedly executed without trial in January.

Kadyrov has additionally used his authority to advance his own self-serving brand of religious extremism. He has tolerated honor killings, forced women from senior government positions, and required women and girls to wear headscarves in public buildings. Most recently, he compelled 948 separated or divorced couples to reunite, due to his belief that the large majority of crimes are committed by those who had grown up in “incomplete families.”

Russian Ban on American Adoptions

In December 2012, the Russian government abruptly ended adoptions of Russian children by U.S. families, leaving more than 1,000 children and their adoptive families in limbo.

The adoption ban came immediately after the passage of a U.S. law sanctioning Russian officials linked to the death of whistleblower-lawyer Sergei Magnitsky, and was widely perceived as retaliation for the legislation. At the same time, several cases of abuse and neglect—sometimes resulting in death—of Russian children at the hands of their American adoptive parents had surfaced, and an increasingly na-

tionalistic Russia had begun to view the adoption by foreigners of Russian children from orphanages as an embarrassment.

In January 2017, the European Court on Human Rights held that the ban was discriminatory.

Key OSCE Commitments, Adopted by Consensus

Russia has explicitly agreed that human rights and democracy concerns are part of legitimate international discussion and are *not* exclusively the internal affair of OSCE participating States. Intervention is a violation of one of the Guiding Principles of the Helsinki Final Act.

The Non-Intervention Principle *Invading Your Neighbors: Not OK*

The principle against non-intervention adopted in the 1975 Helsinki Final Act was a rejection of acts such as the 1956 intervention of Hungary or the 1968 Soviet intervention in Czechoslovakia:

VI. Non-intervention in internal affairs

The participating States will refrain from any intervention, direct or indirect, individual or collective, in the internal or external affairs falling within the domestic jurisdiction of another participating State, regardless of their mutual relations.

They will accordingly refrain from any form of armed intervention or threat of such intervention against another participating State.

They will likewise in all circumstances refrain from any other act of military, or of political, economic or other coercion designed to subordinate to their own interest the exercise by another participating State of the rights inherent in its sovereignty and thus to secure advantages of any kind.

Accordingly, they will, inter alia, refrain from direct or indirect assistance to terrorist activities, or to subversive or other activities directed towards the violent overthrow of the regime of another participating State.

The Moscow Document *Talking about Human Rights Issues: OK*

In the 1991 Moscow Document, the participating States explicitly agreed that raising and discussing human rights concerns did not constitute interference in internal affairs:

The participating States emphasize that issues relating to human rights, fundamental freedoms, democracy and the rule of law are of international concern, as respect for these rights and freedoms constitutes one of the foundations of the international order.

They categorically and irrevocably declare that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned.

They express their determination to fulfil all of their human dimension commitments and to resolve by peaceful means any related issue, individually and collectively, on the basis of mutual respect and co-operation. In this context they recognize that the active involvement of persons, groups, organizations and institutions is essential to ensure continuing progress in this direction.

About the Helsinki Commission

The Commission on Security and Cooperation in Europe, also known as the U.S. Helsinki Commission, is an independent agency of the Federal Government charged with monitoring compliance with the Helsinki Accords and advancing comprehensive security through promotion of human rights, democracy, and economic, environmental and military cooperation in 57 countries. The Commission consists of nine members from the U.S. Senate, nine from the House of Representatives, and one member each from the Departments of State, Defense, and Commerce.

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