

# RUSSIA

## EXECUTIVE SUMMARY

The Russian Federation has a centralized political system, with power highly concentrated in a president and a prime minister, a weak multiparty political system dominated by the ruling United Russia party, and a bicameral legislature (Federal Assembly). The Federal Assembly consists of a lower house (State Duma) and an upper house (Federation Council). Security forces generally reported to civilian authorities; however, in some areas of the Northern Caucasus, there were serious problems with civilian control of security forces.

The most significant human rights problems during the year involved:

1. **Violations of Democratic Processes:** Parliamentary elections were held in December; domestic and international observers described these elections as marked by government interference, manipulation, electoral irregularities, and restrictions on the ability of opposition parties to organize, register candidates for public office, access the media, or conduct political campaigns.
2. **Administration of Justice and Rule of Law:** Individuals who threatened powerful state or business interests were subjected to political prosecution, as well as to harsh conditions of detention. The conditions of prisons constituted a major violation of the human rights of many prisoners, who were subjected to poor medical care, lack of basic human needs, and abuse by prison officials. These conditions at times resulted in death. The government did not take adequate steps to prosecute or punish most officials who committed abuses, resulting in a climate of impunity. Rule of law was particularly deficient in the North Caucasus, where the conflict between the government and insurgents, Islamist militants, and criminal forces led to numerous human rights abuses by security forces and insurgents, who reportedly engaged in killing, torture, physical abuse, and politically motivated abductions. In addition the government of Ramzan Kadyrov in Chechnya continued to violate fundamental freedoms, engage in collective retribution against families of suspected militants, and foster an overall atmosphere of fear and intimidation.
3. **Freedom of Expression:** While there was free expression on the Internet and in some print and electronic media, self-censorship and the government's

ownership of and pressure on some print and most broadcast media outlets limited political discourse. Some journalists and activists who publicly criticized or challenged the government or well-connected business interests were subject to physical attack, harassment, increased scrutiny from government regulatory agencies, politically motivated prosecutions, and other forms of pressure. Attacks on and killings of journalists and activists occurred, and a number of high-profile cases from previous years remained unsolved. During the December Duma elections, Web sites that published reports of electoral fraud were disabled by distributed denial of service (DDoS) attacks.

Other problems observed during the year included physical abuse of conscripts by military officers; restrictions on the right to free assembly; widespread corruption at all levels of government and law enforcement; violence against women and children; trafficking in persons; xenophobic attacks and hate crimes; societal discrimination, harassment, and attacks on religious and ethnic minorities and immigrants; societal and official intimidation of civil society and labor activists; discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons; limitations on the rights of workers..

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

In the North Caucasus, there were numerous extrajudicial killings carried out by both authorities and local militants (see section 1.g.).

On October 13, Colonel Boris Khubiyev, deputy department head of the Military Prosecutor General's Office, reported nine deaths as a direct result of military hazing. The nongovernmental organization (NGO) Committee of Soldiers' Mothers believed that the vast majority of cases went unreported and contended that the actual number could be 10 to 12 times higher.

As of October, 119 soldiers had committed suicide, many as a result of hazing. On August 23, a young recruit shot himself in the head in Volgograd Oblast. He left a letter explaining that he could no longer endure the threats and taunts of his commanding officer.

On September 3, Private Aiderkhanov from a Tatar-Bashkir village in Chelyabinsk Oblast was found dead after reportedly hanging himself. The body of Aiderkhanov

showed significant injuries, including missing teeth, a broken leg, a knife wound to the chest, and cigarette burns. Residents from Aiderkhanov's village drafted a petition to the Ministry of Defense declaring that they would not allow their sons to be drafted into the army until those responsible for Aiderkhanov's death were brought to justice. On October 27, according to online news source News.ru, the director of the Research Institute of Forensics, Alexander Vlasov, concluded that the trauma on Aiderkhanov's body was inflicted while he was still alive. In October the Ministry of Defense opened an investigation.

Several journalists, including Garun Kurbanov, Yakhya Magomedov, and Khazimurad Kamalov, were killed during the year for reasons apparently related to their professional activities (see section 2.a.).

Prison officials and police subjected inmates and suspects in custody to acts of torture or neglect that occasionally resulted in death. On November 9, it was reported that Deputy Director of the Federal Penitentiary Service (FSIN) Alexey Velichko stated that 258 people died in jail in the first nine months of the year. In 2011, according to the Civil Commission for Relations with the Justice System, approximately 50 people died in pretrial detention from various causes, while the FSIN reported that 44 people died in Moscow pretrial detention centers, compared with 64 in 2010.

In March Chelyabinsk Oblast Ombudsman for Human Rights Aleksey Sevastyanov submitted a complaint to Urals Federal District Chief Prosecutor Yuriy Zolotov, claiming that a January suicide in a Kopeysk Prison was staged by prison officials to hide signs of torture on a convict's body and that the prison's film studio had been used to produce a fake suicide video. The complaint alleged that the oblast prosecutor's office was complicit in covering up the case. It noted that the victim, Sergey Samuylenkin, had just one year left on his prison term and left no suicide note. Independent experts enlisted by Samuylenkin's relatives maintained that his death was caused by over 70 beatings and forced suffocation. The prosecutor did not call independent medical experts or Samuylenkin's cellmates as witnesses in the case. On April 22, Lieutenant P. Chikulin, senior investigator of the Investigation Department of Kopeysk of Chelyabinsk Regional Investigation Directorate of the Investigation Committee of the Russian Federation, ruled not to initiate a criminal case due to the absence of any evidence of criminal intent.

On November 17, charges of negligence were filed against Aleksandra Artamonova, a specialist from an independent medical center, in the 2010 death of

businesswoman Vera Trifonova in a Moscow pretrial detention center. Investigators charged that Dr. Artamonova forgot to remove a catheter from Trifonova's vein, which caused a clot and led to the patient's death. Human rights advocates believed that Trifonova was intentionally denied access to medical care for months to pressure her into confessing to fraud charges.

The prime suspect in the 2010 death of Judge Eduard Chuvashov, a Russian neo-Nazi named Aleksey Korshunov, was killed in an accidental explosion on October 7, when a grenade he was carrying detonated. There were no further developments in the Chuvashov case by year's end.

On May 6, a Moscow court sentenced Russian ultranationalists Nikita Tikhonov and Yevgeniya Khasis to life in prison and 18 years in prison, respectively, for the 2009 killing of lawyer Stanislav Markelov and *Novaya Gazeta* reporter Anastasiya Baburova.

#### **b. Disappearance**

Reports of politically motivated disappearances in connection with the conflict in the Northern Caucasus continued (see section 1.g.).

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits such practices; however, there were numerous, credible reports that law enforcement personnel engaged in torture, abuse, and violence to coerce confessions from suspects, and there were allegations authorities did not consistently hold officials accountable for such actions. There is no law defining torture, and prosecutors are therefore only able to bring charges of simple assault or exceeding authority against police suspected of engaging in torture. Government forces engaged in the conflict in the North Caucasus reportedly tortured and otherwise mistreated civilians and participants in the conflict (see section 1.g.).

Physical abuse of suspects by police officers usually occurred within the first few hours or days after arrest. Some of the methods reportedly used included beatings with fists, batons, or other objects.

On November 29, Aleksandr Bastrykin, chairman of the Investigative Committee of the Russian Federation (SKR), ordered an investigation into the death of 23-

year-old Yevgeniy Kotov in the Ministry of Internal Affairs (MVD) division police station in Vladimir Oblast. According to the SKR press service, Kotov was arrested on suspicion of breaking into a home. Kotov disappeared on October 16, and his family later found his body, which showed signs of torture, in the morgue, where it had been taken by the MVD division. Kotov had spent about an hour at the MVD station. According to the police shift commander, Captain D. Aliyev, Kotov mutilated himself (including genitalia) at the police station, then walked out on the stair landing and fell to his death. Police stated that video evidence from surveillance cameras within the police station was unavailable as the tapes had been reused. Family members believed that police officers at the station killed Kotov.

On October 7, the case of Sapiyat Magomedova, a human rights lawyer charged in 2010 with “insult to a representative of authority” after she was beaten by police at a police precinct, was returned to the prosecutor’s office when the judge ruled the charges unjustified. Although Magomedova was able to identify the officers whom she claimed attacked her, the Khasavyurt City Court asked the prosecutor to reexamine the case against two of the officers in September and halted the trials of the other two until further notice. On November 14, the Dagestan Supreme Court rejected Magomedova’s appeal to overturn the Khasavyurt City Court’s prior decision, with the expectation that criminal charges would be refiled. Magomedova remained under a travel ban at year’s end.

There continued to be attacks on political and human rights activists, critics of government policies, and persons whom the government considered supportive of the opposition. On June 6, Bakhrom Hamroev, a human rights defender who worked on issues related to Central Asia and Islam with the NGO Human Rights Center Memorial, was beaten by unidentified men near his home. He was repeatedly punched, kicked, and sprayed with mace. Investigators discovered that the lens of the video camera on the front door of the building was covered with chewing gum, suggesting that the attack was premeditated. Hamroev was previously attacked in December 2010, he alleged by law enforcement officers.

On March 14, it was reported that investigators formally charged Andrey Chernyshev, a department head in the administration of the Khimki district in Moscow Oblast, and five others with organizing a 2010 attempt to murder environmental activist Konstantin Fetisov. No trial date was set.

During the year reports by refugees, NGOs, and the press suggested a pattern of beatings, arrests, and extortion by police when dealing with persons who appeared to be of Caucasus, Central Asian, African, or Roma ethnicity.

Human rights activists told *Moskovskiye Novosti* that they received complaints daily about illegal detentions in psychiatric hospitals throughout the country. In November the newspaper reported that the director of a state psychiatric hospital in Kome committed hospital staff member Svetlana Punegova to the psychiatric ward against her will. Punegova was reportedly forced to spend more than 24 hours in confinement, together with patients diagnosed with serious mental illnesses, after she persisted in asking for a salary increase. When she was released, she immediately filed a criminal complaint against the hospital, and the Investigative Committee initiated a case for “unlawful placement in a hospital.” On November 10, the Federal Investigative Committee determined that Punegova should be sent to Moscow for expert psychiatric analysis to be used in the investigation because it did not trust local doctors to conduct relevant tests.

Physical abuse and hazing continued to be a problem in the military. On October 20, Vladimir Molodykh, head of the Main Military Prosecutor’s Directorate, reported that more than 1,500 cases of hazing had been registered during the year, a 25 percent drop from 2010. Chief Military Prosecutor Sergey Fridinskiy stated that in the first half of 2011, assault charges were brought against 75 lieutenants and more than 170 sergeants. The Committee of Soldiers’ Mothers received approximately 25,000 complaints about hazing during the year, approximately the same number as in 2010. The complaints mostly concerned alleged beatings but also included alleged sexual abuse, torture, and enslavement. According to the Committee of Soldiers’ Mothers, soldiers often did not report hazing to unit officers or military prosecutors due to fear of reprisal, since in some cases officers allegedly tolerated or even encouraged hazing as a means of controlling their units. Such cases were usually investigated only following pressure from family members, NGOs, or the media.

In July a conscript from Chelyabinsk was badly beaten with a rifle butt by an officer in Stavropol Krai, leading him to attempt suicide by jumping out of a fifth floor window. The conscript was hospitalized in serious condition but was able to give details of the incident. The officer involved gave himself up and testified about the details of the incident, which did not result in criminal charges of “incitement to suicide.” The officer was relieved of duty.

## **Prison and Detention Center Conditions**

According to the FSIN, as of December 1, the prison population was 749,600. This figure included 634,500 offenders held in 760 correctional colonies, 42,900 offenders in open colonies, 1,620 prisoners serving life sentences in five prisons, and 2,900 juveniles in 47 educational colonies. In addition, approximately 112,400 detainees were being held in 230 pretrial detention centers, compared with 129,800 in 2010. There were approximately 62,200 women in prison. In 13 facilities, women were allowed to have their children with them.

Detainees were held in five types of facilities: temporary police detention centers, pretrial detention facilities, correctional labor colonies (ITKs), prisons designated for those who violate ITK rules, and educational labor colonies for juveniles.

The Russian federal standard of space per person in detention is a minimum of 43 square feet, which was generally followed but less than the 75 square-foot standard set by the European Convention on Human Rights. Prison reform activists said prison officials deliberately overcrowd prisoners whom they want to pressure. Authorities permitted some monitoring by independent nongovernmental observers.

Prison conditions remained harsh and at times life threatening, resulting in approximately 50 deaths during the year in pretrial detention centers, according to the Moscow Helsinki Group and For Human Rights. In October school principal Andrey Kudoyarov died from a heart attack after waiting 43 minutes for an ambulance. In prison since June, Kudoyarov had exhibited signs of distress, such as increased high blood pressure, stress, and vomiting. No charges were filed against anyone at the Moscow pretrial detention center where Kudoyarov was held.

Health, nutrition, ventilation, and sanitation standards were generally poor, but varied from facility to facility. The prison director has discretion to allocate funds to improve conditions. Prisoners have access to potable water; however, it was generally limited and not clean. On November 3, *Today's Press* reported that female inmates at a prison in the Chuvash Republic town of Tsivilsk received approximately one quart of hot water in the morning and one at night, to be used for both drinking and hygienic needs.

There were conflicting reports on the condition of women's prisons. Some NGOs believed women had better living conditions than men, while others believed women faced harsher conditions. Most NGOs reported that women were less likely to be subjected to excessive force.

Access to quality medical care remained a significant problem in the penal system. Overall, doctors lacked proper qualifications, medicine was limited, and equipment was outdated. Specialists such as cardiologists were not available to prisoners and often only a nurse was on staff. In certain cases medical staff reportedly denied inmates medical care under orders from investigators or law enforcement officials. In pretrial detention centers, denial of medical care was often used to pressure detainees and force confessions or cooperation. On February 25, Sergey Kudeneyev, head of a directorate at the Prosecutor General's Office, stated that "in 2010, 4,423 people died at correctional facilities. This is 6 percent more than in 2009." He noted that improper provision of medical assistance to prisoners was one of the causes of the increased death rate.

There were a number of significant developments during the year in the case of Sergey Magnitskiy, a lawyer who died of medical neglect and abuse while in pretrial detention in 2009. In May the Prosecutor General's Office concluded its probe into the Ministry of Internal Affairs officers who arrested and prosecuted Magnitskiy. It found no evidence of wrongdoing. In June the Prosecutor General's Office approved the findings of the Ministry of Internal Affairs officers accused by Magnitskiy of tax fraud and the theft of 5 billion rubles (approximately \$150 million). In their report the officers claimed that Magnitskiy himself carried out the theft that he reported to authorities.

On July 5, President Medvedev chaired a meeting of the Presidential Council for the Development of Civil Society and Human Rights at which the council issued its independent expert report on the case. The report found that: 1) Magnitskiy was arrested on trumped-up charges, in breach of Russian law and the European Human Rights Convention; 2) he was prosecuted unlawfully by the Ministry of Internal Affairs officers he had implicated in the \$230 million theft; 3) he was systematically denied medical care; 4) instead of being provided medical care, he was beaten in custody, which was a proximate cause of his death; 5) after his death, detention center officials falsified his medical records; and 6) there was an ongoing cover-up and resistance by all government bodies to investigate the \$230 million theft that Magnitskiy exposed.

Following the release of the council's findings, President Medvedev acknowledged that a "crime had been committed." However, on August 2, police refused a request by the council to reinvestigate Magnitskiy's death. On August 12, the Investigative Committee charged Larisa Litvinova, laboratory doctor at the pretrial detention center that had held Magnitskiy, with involuntary manslaughter; the



detention center's deputy chief in charge of medical issues, Dmitry Kratov, was charged with negligence. On September 6, the Ministry of Internal Affairs announced that it would reopen the tax fraud investigation of Magnitskiy. Magnitskiy's family asked for the case to be closed, but their request was ignored, seemingly contradicting a 2011 Constitutional Court ruling in a separate case. On November 24, the Investigative Committee extended its investigation into the death of Magnitskiy until January 2012.

In November 2010 Taisiya Osipova, wife of opposition leader Sergey Fomchenkov, was arrested at her home in Smolensk by 20 police officers from the Department to Combat Extremism of the Russian Federation on drug possession charges. While in pretrial detention, authorities reportedly pressured her to provide information on her husband by threatening to deny her parental right to her six-year-old daughter and deny her adequate medical care. She suffered from diabetes, pancreatitis, chronic pyelonephritis, and chronic toxic-allergic hepatitis. On June 16, the court ordered a medical examination, which was carried out on July 7, but no diagnosis was made. Osipova's lawyer claimed the examination was not thoroughly conducted, and the lack of diagnosis was being used to reduce Osipova's claim of inadequate medical treatment. On December 29, a Smolensk district court sentenced Osipova to 10 years in prison for the possession and sale of drugs.

On February 25, Aleksandr Reimer, director of the FSIN, stated that approximately 90 percent of persons incarcerated in federal institutions had some type of illness, including more than 410,000 with significant illness. Of 819,200 detainees incarcerated as of January 1, approximately 67,000 inmates had mental disorders, 38,500 had active tuberculosis, 55,000 had HIV, 58,000 had a drug dependency, and 1,720 had some form of cancer. Tuberculosis infection rates were far higher in detention facilities than in the population at large.

Abuse of prisoners by prison staff continued to occur. For example, on October 28, Sergei Zychkov, deputy warden of settlement colony Number 4 in the village of Priozerny in the Amur Region, was sentenced to two months in jail after a video showing him beating a female inmate was released.

Abuse of prisoners by other prisoners continued to be a problem. There were elaborate inmate-enforced caste systems in which certain groups, including informers, homosexuals, rapists, prison rape victims, and child molesters were considered "untouchables" (the lowest caste). Prison authorities provided little or no protection to these groups.

Prisoners generally were permitted religious observance and access to religious figures and literature; however, there were cases of prisoners denied access. Some Muslim prisoners complained they were not allowed to pray five times a day or were not given a prayer rug. For security purposes offenders from the North Caucasus region were often sent to prison far from their homes, which could restrict access to their religion if there were no mosques or imams in the area of incarceration.

Prisoners were given visitation rights; however, access to visitors can be taken away depending on the circumstances. Those serving a regular sentence in a prison were allowed four three-day visits per year with their spouses. On occasion visits were cancelled if the prison did not have enough space. Prisoners still under investigation can be denied visitors, a decision made not by the prison director but by the judge or investigator in the case. Relatives who were deemed a threat can also be prohibited from visiting prisoners. The number of visitors was limited, usually to two adults and two children.

According to Penal Reform International, while the government took steps to improve prison conditions, including improvement in the condition of isolation cells, prisoners continued to suffer from overcrowding, inadequate food, lack of sanitation, and poor living conditions.

Unofficial prisons, many of which were in the North Caucasus region, continued to exist throughout the country.

The law regulating public oversight of detention centers allows public oversight commission (POC) representatives to visit the facilities. There were 76 registered POCs staffed by unpaid volunteers who worked in groups of up to 20 people. Only POCs were permitted to regularly visit prisons to monitor conditions. Other organizations, such as the Red Cross, could not visit prisons regularly and not without prior notice. There were reports that prison officials, citing disease or danger, denied access for inspectors to facilities upon arrival. The law does not establish procedures for local authorities to respond to POC findings or recommendations. Successful monitoring and implementation of reform therefore depended on prison directors, some of whom were cooperative, while others were reportedly obstructionist.

There are no prison ombudsmen. In theory prisoners are allowed to file complaints against the penal system with POCs or with the human rights ombudsman's office,

but in practice this did not occur without censorship. Inmates were often afraid of reprisals, leading to self-censorship. Complaints that reached the POCs were often less serious and focused on minor personal requests, not the system itself. Prison reform activists reported that only prisoners who felt they had no other option would risk the consequences and file a complaint.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention; however, in practice problems remained.

#### **Role of the Police and Security Apparatus**

The Ministry of Internal Affairs, the Federal Security Service (FSB), and the Office of the Prosecutor General are responsible for law enforcement at all levels of government. The FSB is responsible for security, counterintelligence, and counterterrorism, and also for fighting crime and corruption. The national police force under the Ministry of Internal Affairs is organized at the federal, regional, and local levels.

According to Yuriy Draguntsov, director general of security for the Ministry of Internal Affairs, 1,166 staff members were convicted of criminal misconduct in the first half of 2011, an increase of 25 percent from the same period the previous year. During this period, 35,000 officers (an increase of 9 percent) were registered in connection with crimes, and 60,500 crimes and infractions were committed (an increase of 21 percent). As of December 1, more than 10,000 employees (a 20 percent increase) were recommended for dismissal, while approximately 1,880 (a 19 percent increase) police officers were fired.

#### **Arrest Procedures and Treatment While in Detention**

By law an individual may be held in custody for up to 48 hours without court approval if arrested at the scene of a crime, provided there is evidence of the crime or a witness. Otherwise, an arrest warrant is required. After arrest detainees are typically taken to the nearest police station, where they are informed of their rights. Police are required to document the grounds for detention. This document must be signed by the detainee and the police officer within three hours of detention.

Police must interrogate the detainee within the first 24 hours of detention. Prior to interrogation the detainee has the right to meet with an attorney for two hours. No

later than 12 hours after detention, police must notify the prosecutor. They must also notify the detainee's relatives unless a prosecutor issues a warrant to keep the detention secret. Police are required to release a detainee after 48 hours, subject to bail conditions, unless a court decides to prolong custody in response to a motion filed by police no later than eight hours before the expiration of the 48-hour detention period. The defendant and his or her attorney must be present at the court hearing.

By law police must complete the investigation and transfer the case to a prosecutor for arraignment within two months of a suspect's arrest, although a court may extend a criminal investigation for up to six months. With the personal approval of the prosecutor general, a judge may extend that period up to 18 months. According to some defense lawyers, these time limits were often violated in practice.

There were a number of problems relating to defendants' ability to obtain adequate defense counsel. There were reports of police occasionally obtaining defense counsel friendly to the prosecution. These "pocket" defense attorneys agreed to the interrogation of their clients in their presence, while making no effort to defend their clients' legal rights. The general ignorance of legal rights on the part of both defendants and their legal counsel contributed to the persistence of these violations. In many cases, especially in more remote regions, defense counsel was not available for indigent defendants. Judges usually did not suppress confessions of suspects if they were taken without a lawyer present. They also freed suspects who were held in excess of detention limits, although they usually granted prosecutors' motions to extend the detention period for good cause.

Legal limitations on detention were generally respected throughout the country, with the exception of the North Caucasus. There were reports of occasional violations of the 48-hour limit for holding a detainee. At times authorities failed to write the official detention protocol within the required three hours after the actual detention and held suspects longer than the legal detention limits.

In April President Medvedev signed a law regulating lawyers' visits with their clients in detention facilities. The law prohibits lawyers from bringing cell phones, video cameras, or recording devices into the detention facility.

There were some reports of arbitrary detention. On November 1, a six-year-old boy was questioned alone by police in Moscow for several hours while his father, Sergey Aksyonov, was detained for organizing an unsanctioned opposition rally.

According to online news source Gazeta.ru, the order to detain them was given by an officer of the antiextremism unit of the Moscow city police. No charges were filed against the boy or police. It is illegal to question a child without an adult guardian present.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary; however, judges remained subject to influence from the executive branch, the military, and other security forces, particularly in high profile or politically sensitive cases. The law requires judicial approval of arrest warrants, searches, seizures, and detentions. This requirement was generally honored, although the process of obtaining judicial warrants was occasionally subverted by bribery or political pressure.

A report in May by the commissioner for human rights, Vladimir Lukin, noted that slightly more than 50 percent of the complaints received by his office were filed in connection with violations of personal (civil) rights. Of these, 64.9 percent related to the violation of the right to a fair trial.

A May report by the EU-Russia Center noted that judges routinely received intimidating telephone calls from superiors instructing them how to rule in specific cases. The Presidential Council for the Development of Civil Society and Human Rights reported that “in practice [judges] do not possess genuine, as opposed to declaratory, independence. The powers of a judge who does not agree to carry out the requests may be prematurely terminated. In such a situation, the conscientious judge is subject to pressure from within the judicial system and has no chance of defending his or her own rights.”

In many cases authorities did not provide adequate protection for witnesses and victims from intimidation or threats from powerful criminal defendants.

#### **Trial Procedures**

Trials typically are conducted before a judge without a jury (bench trials). The defendant is presumed innocent. The law provides for the use of jury trials for a limited range of crimes in higher-level regional courts. Certain crimes, including terrorism, espionage, hostage taking, and mass disorder, must be heard by panels of three judges rather than by juries. Juries try approximately 600 to 700 criminal cases each year, a very small percentage of the total number. While judges acquit approximately 1 percent of defendants, juries acquit an estimated 20 percent of

defendants. The law allows for the appeal of acquittals. Approximately 30 percent of acquittals are reversed on appeal and remanded for new trials, although these cases often end in a second acquittal.

During trials the defense is not required to present evidence and is given an opportunity to cross-examine witnesses and call defense witnesses. Defendants who are in custody during the trial are confined to a caged area. Defendants have the right of appeal. Prior to trial defendants are provided a copy of their indictment, which describes the charges in detail. They are also given an opportunity to review their criminal file following the completion of the criminal investigation. The law provides for the appointment of an attorney free of charge if a suspect cannot afford one, although the high cost of competent legal service means lower-income defendants often lacked competent representation, and there were few qualified defense attorneys in remote areas of the country. Defense attorneys are allowed to visit their clients in detention, although defense lawyers claimed that their conversations were monitored electronically by informants and that sometimes prison authorities did not provide them with access to their clients.

Plea bargaining in criminal cases has been used since 2002, but the government changed the law in 2009 to allow a defendant to receive a reduced sentence for testifying against others. Plea bargains reduced defendants' time in pretrial detention in approximately 50 percent of the cases, reduced the average prison term to no more than half of the otherwise applicable statutory maximum, and allowed courts and prosecutors to devote their resources to other cases.

The European Court of Human Rights (ECHR) on multiple occasions found the country in violation of provisions of the European Convention on Human Rights related to trial procedures. In 2010 violation of the right to a fair trial was among the three most frequent violations cited by the court in its 1,019 judgments against Russia.

On May 31, the ECHR ruled on a 2004 complaint filed by former Yukos oil company owner Mikhail Khodorkovskiy, after his first conviction, finding violations of the European Convention on Human Rights due to the conditions of Khodorkovskiy's detention, the speed and circumstances under which the charges were brought against him, and the length of continued detention pending the investigation and trial. The court ordered the government to pay Khodorkovskiy \$35,000.

On September 20, the ECHR dismissed claims that Russia abused the law to destroy Yukos and seize its assets. However, the court ruled that Russia violated Yukos' right to protection of property and that Russian authorities violated provisions of the European Convention on Human Rights, including Article 6, the right to a fair trial.

In December 2010, in a second criminal case, a Moscow court convicted Khodorkovskiy and his business partner, Platon Lebedev, of financial crimes and sentenced each to 13 years in prison. On September 13, the Supreme Court ruled that Khodorkovskiy and Lebedev were illegally held in pretrial detention from May to August 2010, during their second trial, based on amendments to the criminal code adopted in April 2010 that abolished pretrial detention for economic crimes. The convictions raised concerns about selective prosecution and about the rule of law being overshadowed by political considerations. Khodorkovskiy and Lebedev had both been denied parole repeatedly.

On December 21, independent experts working under the aegis of the Presidential Council for the Development of Civil Society and Human Rights recommended that the Investigative Committee reconsider the criminal case to review the basis for the original investigation and to consider new evidence. The report questioned the legal basis of the charges and validity of the verdict in the second trial.

### **Political Prisoners and Detainees**

Authorities selectively detained and prosecuted members of the political opposition (see section 2.b., Freedom of Assembly). Human rights organizations and activists also identified up to 39 individuals during the year as political prisoners, including Khodorkovskiy, Lebedev, Aleksey Sokolov, Zara Murtazaliyeva, and Valentin Danilov. On July 27, authorities released Sokolov, head of an NGO that investigates corruption and abuse in prisons, on parole, after two earlier requests were denied. In the case of Murtazaliyeva, in November 2010 the ECHR asked the government why it did not question all available witnesses or allow the defendant and her attorneys to view the video materials the accusation was based on during the trial. Russia was obliged to answer before March 9 but had not responded by year's end. Murtazaliyeva was serving a nine-year sentence handed down in 2004 for allegedly preparing a terrorist attack in Moscow. Danilov, sentenced in 2004, was serving a 13-year prison sentence for allegedly transferring classified technology to China, although colleagues asserted that the information was declassified more than a decade before his arrest. Although eligible, Danilov had not sought parole.

## **Regional Human Rights Court Decisions**

By law any person may file a complaint with the ECHR concerning alleged violations by the state of human rights under the European Convention on Human Rights, provided they have exhausted “effective and ordinary” appeals in the country’s own courts. As of October the ECHR had received more than 41,300 complaints involving the country since 1996. Of the 133 cases involving the country heard by the ECHR during the year, the court found violations of the European Convention in 121 cases. The most frequent violations found by the court (some cases had multiple violations) were violations of the right to liberty and security (68 cases), inhuman or degrading treatment (62 cases), and lack of effective investigation (58 cases).

In November Human Rights Watch stated that since 2005, ECHR had issued more than 170 judgments holding the state responsible for grave human rights violations in the Caucasus region, primarily issuing fines for failure to carry out effective investigations into abductions, deaths, and damages related to conflicts in Chechnya and Ingushetia. In these cases the court also charged the country with failure to protect the right to life, failure to provide effective remedy, and causing mental suffering.

In March the ECHR ruled that the residents of the Chechen village of Kogi, where five civilians were killed and 30 houses were destroyed by a 1999 air attack, should receive 1.5 million euros (\$1.95 million) in compensation from the government.

While the government generally paid compensation to victims when ordered to do so, it did not fully implement judgments that called for conducting effective investigations and holding perpetrators accountable. The government generally failed to change systemic practices that the ECHR has repeatedly condemned. During the year, according to the Committee of Ministers of the Council of Europe, the government ignored one class action suit involving 154 individual cases that found the government responsible for killings, abductions, and torture in Chechnya.

## **Civil Judicial Procedures and Remedies**

Although the law provides mechanisms for filing lawsuits against authorities for violations of civil rights, these mechanisms often did not work well in practice.



For example, the law provides that a defendant who has been acquitted after a trial has the right to compensation from the government. In practice human rights activists claimed that authorities avoided paying compensation through procedural means, such as leaving cases in pending status. Persons who believed their civil rights had been violated typically sought redress in the ECHR after the courts had ruled against them.

On May 4, a law entered into force allowing petitioners to request “reasonable” financial compensation for violation of “reasonable” time limits in the consideration of criminal and civil cases, including the enforcement of judgments.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law forbids officials from entering a private residence except in cases prescribed by federal law or on the basis of a judicial decision. The law also prohibits government monitoring of correspondence, telephone conversations, and other means of communication without a warrant and prohibits the collection, storage, utilization, and dissemination of information about a person’s private life without his or her consent. While these provisions were generally followed, there were allegations that government officials and others engaged in electronic surveillance without judicial permission and entered residences and other premises without warrants.

Law enforcement agencies require telecommunications service providers to grant the Ministry of Internal Affairs and the FSB 24-hour remote access to their client databases, including telephone and electronic communication and records, enabling police to track private communications and monitor Internet activity. The law permits authorities to monitor telephone calls in real time. The Ministry of Information and Communication requires telecommunications companies and Internet service providers to allow the FSB to tap telephones and monitor information over the Internet. The Ministry of Information and Communication maintained that no information would be accessed without a court order.

On May 2, it was reported that the Yandex search engine company had given personal data to the FSB concerning bloggers who donated money through a payment system to an online anticorruption project named “RosPil,” headed by anticorruption activist Aleksey Navalny. Some donors to the RosPil project received inquiries from anonymous individuals about their ties to the project.

Following official requests from two Duma deputies, investigators on December 21 opened a case regarding accusations that Kremlin allies illegally tapped opposition politician Boris Nemstov's phone and published the recordings online.

### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

Violence continued in the North Caucasus republics, driven by separatism, interethnic conflict, jihadist movements, vendettas, criminality, and excesses by security forces. Dagestan continued to be the most violent area in the North Caucasus. Kabardino-Balkaria also saw an increase in violence compared with the previous year, while violence continued to decrease in Chechnya, Ingushetia, and North Ossetia.

#### **Killings**

On April 14, the chief of the Internal Affairs Ministry Directorate for the North Caucasus, Sergey Chenchik, stated that 94 militants, including five rebel leaders, had been killed at that point in the year. He also stated that, of 67 civilians injured in the violence, 30 had died, 21 of whom were from Dagestan. On June 27, Minister of Internal Affairs Nurgaliyev stated that 40 police officers had been killed and 74 injured. The online news outlet Caucasian Knot reported that during the year there were at least 1,378 victims of the conflict in the Northern Caucasus, including 750 killed and at least 628 injured. Of the 750 killed, 335 were from the insurgents, 239 were from government forces, and 176 were civilians.

On March 21, 15 masked men kidnapped activist Ilez Gorchkhanov from a bus stop in Nazran. Gorchkhanov's body was found on April 19 in the riverbed of the Assa River on the border between Ingushetia and Chechnya. Caucasian Knot reported the body was mutilated, although official reports noted no signs of torture.

Caucasian Knot reported a reduction in bombings and terrorist attacks in the North Caucasian Federal District compared with 2010. The number of bombings fell from 138 to 93, the number of individuals killed decreased from 81 to 43 persons, and the number of wounded decreased by more than two-thirds, from 297 to 93 persons.

According to the Center for Journalism in Extreme Situations, at least three journalists were killed in the North Caucasus region during the year: Garun Kurbanov of the official press service of the Republic of Dagestan, Yakhya Magomedov of the newspaper *As-Salam* in Dagestan, and Khadzhimurad

Kamalov, founder of *Chernovik*, a popular newspaper that covers sensitive issues such as police abuse, corruption, and Islamic extremism in Dagestan (see section 2.a.).

On July 28, the Glasnost Defense Foundation (GDF), a nonprofit journalist organization, reported that Kurbanov, head of information policy and the Dagestan presidential press service, was killed along with his driver while leaving his house. The president of Dagestan, Magomedislam Magomedov, along with other officials, maintained that Kurbanov's killing was connected to his official duties and communication with rebels. Two unidentified gunmen alleged to have killed Kurbanov were not found.

There continued to be reports of indiscriminate use of force by security personnel, resulting in numerous deaths, without prosecution for their conduct.

Caucasian Knot reported on July 6 that security forces of the Ministry of Internal Affairs shot at civilians after militants shelled a military convoy. The human rights organization Memorial reported that as a car full of Dagestani residents approached the scene, security forces fired at their vehicle. Passengers in other cars got out with their hands in the air; they were reportedly shot. Three persons were killed and others were wounded. Rebels also killed civilians for reasons related to their profession or activities they believe to be un-Islamic. Caucasian Knot reported that on June 7 in Makhachkala, two unidentified persons shot and killed Maksud Sadikov, a Sufi Muslim and chancellor of the Institute of Theology and International Relations, and his nephew. Inspectors believed the crime to be related to Sadikov's professional activities, particularly his active stand against extremist Islamic beliefs.

On July 9, Sadikullah Akhmedov, a school principal in Sovetskoye, Dagestan, was shot and killed. Suspicion fell on local extremists, who had condemned Akhmedov's policy of enforcing a school uniform code that banned female students from wearing headscarves. Members of the Presidential Council for the Development of Civil Society and Human Rights urged law enforcement bodies to investigate the killing.

In June a court in Vienna convicted Otto Kaltenbrunner (formerly known as Ramzan Edilov), Suleiman Dadayev, and Turpal-Ali Yesherkayev of participating in the 2009 killing of Umar Israilov. Kaltenbrunner received a life sentence; Dadayev received 19 years in prison, and Yesherkayev 16 years. Israilov, a former bodyguard of Chechen leader Ramzan Kadyrov, became a critic of Kadyrov's rule

and filed a complaint with the ECHR stating he had witnessed Kadyrov torturing prisoners and that Chechen authorities, including Kadyrov, had also beaten and tortured him and his family. According to the European Center for Constitutional and Human Rights, an expert witness testified at the Vienna trial that the man suspected of pulling the trigger, Letscha Bogatirov, was promoted by the Kadyrov government following the killing as a reward for his actions.

## **Abductions**

Government personnel, rebels, and criminal elements continued to engage in abductions in the North Caucasus. The head of the Prosecutor General's Office for the North Caucasus stated in June that more than 2,100 disappearances remained unsolved in the North Caucasian republics. Security forces in Chechnya, Dagestan, and Ingushetiya frequently abducted or detained individuals for several days without immediate explanation or charge. Human rights groups believed the numbers of abductions were underreported because victims' relatives were reluctant to complain to authorities due to fear of reprisal. Generally, there was no accountability for government security personnel involved in abductions. Criminal groups in the region, possibly with links to rebel forces, frequently resorted to kidnapping for ransom.

On January 23, Memorial reported that at least eight Russian citizens from the North Caucasus had been kidnapped since September 2010. According to Caucasian Knot, in the first 11 months of 2011, there were 64 disappearances, 28 of which took place in Dagestan, 20 in Chechnya, 13 in Ingushetia, and three in Kabardino-Balkaria.

Human rights groups alleged that security forces under the command of Kadyrov played a significant role in abductions, either on their own initiative or in joint operations with federal forces, including abductions of family members of rebel commanders and fighters.

Caucasian Knot and Amnesty International reported that on May 7, Chechen security force members captured Tamerlan Suleymanov. He was allegedly tortured and forced to confess to preparing an act of terror. He was released but abducted again from his work on May 9 by two men. Two of his coworkers tried to stop the kidnapers but were beaten as well. He remained missing despite witness testimony about the make, model, and license numbers of the vehicles.

According to Amnesty International, on September 4, 22-year-old Amir Chaniev of Ingushetia disappeared after approximately 30 law enforcement officers searched his home without authorization and led him away. Chaniev's 19-year-old sister, Karina, was detained the next day and told that her brother was on a police wanted list, for reasons officers did not specify. She reportedly was told to sign a release or she would not see her brother again. According to Memorial, on October 20, Karina was convicted of aiding terrorist Arthur Amriev and sentenced to one year in a penal colony in Kabardino-Balkaria. Amir Chaniev's whereabouts remained unknown.

### **Physical Abuse, Punishment, and Torture**

Armed forces and police units reportedly abused and tortured both rebels and civilians in holding facilities. On September 22, Malik Appa of Karbardino-Balkaria claimed that police unlawfully detained and tortured him with beatings and electric shocks until he admitted ownership of a hand grenade. According to Memorial, a forensic examination was carried out, which noted injuries on his body: a burn wound on the left buttocks; abrasions on his left little finger, right leg, and nose; and a bruise on his left shoulder.

On May 23, Amnesty International reported that Chechen police were obstructing the investigation into the alleged 2009 unlawful detention and torture of Islam Umarpashayev. In December 2009 Umarpashayev was abducted from his home in Chechnya and held incommunicado until his release in April 2010. Umarpashayev reported that he was held at the headquarters of the Chechen Special Task Police Force, where he said he was handcuffed to a radiator for three months, beaten, and threatened. After that he and his family were relocated to an area outside of Chechnya to help ensure their safety.

On March 23, masked men in Nazran detained opposition activist Magomed Khazbiev, a member of the Expert Council under the human rights ombudsman of the Russian Federation, and his brothers Berd and Murad after they participated in a protest against the abduction of activist Ilez Gorchkhanov. The masked men took the brothers from their home and beat their parents. Police reportedly beat Berd and Magomed while they were in custody; a judge sentenced the two brothers to 10 days of administrative arrest for organizing an unsanctioned demonstration.

Burning the homes of suspected rebels, a mechanism of collective punishment in use since 2008, reportedly continued. On July 6, Caucasian Knot reported that in

the settlement of Geldagan, Chechnya, several houses belonging to families of young people who had recently joined the insurgency were burned down.

The Independent Commission on Human Rights in the Northern Caucasus, headed by the chairman of the State Duma Committee on Legislation, continued to hear hundreds of complaints, ranging from destruction or theft of property to rape and killing. However, the commission was not empowered to investigate or prosecute alleged offenders and referred complaints to military or civil prosecutors. Chechnya's Human Rights Ombudsman Nurdi Nukhazhiyev was uncooperative with the area's leading NGO, Memorial.

According to the Landmine and Cluster Munition Monitor, no new reported minefields were laid in the North Caucasus over the last several years. However, mine contamination remained an issue. Chechen officials and human rights organizations estimated that 96 square miles of land was mine-affected and 2.5 percent of Chechnya's total agricultural land rendered unusable. Additionally, the military made more than 600 site visits in the Southern Federal District during the year, clearing mines and unexploded ordnance from World War II.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

#### **Status of Freedom of Speech and Press**

The constitution provides for freedom of speech and press; however, in practice government pressure on some media constrained coverage of certain controversial issues, resulting in numerous infringements of these rights.

While the government generally respected citizens' right to freedom of speech, state-controlled media frequently ignored critical voices with regard to the conduct of federal forces in the North Caucasus, human rights, high-level corruption, and opposition political views. Some regional and local authorities took advantage of procedural violations and vague legislation to detain persons who expressed views critical of the government.

In other cases the government used direct ownership, or ownership by large private companies with government links, to control or influence major national media and regional media outlets, especially television. There were reports of self-censorship in the television media, particularly on issues critical of the government.

Freedom of Speech: The government on several occasions restricted the ability of individuals to criticize the government publicly or privately or discuss matters of general public interest without reprisal. For example, on August 11, the GDF reported that Bui-TV, a private television/radio network in Kostroma Oblast, had been subjected to pressure through frequent inspections, confiscation of equipment, and anonymous phone threats. Journalists at Bui-TV linked this pressure campaign to their professional activities and saw it as municipal authorities' reaction to criticism.

Freedom of Press: More than 60 percent of the country's 45,000 registered local newspapers and periodicals were owned directly by the government or by state-owned/state-controlled companies. Approximately 66 percent of the 2,500 television stations, including all six national news channels, were completely or partially owned by the federal and local governments.

In the period preceding the December 4 Duma elections, international observers criticized the unbalanced access to the media, particularly television, for candidates in elections, noting that, as in previous elections, candidates from the ruling party, United Russia, received favored media access. Observers also noted press freedom abuses, including harassment of media outlets, lack of equal access to information, and arbitrary application of rules. Media coverage of major political protests after the December 4 elections were largely covered by the major state-run television stations in a more balanced manner, with many of the protesters given air time to criticize the conduct and integrity of the elections and the government.

On October 31, the Communist Party criticized state television channels for not providing equal airtime, as mandated by election law, to all political parties competing in the Duma elections. A letter sent to the chief executives of three Russian state channels, Channel One, NTV, and Rossiya, did not garner a public response. This came after the Central Election Commission agreed on July 15 to compensate political parties currently holding seats in the parliament for air time that they did not receive in the previous election.

Violence and Harassment: There were conflicting reports on the numbers of journalists killed and attacked during the year. According to the Center for Journalism in Extreme Situations, four journalists were killed, while the GDF and *Kommersant Vlast* magazine both reported that six journalists were killed. The GDF also reported that, since the beginning of the year, there had been 39 attacks on journalists, while *Kommersant Vlast* reported 81 attacks on media

representatives and four on media offices, compared with 58 and eight, respectively, in 2010. In November Pavel Gusev, chairman of the Public Chamber's Committee on Information Policy, reported that 150 journalists were attacked since January. NGOs supporting independent media characterized beatings of journalists by unknown assailants as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk. A joint report released in April by the Russian Union of Journalists and the International Federation of Journalists noted a downward trend in the number of journalists murdered in recent years, while the number of attacks increased. The report also described a climate of impunity for those who attack journalists, since very few of these crimes were solved.

On December 14, Khadzhimurad Kamalov, founder of the Dagestani newspaper *Chernovik*, was shot 14 times and killed outside his office in Makhachkala by a masked man who escaped in a waiting car. Kamalov was critical of security services' abuses in Dagestan and was working to expose corruption in the republic. In 2009 he had been placed on a "death list" that was distributed throughout Makhachkala. Police opened an investigation into his killing.

On September 9, Memorial and the family of former investigative journalist Nataliya Estemirova, who was abducted and killed in 2009, filed a joint complaint with the ECHR stating that, official pronouncements notwithstanding, neither prosecutors nor investigators had given them any reason to believe that Estemirova's murder had been solved. On February 26 and September 15, the lead investigator in case announced that authorities knew who killed her and had DNA evidence but were unable to make an arrest. At the time she was killed, Estemirova was working on a documentary on the government's alleged arson campaign in Chechnya.

On May 31, Rustam Makhmudov, the suspected hit man in the 2006 killing of investigative journalist Anna Politkovskaya, was arrested. He was awaiting trial in Moscow. On August 23, Dmitry Pavlyuchenkov, a former chief of the fourth division of the Moscow City Police Operational Search Department, was arrested and charged with arranging the contract killing of Politkovskaya. According to *Novaya Gazeta*, Pavlyuchenkov previously was a "secret witness" for the prosecution and was therefore questioned in a "secret procedure." On September 2, Sergey Khadzhikurbanov, a former police officer with the Moscow Directorate for Combating Organized Crime, was arrested in connection with the killing. On September 3, Lom-Ali Gaytukaev of Chechnya was named as the potential mastermind of Politkovskaya's killing by Vladimir Markin, a spokesman for the



Investigative Committee. On October 28, Gaytukaev was charged as an accessory to murder for his role in the killing. Human rights groups contended, however, that the government took no steps to find and prosecute the person who ultimately ordered the killing of Politkovskaya.

There was no new information regarding investigations into the 2004 murder of journalist Paul Klebnikov.

On May 11, the Zamoskvoretskiy Court in Moscow refused to file criminal charges in the beating of Gazeta.ru journalist Aleksandr Artemev, whose arm was allegedly broken by a policeman at a May 2010 rally organized by the “Strategy 31” freedom of assembly movement.

On December 22, the Altai Republic’s Supreme Court reportedly upheld the acquittal of Sergey Mikhaylov on 2010 charges of instigating interethnic strife and insulting a government official and cancelled Mikhaylov’s criminal conviction of libel for defaming Governor Alexander Berdnikov. However, the court upheld Berdnikov’s civil claim and ordered Mikhaylov to pay Berdnikov 200,000 rubles (approximately \$6,200) in moral damages.

There was no new information regarding investigations into the 2010 beating of journalist Arkadiy Lander. No arrests were made in the 2010 beating of journalist Oleg Kashin.

On November 17, parliament passed a law establishing sentencing guidelines of six years in prison or five years of forced labor for threats and violence against journalists. Human rights groups welcomed the legislation.

Censorship or Content Restrictions: The government continued to use legislation and decrees to curtail media freedom. The law provides an expansive definition of extremism and gives law enforcement officials broad authority to suspend media outlets that do not comply with the law’s restrictions. The Ministry of Justice continued to expand its list of “extremist” materials to include more than 1,000 items, up from 700 in 2010. Among the items on the list are the following: a picture of Winnie the Pooh wearing a swastika; a flag with a cross; the Web site Samizdat, which was similar to Wikipedia and had more than 500,000 subscribers; and literature of peaceful religious groups, such as the Jehovah’s Witnesses.

By law authorities have the right to close any organization, including media outlets, that a court determines to be “extremist.” The organization in question cannot challenge the court’s decision.

Officials or unidentified individuals sometimes used force or took other extralegal measures to prevent the circulation of publications critical of government officials. The GDF reported that there were 50 attempts by officials to seize or prevent distribution of publications, compared with 23 in 2010. On July 14, approximately 90 percent of the July 4 issues of *Kommersant Vlast* magazine were removed from newsstands in St. Petersburg, reportedly following an unofficial order from city government officials upset over unfavorable coverage of then governor Valentina Matviyenko. No copies of the magazine were removed from newsstands elsewhere. The St. Petersburg Human Rights Council issued a statement asking the city prosecutor’s office to investigate.

On August 2, the entire print production (40,000 copies) of *Izvestia Kaliningrada* was seized by the Road Safety Inspection Agency and the Regional Center for Combating Extremism. The head of the Regional Center for Combating Extremism, Aleksander Shelyakov, stated that he acted because he had received a tip that the publication contained extremist information. That particular issue of *Izvestia Kaliningrada*, published on the eve of President Medvedev’s visit to Kaliningrad, contained an open letter to Medvedev calling for the regional government’s removal on the grounds that several of its members were implicated in corruption. Reporters Without Borders considered the confiscation of the print run to be an attempt by regional leaders to silence the media.

The federal government also took measures to censor opposition parties. After the St. Petersburg municipal elections in July, the government either bought up or prevented the distribution of several editions of newspapers that included critical comments on the conduct of the elections.

Government officials often influenced content on television, insisting that certain opposition figures, for example, not be shown. There were regular meetings between government officials responsible for communications strategy and the heads of state-run television to review past television coverage and decide on future television coverage of most political and social issues. The GDF reported there were 52 attempts to censor the media during the year, compared with 29 in 2010.

On October 30, NTV planned to broadcast a story about abductions in Chechnya, including the work of human rights defenders in the Islam Umarpashayev case; however, the piece was taken off the air after it was shown in the Far East and the Urals and replaced by 10 minutes of commercials. A television interview with anticorruption blogger Aleksey Navalny was not allowed to be shown in the summer after reported intervention by a number of officials, although a later critical interview was permitted in November.

Libel Laws/National Security: Officials at all levels used their authority, sometimes publicly, to restrict the effectiveness of journalists who criticized them, including taking legal action for alleged slander or libel.

On November 22, parliament passed a law decriminalizing libel, although at year's end President Medvedev had yet to sign the bill into law.

On June 14, authorities acquitted Oleg Orlov, head of Memorial, of slander charges. Orlov was on trial for accusing Chechen leader Ramzan Kadyrov of complicity in the 2009 killing of human rights activist and journalist Natalya Estemirova. Human rights advocates and international observers criticized the prosecution of Orlov as an infringement of free speech. On June 24, Kadyrov appealed the decision; on August 8, Judge Andrey Lutov began hearings on the appeal in the Khamovniki District Court of Moscow, and the case remained pending at year's end.

On June 21, Judge Igor Kananovich of Moscow's Khamovniki Court acquitted Oleg Kashin of defamation against Nashi founder and head of the Federal Agency for Youth Affairs, Vassily Yakemenko. On June 22, Yakemenko filed an appeal with the Khamovniki District Court in Moscow. Yakemenko's appeal of the acquittal failed on technical grounds.

Publishing Restrictions: According to the GDF and other NGOs, authorities used the media's widespread dependence on the government for transmission facilities, access to property, and printing and distribution services to discourage critical reporting. They reported that approximately 90 percent of print media organizations relied on state-controlled entities for paper, printing, or distribution services, and many television stations were forced to rely on the government (in particular, regional state property management committees) for access to the airwaves and office space. The GDF also reported that officials continued to manipulate the price of printing at state-controlled publishing houses to apply pressure on private media rivals.

According to the GDF and other NGOs, authorities continued to engage in selective investigations into intellectual property rights violations (i.e., use of pirated software) to confiscate computers and pressure opposition media across the country.

### **Internet Freedom**

The Internet and radio were more free and independent than print media and television. Despite attempts by the government to monitor and control the Internet, it remained an open, dynamic, and growing space for free expression. In particular the use of social media and blogs expanded exponentially. Threats to Internet freedom included physical attacks on bloggers, criminal prosecutions of bloggers for “extremism” or libel, blocking of specific sites by local service providers, DDoS attacks on sites of opposition groups or independent media, and attempts by security services and some regional authorities to regulate Internet content.

In its *2010 Enemies of the Internet* report, Reporters Without Borders placed the country “under surveillance” due to fears of expanding control of government media, including the Internet.

On December 28, it was reported that the Federal Service for the Supervision of Communications, Information Technology, and Mass Communications (Roskomnadzor) delayed plans to launch its service to monitor online media outlets for “extremist” content due to the inability of the contractor, Data Center, to pass programming tests. Reports claimed that the service would include the ability to monitor up to five and a half million keywords as well as screening and tracking of audio, video, and text files, with at least a partial emphasis on monitoring user-generated content, and it would primarily be searching for content that violates legal restrictions. Reporters without Borders expressed concern that authorities would abuse the content surveillance and censorship system that uses such vaguely defined concepts as “violating the unity of Russia” or “hidden inserts and other technical means and ways of distributing information that would act on people’s subconscious or have a harmful influence on their health.” No implementation date was announced.

In March Roskomnadzor ordered the monitoring and removal of extremist discourse in online media, with a three-day compliance window.

The government continued to employ a “system for operational investigative measures,” which required Internet service providers to install, at their own expense, a device that routes all customer traffic to an FSB terminal. The system enabled police to track private e-mail communications, identify Internet users, and monitor their Internet activity.

During a May interview, *Kommersant* reporter and blogger Oleg Kashin, who was brutally attacked in 2010, reported that the investigation of his case had stalled. Kashin was not hopeful his case would be solved, since more than a year had elapsed since the attack, and the investigator was replaced in November.

### **Academic Freedom and Cultural Events**

The government generally did not restrict academic freedom; however, there were reports of pressure on teachers, academics, scholars, and students.

On October 20, Moscow State University journalism students were prevented from attending a speech by President Medvedev at the university and replaced by allegedly progovernment youth. Numerous students were arrested for protesting the event. President Medvedev agreed to return to the university to meet with students but had not done so by year’s end.

On December 7, Mikhail Suprun, a history professor in Arkhangelsk, was found guilty of violating “personal and family secrets.” Suprun was researching the deportation and fate of 5,000 ethnic Germans who were sent to the gulags in Arkhangelsk Region between 1945 and 1956. During the investigation Suprun’s students were questioned, and Ministry of Internal Affairs archivist Aleksandr Dudarev was arrested for assisting Suprun. Suprun was not sentenced, as the statute of limitations on his alleged crime had expired, while Dudarev was given a one-year suspended sentence and released.

On December 8, the deans of the Law Academy and the Urals Federal University reportedly exerted pressure on students who wanted to participate in public protests following parliamentary elections. The director of the Urals Mining Institute reportedly threatened students who participated with expulsion. The Urals State Economic University required all students to remain in their dormitories during the scheduled protest. Checks were made to ensure compliance.

### **b. Freedom of Peaceful Assembly and Association**

## **Freedom of Assembly**

The law provides for freedom of assembly, but local authorities continued to restrict this right in practice. The law requires notification for public meetings, demonstrations, or marches by more than one person. Local elected and administrative officials selectively denied some groups permission to assemble or offered alternate venues that were inconveniently located. Demonstrations without official permission were often broken up by police. More than 2,400 activists were arrested during the year following public events, according to the AGORA human rights association.

Many observers noted a selective and consistent pattern of officials encouraging rallies friendly to the government while preventing politically sensitive demonstrations.

On March 31, Igor Kalyapin, head of the Interregional Committee Against Torture, a leading human rights organization, was arrested by police in Nizhny Novgorod during a freedom of assembly (“Strategy 31”) rally. Kalyapin and a colleague attended the March 31 event to monitor police compliance with international standards for free assembly. The police arrested Kalyapin and approximately two dozen protesters. Kalyapin was interrogated by police officials and released pending trial for “participation in an unsanctioned demonstration.”

Left Front opposition movement leader Sergey Udaltsov was sentenced 14 separate times during the year, and spent approximately 120 days in jail in 10- to 15-day increments due to a succession of minor charges including disobeying police during protests and leaving a hospital during treatment without permission. On December 13, Amnesty International called for Udaltsov’s release as a prisoner of conscience. On December 25, a Moscow court extended Udaltsov’s sentence an additional 10 days for allegedly resisting police at an October protest.

## **Freedom of Association**

The law provides for freedom of association, and the government respected this right with a number of significant exceptions. Public organizations must register their bylaws and the names of their leaders with the Ministry of Justice. Restrictions were applied in a selective manner to NGOs, particularly to those receiving foreign funding or involved in issues of political opposition or in human rights monitoring. The finances of registered organizations were subject to

investigation by the tax authorities, and foreign grants received were required to be registered.

Some groups that opposed powerful business interests faced intimidation from government and private security forces. Local authorities routinely pressured activists associated with the Khimki Forest Defense campaign, an environmental movement that seeks to protect the Khimki Forest outside of Moscow from development. The group's demonstrations were violently dispersed on several occasions by both police and private security personnel working for the Vinci Corporation, which was building a highway through the forest. The group lost several court cases in its attempts to halt the construction. In February police detained another activist in the campaign, Alla Chernysheva, together with her young children, and accused her of planting a fake bomb at a Khimki Forest Defense demonstration. In March local police threatened to take away the children of lead activist Yevgeniya Chirikova.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation. However, the government placed restrictions on freedom of movement within the country and on migration. The government generally cooperated, with some exceptions, with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Although the law gives citizens the right to choose their place of residence, all adult citizens must carry government-issued internal passports while traveling domestically and must register with the local authorities after arriving at a new location. Authorities often refused to provide government services to individuals without internal passports or proper registration, and many regional governments continued to restrict this right through residential registration rules that closely resembled Soviet-era regulations. Darker-skinned persons from the Caucasus or of African or Asian origin were often singled out for document checks. There were

credible reports that police arbitrarily imposed fines on unregistered persons in excess of legal requirements or demanded bribes.

The law provides for freedom to travel abroad, and citizens generally did so without restriction. Citizens with access to classified material, however, needed to obtain police and FSB clearances to receive a passport for international travel.

### **Internally Displaced Persons (IDPs)**

On September 30, the UNHCR reported that there were 75,980 IDPs in the country, mainly in the North Caucasus. A total of 16,619 Chechen IDPs remained displaced to Ingushetia by Chechnya's second conflict, while an additional 2,564 IDPs lived in Dagestan. Another 20,005 IDPs remained in Russia from the conflict in Georgia in the early 1990s, and 2,000 were displaced as a result of the 2008 conflict with Georgia.

Since mid-January Memorial frequently reported on the expulsions of inhabitants of Chechnya due to the construction of Argun City, a complex including houses, a mosque for 7,000 worshipers, and an entertainment center. The construction forced the eviction of IDPs from temporary accommodation centers that provided housing for persons displaced during the war. Officials provided no new accommodations or financial support.

### **Protection of Refugees**

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Nonrefoulement: In practice the government provided some protection against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. However, the responsible agency, the Federal Migration Service (FMS), did not maintain a presence at airports or other border points, and the ability of asylum seekers to request access to FMS was not well publicized. Asylum seekers thus had to rely on the goodwill of border guards and airline personnel to call immigration officials or face immediate return to their countries of origin, including in some cases to countries where a well-founded fear of persecution could be demonstrated.



Members of a group of Somali refugees, who were stranded in the transit area of Moscow's Sheremetevo airport for more than a year after being denied entry into Russia, were either resettled in third countries or voluntarily returned to Somalia by year's end. The UNHCR described Ombudsman Lukin's office as instrumental in resolving this case.

By law the decision of an FMS official could be appealed to a higher-ranking authority or to a court. During the appeal process, the applicant received the rights of a person whose application for refugee status was being considered. A person who did not satisfy the criteria for refugee status, but could not be expelled or deported for humanitarian reasons, could be granted temporary asylum after submitting a separate application.

The government rarely granted convention status to those who managed to present their asylum applications to the FMS. The UNHCR and NGOs stated that asylum seekers at times faced detention, deportation, fines by police, and racially motivated assaults.

Human rights groups continued to allege that authorities made improper use of international agreements that permitted them to detain, and possibly repatriate, persons with outstanding arrest warrants from other post-Soviet states. This system, enforced by informal ties between senior law enforcement officials of the countries concerned, permitted detention for up to one month while the prosecutor general investigated the nature of the warrants.

The UNHCR and human rights groups noted an increasing trend of extralegal repatriation, in which people (most commonly from Central Asia) were detained and flown out of the country clandestinely. Rights groups maintained that this could not happen without the cooperation of several different Russian federal organs.

The UNHCR, the International Organization for Migration, and NGOs assisted the government to try to develop a more humane migration management system. The FMS cooperated well with international organizations to provide training for its officers throughout the country to ensure they understood refugee law. For asylum seekers who were allowed into the country to pursue their claims, the refugee law provides the right to temporary accommodations. However, there was only one facility with such accommodations in the country, in Ochyor, Perm Region, approximately 660 miles from Moscow. In April the BBC news service reported the facility, located 30 minutes from the town center, consisted of a collection of

mobile homes with warped walls, broken windows, and leaking roofs and had previously been used by East German laborers in the 1980s.

Access to Basic Services: While federal law provides for education for all children, regional authorities occasionally denied access to schools to children of asylum seekers who lacked residential registration. However, when parents encountered difficulties enrolling their children in schools, authorities generally cooperated with the UNHCR to resolve the problem. Authorities frequently denied migrants the right to work if they did not have residential registration. Refugees also may not legally work if they are not registered and cannot obtain registration unless they have an employer or landlord willing to register them.

### **Stateless Persons**

Citizenship is derived both by birth within the Russian Federation's territory, with certain restrictions, and from one's parents. A child becomes a citizen at birth if both parents are citizens, if one parent is a citizen and the other one is stateless, if one parent is a citizen and the other is a foreigner and the child was born on the territory of the country, or if both parents are foreigners or stateless and the child was born on the territory of the Russian Federation and there is concern the child might otherwise become stateless.

The UNHCR estimated that there were 50,000 stateless persons in the country at the end of the year, with 1,716 in the North Caucasus region, based on data from local authorities and NGOs. FMS statistics indicated that, at the end of 2008, 21,443 stateless persons were registered in the country.

In Krasnodar Kray at least several hundred (with some estimates as high as 5,000) Meskhetian Turks, Batumi Kurds, Hemshils, and Yezidi refugees and environmental migrants and their descendants remained without passports and were denied the right to register as residents, depriving them of all rights of citizenship and preventing them from working legally, leasing land, or selling goods. The law in Krasnodar Kray that defines illegal migrants includes stateless persons.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens with the right to change their government peacefully in regularly scheduled national and regional elections; however, citizens could not

fully exercise this right in practice, as the government limited the ability of opposition parties to organize, register candidates for public office, access the media, or conduct political campaigns.

### **Elections and Political Participation**

Recent Elections: The State Duma elections on December 4 were marked by fraud and irregularities in many regions, particularly in the North Caucasus, as documented by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE).

In the lead-up to the elections, independent observers, media, and opposition parties reported widespread violations, including abuse of administrative resources, such as pressuring students, state budget employees, employees of state-owned companies, and others to vote for ruling party United Russia. On election day, December 4, reports of violations included fraudulent use of absentee ballots, ballot-box stuffing, manipulation of protocols, busing in voters from other regions, “carousel” schemes in which citizens voted multiple times at different locations, distribution of gifts to voters, allowing unregistered voters to vote, and preventing registered voters from voting. The Web sites of independent media outlets, including the LiveJournal blogging platform, popular radio station Moscow Echo, *Kommersant*, the *New Times*, *Forbes Russia*, *Bolshoy Gorod*, and Slon.ru news portal, were unavailable due to DDoS attacks, as was the Web site of independent election monitoring organization GOLOS, whose interactive map of election violations enabled monitors to report election irregularities at specific polling stations throughout the country.

According to ODIHR the December 4 parliamentary elections were “a competition on unequal grounds in favor of the governing party.” ODIHR also found that the lack of independence of the election administration, the partiality of most media, and the undue interference of state authorities at different levels undermined fair electoral competition. OSCE/ODIHR observers received numerous credible allegations of attempts to influence voters’ choices. These included allegations of civil servants being requested to sign letters in support of United Russia, owners of big companies putting pressure on employees to vote for the governing party, and school directors being instructed by local authorities to ensure that their employees voted for United Russia. Despite the lack of a level playing field, voters nevertheless took advantage of their right to express their choice. The vote count itself was characterized by frequent procedural violations and instances of apparent manipulation, including several serious indications of ballot-box stuffing.

Tiny Kox, head of a delegation from the Parliamentary Assembly of the Council of Europe, stated that at approximately 10 percent of the polling stations his team monitored, they observed packets of ballots folded together, indicating ballot stuffing. He also said that monitors from GOLOS, registered political parties, and the press were excluded from dozens of polling stations.

Chechnya reported a 99 percent voter turnout rate, with 99.5 percent of the votes cast in favor of United Russia, or 0.1 percent more than in 2007. Caucasian Knot reported that, on December 2, Chechen officials stated there were 608,797 registered voters but, on December 5, announced that 611,099 ballots had been cast, or 2,302 more than the number of registered voters given three days previously. In Ingushetia, independent observers and Caucasian Knot estimated voter turnout at just 10 percent, with numerous cases of electoral violations. Officials reported a 90 percent voter turnout rate with 78.1 percent votes cast for United Russia, versus the final Central Election Commission official result of 90.96 percent.

After the elections peaceful protests occurred in many cities throughout the country, notably on December 10, when approximately 50,000 protesters rallied in Bolotnaya Square in Moscow, and on December 24, when nearly 80,000 gathered on Prospekt Sakharova in Moscow. Despite the peaceful aspect of the protests, more than 1,000 protesters were arrested across the country during the month, the vast majority outside of Moscow and St. Petersburg. Among those arrested immediately after the elections were prominent opposition figures Alexei Navalniy and Boris Nemtsov.

On August 21, Valentina Matviyenko, current chairperson of the Federation Council and former governor of St. Petersburg, was elected in a by-election to municipal council, winning 95 percent and 97 percent of the vote, respectively, in the two municipalities in which she was a candidate. GOLOS identified irregularities in the election that potentially constituted fraud, including the announcement of Matviyenko's candidacy after the deadline had passed for candidates for the office to register. GOLOS filed a lawsuit with the Kirov District Court contesting the election procedure and recommended all election procedures be suspended until the court's verdict. Opposition figures were arrested for distributing campaign leaflets that did not indicate where they had been printed, as required by law. Charges were later dropped. Government officials also reportedly instructed groups whom to vote for and offered free medical exams,

concert tickets, or ice cream to voters; however, election officials found no serious violations and approved the results of both elections the following day.

In 2008 the country held presidential elections in which Dmitry Medvedev, the candidate of the ruling United Russia Party, received 70 percent of the vote. Observers from the Parliamentary Assembly of the Council of Europe stated that the elections were not free or fair. Widespread violations, comparable to the State Duma elections held in 2007, were reported. The OSCE representative on freedom of the media reported numerous media freedom violations during the parliamentary and presidential elections. Electoral violations and problems included an “unprecedented” number of absentee ballots, collective voting under pressure, multiple voting, and vote-counting irregularities.

Political Parties: To obtain legal status, the law requires that a political party obtain the signatures of at least 45,000 members, including at least 450 members in half of the country’s regions and 250 members in each of the remaining regions. In practice the registration of opposition parties was very restricted. Since 2006 the Ministry of Justice has refused to register nine political parties and has allowed only one, Right Cause, to register.

While parties represented in the State Duma may nominate a presidential candidate without having to collect and submit signatures, prospective presidential candidates from parties without Duma representation must collect two million signatures from supporters throughout the country. These must be submitted to the Central Election Commission (CEC) for certification. An independent candidate is ineligible to run if the CEC finds more than 5 percent of the signatures to be invalid.

The law prohibits early voting and negative campaigning and provides a number of criteria for removing candidates from the ballot, including for vaguely defined “extremist” behavior. The executive branch and the prosecutor general have broad powers to regulate, investigate, and disqualify political parties. Other provisions limit campaign spending, set specific campaign periods, and provide for restrictions on campaign materials.

On June 21, the Party of People’s Freedom (PARNAS) was denied registration by the Ministry of Justice, which claimed that its application contained a number of errors. On August 22, Moscow’s Zamoskvoretskiy Court upheld the denial of registration, stating that 79 of the 46,000 signatures were invalid. According to the law, the minimum number to obtain legal status is 45,000 signatures.

Participation of Women and Minorities: There were 59 women in the 450-member State Duma and nine women in the 166-member Federation Council, including Chairwoman Valentina Matviyenko. There were three female ministers. Two of the 83 regional leaders were women. Three of the 19 judges on the Constitutional Court were women. No political party was led by a woman.

Information on the ethnic composition of the State Duma and the Federation Council was not available. National minorities took an active part in political life. However, ethnic Russians, who constituted approximately 80 percent of the population, dominated the political and administrative system, particularly at the federal level.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption; nonetheless, it was a pervasive problem. The government acknowledged that it had difficulty enforcing the law effectively, and officials often engaged in corrupt practices with impunity.

Corruption was widespread throughout the executive, legislative, and judicial branches at all levels of government. Manifestations included bribery of officials, misuse of budgetary resources, theft of government property, kickbacks in the procurement process, extortion, and improper use of official position to secure personal profits. While there were prosecutions for bribery, a general lack of enforcement remained a problem. Official corruption continued to be rampant in numerous areas, including education, military conscription, medicine, commerce, housing, pensions/social welfare, law enforcement, and the judicial system.

In May the Duma passed legislation criminalizing transnational bribery and substantially increasing fines and prison sentences for offering and receiving bribes. For example, the maximum penalties for receiving a bribe became 15 years' incarceration and a fine equivalent to 100 times the amount of the bribe. The law also created a new crime of mediation in bribery as well as administrative corporate liability for transnational bribery.

The law requires government officials to submit financial statements, restricts their employment at entities where they had prior connections, and requires reporting of actual or possible corrupt activity. In practice information that officials provided did not always reflect their true income or that of close family members.

The *Global Competitiveness Report 2010-11*, compiled by the World Economic Forum, cited corruption as the country's most problematic factor for doing business. The country's score in Transparency International's Corruption Perception Index improved. The country scored poorly on judicial independence, fairness in the decisions of government officials, the transparency of government policymaking, and the influence of organized crime.

A statement issued on July 21 by the Ministry of Internal Affairs estimated the average amount of a commercial bribe in Russia to be more than 61,000 rubles (21,890), almost triple the 23,000 rubles (\$715) figure in 2010. According to an estimate by the Ministry of Economic Development released in June, government officials accepted bribes totaling 164 billion rubles (\$5.1 billion) in 2010. The top three categories of corrupt officials were traffic police officers, representatives of higher educational institutions, and health workers. It was further reported that the estimated amount of bribes that law enforcement officials received had increased almost 13-fold since 2005, from 1.27 billion to 16.2 billion rubles (\$39.4 million to \$503 million).

Prosecutors charged high-level officials with corruption during the year; however, most government anticorruption campaigns were limited in scope and focused on lower-level officials. Allegations of corruption were also used as a political tactic.

According to *Vlast* magazine, more than 2,800 state officials were charged with corruption during the first six months of the year. According to Investigative Committee head Aleksander Bastrykin, corruption charges were also brought against 120 investigators and 12 prosecutors during the year. Corruption charges were brought against 48 lawyers, eight members of election commissions, 214 deputies of municipal councils, 310 municipal officials, 11 deputies of regional parliaments, one State Duma deputy, and three judges as well.

On February 14, the Investigative Committee fired, and later charged, Aleksandr Ignatenko and several other prosecutors for allegedly providing "protection" to illegal gambling businesses in the greater Moscow area. On November 10, Ignatenko was officially placed on Interpol's international wanted list after he reportedly fled to Ukraine. The Investigative Committee claimed that the Prosecutor General's Office sabotaged the investigation to protect prosecutors who: 1) refused to approve a cooperation agreement between investigators and one of the defendants, and 2) illegally invalidated the Investigative Committee's initial charges in the case. A court ruled that refusal of the Prosecutor General's

Office to approve the cooperation agreement was illegal. The investigation continued, and the case had not been sent to court.

Civil society took an active stance in fighting corruption through anticorruption Web sites such as RosPil and other blogs.

When whistleblowers complained about official corruption, sometimes the same government official who was the subject of the complaint was asked to investigate, which often led to retaliation against the whistleblower, generally in the form of criminal prosecution. A prominent example is that of Sergey Magnitskiy, who was prosecuted by the same Internal Affairs Ministry officers he implicated in the theft of five billion rubles (\$150 million) through a fraudulent tax rebate scheme (see section 1.c., Prison and Detention Center Conditions).

The law authorizes public access to all government information unless it is confidential or classified as a state secret. A great deal of government information is classified as confidential, so in practice access to government information was limited.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Domestic and international human rights groups operated in the country, investigating and publicly commenting on human rights problems, but official harassment continued, especially of NGOs that focused on politically sensitive areas, received foreign funding, or employed international staff. NGOs and international humanitarian assistance in the North Caucasus were severely restricted. Some officials, including Commissioner for Human Rights Vladimir Lukin; regional ombudsman representatives; and the chairman of the Presidential Council for the Development of Civil Society and Human Rights, Mikhail Fedotov, regularly interacted and cooperated with NGOs. The council was widely respected, active, and influential on reporting on government corruption and human rights abuses. For example, it released an expert report on the death of Sergei Magnitskiy and the trial and detention conditions of Mikhail Khodorkovskiy.

The law regulating NGOs requires them to register with the Ministry of Justice. NGOs are required to submit periodic reports to the government that disclose sources of foreign funding and detailed information as to how they used their funds. NGOs indicated that they were increasingly cautious about accepting



foreign funding, and in many cases those that continued to do so restricted their activities to less sensitive issues.

Authorities continued to target NGOs receiving foreign funding for special “checks,” confiscating financial and other documents. However, in November the Duma loosened restrictive rules enacted in July, which had expanded the grounds upon which the government could conduct an “unscheduled” audit.

Authorities continued to apply a number of indirect tactics to suppress or close domestic NGOs, including abusive application of various laws and harassment in the form of investigations and raids. Observers believed that the government selectively applied the NGO law to target certain groups, such as human rights organizations, whose activities they regarded as hostile to the authorities. Laws on extremism and libel were also employed to restrict the activities of NGOs and criticism of the government. The law defines extremist activity to include public libel of a government official or his or her family as well as public statements that could be construed as justifying or excusing terrorism.

Security services in Chechnya targeted NGOs that focused on women’s rights in Chechnya and warned them not to meet with foreign interlocutors and specifically not to attend a human rights workshop in Stockholm. In Novochoerkassk the president of the NGO Women of the Don, Valentina Cherevatenko, was targeted with a smear campaign on television, in newspaper articles, and through flyers calling her a “foreign collaborator” and a “traitor.” Her NGO was vandalized and she was threatened.

Authorities sometimes refused to cooperate with NGOs that were critical of their activities. Human rights NGOs operating in Chechnya, including the Committee Against Torture, reported threats and intimidation by law enforcement.

Government Human Rights Bodies: Some government institutions continued to promote the concept of human rights, challenge the activities of some local governments that violated human rights, and intervene in selected abuse complaints. Commissioner for Human Rights Vladimir Lukin commented on a range of human rights problems, such as police violence, prison conditions, the treatment of children, and hazing in the military. Lukin also criticized intolerance and the growing wave of ethnic and religious hatred. Lukin’s office used its influence to draw attention to human rights problems in prisons, and many leaders of human rights NGOs continued to note that Lukin was generally effective as an

official advocate for many of their concerns, despite the limited authority of his position.

The Human Rights Ombudsman's Office includes several specialized sections responsible for investigating complaints. Of the country's 83 regions, 47 have regional human rights ombudsmen with responsibilities similar to Lukin's. Their effectiveness varied significantly.

Many observers did not consider the 126-member Public Chamber to be an effective check on the government. Some prominent human rights groups declined to participate in the chamber due to concern that the government would use it to increase control over civil society. Following the December parliamentary elections, two prominent members of the Presidential Council on Human Rights and the Development of Civil Society, Irina Yassina and Svetlana Sorokina, resigned to protest reported election violations and the arrest of hundreds of protesters.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, language, social status, or other circumstances; however, the government did not universally enforce these prohibitions.

### **Women**

Rape and Domestic Violence: Rape is illegal, and the law makes no distinction based on the relationship between the rapist and the victim. Rape victims may act as full legal parties in criminal cases brought against alleged assailants and may seek compensation as part of a court verdict without initiating a separate civil action. While members of the medical profession assisted assault victims and sometimes helped identify an assault or rape case, doctors were often reluctant to provide testimony in court.

According to the Russian Federal State Statistics Service (RosStat), through November, 4,462 rapes were reported to authorities, compared with 4,907 for 2010. However, women were unlikely to report cases of rape by persons they knew. Additionally, according to NGOs, many women did not report rape or other violence due to fear of social stigma and lack of government support.

The penalty for rape is three to six years' imprisonment for a single offender, and four to 10 years if the crime is committed by a group of persons. The perpetrator receives eight to 15 year sentence if a victim was underage and 12 to 20 years if a victim died or was under 14 years of age. According to NGOs, many law enforcement personnel and prosecutors did not consider spousal or acquaintance rape a priority and did not encourage reporting or prosecuting such cases. NGOs reported that local police officers sometimes refused to respond to rape or domestic violence calls until the victim's life was directly threatened.

Domestic violence remained a major problem. The Ministry of Internal Affairs maintained records on more than four million perpetrators of domestic violence. The Duma's Committee on Social Defense reported in March that 21,400 persons were killed in 2010, two-thirds of whom were women who died in domestic disputes, an increase of 50 percent since 2002.

The Ministry of Internal Affairs reported that at least 34,000 women were victims of domestic violence each year. However, the reluctance of victims to report domestic violence made it difficult to obtain reliable statistical information. The Anna Center for the Prevention of Violence said that up to 70 percent of domestic violence cases went unreported. Official telephone directories contained no information on crisis centers or shelters. There were approximately 25 women's shelters across the country, with beds for a total of about 200 women, according to the Anna Center.

There is no legal definition of domestic violence. Federal law prohibits battery, assault, threats, and killing, but most acts of domestic violence did not fall within the jurisdiction of the Prosecutor's Office. According to NGOs, police were often unwilling to register complaints of domestic violence and frequently discouraged victims from submitting them. The Center for Women's Support asserted that many perpetrators of domestic violence themselves belonged to law enforcement agencies. A majority of cases filed were either dismissed on technical grounds or transferred to a reconciliation process conducted by a justice of the peace, whose focus was on preserving the family rather than punishing the perpetrator. Civil remedies for domestic violence included administrative fines and divorce. Physical harm, property, and family rights cases, such as divorce, asset division, and child custody, cannot be heard in the same case or the same court.

Human Rights Watch reported that "honor killings" were a continuing problem in some areas, such as the North Caucasus, although it was difficult to estimate the number of victims. In September Caucasian Knot reported a resident of the

Kurchaloi District of Chechnya confessed to police that he murdered his 21-year-old female cousin for “immoral behavior.” The head of the Chechen government, Ramzan Kadyrov, has spoken publicly in support of honor killings.

Sexual Harassment: The law does not prohibit sexual harassment, which remained a widespread problem. The lack of legal remedies and limited economic opportunities caused many women to tolerate harassment.

Sex Tourism: Some observers noted that the country was a destination for sex tourism. Police worked closely with at least one foreign government to ensure the prosecution of sex tourists.

Reproductive Rights: The government officially recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. While there are no legal restrictions on access to contraceptives, international family planning organizations were unable to operate in the face of opposition from the government and from the Russian Orthodox Church, making access to family planning limited, especially outside of big cities. The government explicitly encouraged women to have as many children as possible to counteract the country’s declining population. According to UN estimates, the maternal mortality ratio in the country was 39 deaths per 100,000 live births in 2008. Men and women received equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination: Although the constitution states that men and women have equal rights and opportunities to pursue those rights, women encountered discrimination in employment. There was no government office devoted to the protection of women’s legal rights.

Job advertisements often specified gender and age requirements for a position. Some even specified desired physical appearance and preference for applicants who were open to intimate relations with their prospective supervisors. Employers often preferred to hire men to save on maternity and childcare costs and avoid the perceived unreliability associated with women with small children. The labor market was characterized by gender discrimination in compensation, professional training, hiring and dismissal, and career promotion. However, such discrimination was often very difficult to prove.

The 2002 census indicated that 62 percent of women had higher education, compared with 50 percent of men. Men and women have an equal right to obtain a bank loan, but in practice women often encountered significant restrictions.

The labor code specifies that female workers should not perform “hard physical jobs and jobs with harmful or dangerous labor conditions or work underground except in nonphysical jobs or sanitary and consumer services.” According to the NGO Peterburgskaya Egida, this law resulted in a list of 456 occupations that legally exclude women, including those of diver, gas rescue worker, paratrooper, and firefighter.

The law upholds equal ownership rights for women and men, but various restrictions limited women’s ability to acquire and administer assets. The civil code provides equal rights to access to land and access to property other than land for men and women. All property acquired during a marriage is the couple’s joint property; unless their marriage contract states otherwise, it is split into two equal shares in the event of divorce. Each spouse retains ownership and management of property acquired before marriage or inherited after marriage.

The minimum legal age for marriage is 18 for both men and women. Local authorities can authorize marriage from the age of 16--and even earlier in some regions--if it is considered justified. A 2004 UN report estimated that 11 percent of girls between the ages of 15 and 19 were married, divorced, or widowed. By law marriage requires the free consent of both spouses but does not need to be authorized by the bride’s family.

In some parts of the North Caucasus, women continued to face bride kidnapping, polygamy, and enforced adherence to Islamic dress codes. As part of his “modesty campaign,” Chechen leader Ramzan Kadyrov required women to wear head scarves in public (including at schools, universities, and government offices) and advocated seizing cell phones from young women, among other measures documented by Human Rights Watch. There were cases in some parts of the North Caucasus where men, claiming that kidnapping brides is an ancient local tradition, reportedly abducted and raped young women, in some cases forcing them into marriage. In other cases the young women were forever “sullied” as they were no longer virgins and could not enter a legitimate marriage.

## **Children**

Birth Registration: By law citizenship is derived from parents at birth or from birth within the country's territory if the parents are unknown or if the child cannot claim the parents' citizenship. As a rule all newborn babies are registered at the local civil registry office where the parents live. One of the parents must apply for registration within a month of the birth. Birth certificates were issued on the basis of the medical certificate of the hospital where a baby was born.

Education: Although education was free through grade 11 and compulsory until age 15 or 16, regional authorities frequently denied school access to the children of persons not registered as residents of the locality, including Roma, asylum seekers, and migrants.

Child Abuse: Child abuse was a widespread problem. Pavel Astakhov, presidential commissioner for children's rights, noted that the rate of reported child abuse had grown "30-fold" since 2003 but that "most nonviolent offenders get off with a suspended sentence." The online news source news24.ru reported in 2010 that there were 9,500 sexual crimes against children. An estimated 20,000 minors were missing at the end of the year, including 5,000 small children.

According to a 2011 report published by the NGO Foundation for Assistance to Children in Difficult Life Situations established by the Federal Ministry of Health and Social Development, approximately 2,000 to 2,500 children died annually as a result of domestic violence. According to a 2011 UNICEF report, 2,000 children committed suicide in 2010, of which 90 percent resulted from a family's social crisis or neglect of children.

Sexual Exploitation of Children: Children, particularly the homeless and orphans, were exploited for child pornography. While authorities viewed child pornography as a serious problem, the law prohibiting it lacks important details. The law does not define child pornography, criminalize its possession, or provide for effective investigation and prosecution of cases of child pornography. Courts often dismissed criminal cases because of the lack of clear standards. When a court convicted a suspect, it frequently imposed the minimum sentence, often probation. Authorities investigated and prosecuted relatively few cases involving child pornography, creating an environment in which it proliferated.

In the first three months of the year, authorities opened 128 preliminary investigations into the distribution of child pornography, compared with the 2010 total of 569. In addition, Minister of Internal Affairs Rashid Nurgaliyev reported that, as of April 1, police had shut down 130 child pornography Web sites. On

June 21, Nurgaliyev noted that the number of Web sites with child pornography had tripled.

There were two federal resources to respond to child pornography on the Internet: the Russian Safer Internet Center and the Friendly Runet Foundation, both of which had hotlines to receive information on illegal Internet activity. From January to April, the Friendly Runet Foundation processed 6,239 reports and found 3,420 sites with child pornography; of those, 3,310 sites were removed. As of June 21, information gathered through the hotline had resulted in the opening of 24 criminal cases for making or distributing child pornography.

Displaced Children: Citing Ministry of Internal Affairs statistics, a Public Chamber representative stated that each year nearly 120,000 children were orphaned and each day on average 200 children were taken away from neglectful parents. The representative estimated that 600,000 children were located in various types of institutional and foster care. In a 2008 report, the NGO Children's Rights estimated that approximately 40,000 children ran away from home annually to escape abuse and neglect and that 20,000 orphans fled similar conditions in orphanages.

The NGO Children's Rights estimated that 2 percent of the country's children were neglected or lived on the streets. Police attempted to return approximately 70 percent of them to a home or institution. According to *Rossiskaya Gazeta*, a government publication, the number of children living in extreme poverty fell from 3.1 percent in November 2008 to 1.4 percent in November 2009.

Homeless children often engaged in criminal activities, received no education, and were vulnerable to drug and alcohol abuse. Some children on the streets turned to, or were forced into, prostitution, often to survive. According to a 2010 report by the Foundation for Assistance to Children in Difficult Life Situations, juveniles committed 94,700 crimes in 2009, a decrease from 116,100 committed in 2008. Law enforcement officials reportedly abused street children, blamed them for unsolved crimes, and committed illegal acts against them, including extortion, detention, and psychological and sexual violence.

Regional ombudsmen for children operated in 25 regions with the authority to conduct independent investigations relating to the violation of children's rights, inspect any institutions and executive offices dealing with minors, establish councils of public experts, and conduct an independent evaluation of legislation affecting children. In a number of schools in the Moscow and Volgograd oblasts,

there were school ombudsmen dealing with children and families and identifying potential conflicts and violations of the rights of children.

International Child Abductions: Russia acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction effective October 1. For information see the Department of State's report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html) as well as country-specific information at [http://travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

### **Anti-Semitism**

The 2002 census estimated the number of Jews at 233,500; however, according to the Federation of Jewish Communities of Russia, the Jewish population could be as high as one million.

Although Jewish leaders reported improvements in official attitudes toward Jews, anti-Semitism remained a problem at the societal level. Violent attacks against Jews were infrequent, and only a few incidents occurred during the year.

There were reports of vandals desecrating Jewish synagogues and cemeteries and defacing Jewish religious and cultural facilities, sometimes combined with threats to the Jewish community, although the Russian Jewish Congress and the Federation of Jewish Communities report that overt acts of anti-Semitism are minimal. The SOVA Center, an NGO that seeks to combat extremism and nationalism, registered six acts of anti-Semitic vandalism as of December 1. The reduction in vandalism appeared linked to a decrease in the level of activity of nationalist groups Russian Way and Resistance, whose members had previously engaged in such acts.

On July 12, four masked men threw Molotov cocktails at the Darchei Shalom synagogue in northern Moscow. Police believed the attack was in retaliation for the conviction of 12 members of a neo-Nazi group earlier that day.

There were several instances in which the government successfully prosecuted individuals for anti-Semitic statements or publications. On June 22, the central regional court of Khabarovsk convicted Vyacheslav Kravchenko and Yevgeniy Smolyakov of committing arson at a local synagogue and attacking a police officer who had been investigating cases of extremism in 2009. Kravchenko and



Smolyakov received 24- and 27-month conditional sentences, respectively, and were released on probation.

Anti-Semitism on television or in other mainstream media was infrequent and was more likely to appear in low-circulation newspapers or in pamphlets. However, according to the Moscow Bureau of Human Rights (MBHR), anti-Semitic material on Russian-language Internet sites increased during the year. During the November 4 “Russian March,” demonstrators shouted racist and anti-Semitic slogans.

In May the Web site antisemitism.org reported on a plan by the Ministry of Foreign Affairs to send “spiritual and ethical literature” to Russian diplomatic representatives in 25 countries, including the anti-Semitic texts *The Protocols of the Elders of Zion* and *Kabbalah: Conspiracy against God*. According to the ministry, the plan was abandoned and the anti-Semitic literature was never purchased.

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

Several laws prohibit discrimination against persons with disabilities or mandate their equal treatment; however, the government generally did not enforce these laws. Citizens with disabilities continued to face discrimination and denial of equal access to education, employment, and social institutions. According to information provided by the NGO Perspektiva, persons with mental disabilities were severely discriminated against in both education and employment. In addition the conditions of guardianship imposed upon them by courts deprived them of practically all personal rights.

Conditions in institutions for adults with disabilities were often poor, with unqualified staff and overcrowding. Institutions rarely attempted to develop the abilities of residents, who were frequently confined to the institutions and sometimes restricted in their movement within the institutions themselves.

Federal law on the protection of persons with disabilities requires that buildings be made accessible to persons with disabilities, but authorities did not enforce the law, and in practice many buildings were not accessible.

The lack of elevators in metro systems across Russia severely inhibited a wheelchair-bound person from using the system without assistance. In 2010 Moscow city officials adopted a proposal known as the “Strategy for Raising Quality of Life for the Disabled 2010-2020.” In its 2011 fiscal year budget, the city allocated 2.5 billion rubles (\$77.6 million) toward developing a more accessible city environment for persons with disabilities. Officials reported that, in the second half of 2010, 54 percent of city public buildings were made accessible to disabled persons; 34,600 ramps were introduced on city streets; and 40 percent of buses, 25 percent of trolley-buses, and 14 percent of pedestrian crossing lights were adapted for persons with special needs.

In June the St. Petersburg subway system prohibited wheelchair users. While subway management modified the decision in response to public pressure; the use of the system by persons in wheelchairs remained difficult. By July wheelchair-bound individuals could use a reserve escalator only if accompanied by two assistants, one of whom could be subway staff (although staff was not obliged to assist). Persons using wheelchairs could also use some city buses, which were equipped with low floors for access. However, persons using wheelchairs found it difficult to travel anywhere in the city unaccompanied, since sidewalks often have high curbs and public transportation stops were not constructed in a way that made them easily accessible.

There are laws establishing employment quotas for persons with disabilities at the federal and local levels. However, some local authorities and private employers continued to discourage such persons from working, and there was no penalty for failure to honor quotas. According to the NGO Perspektiva, only 9 percent of persons with disabilities held a permanent job. Many of them worked at home or in special organizations. In Moscow several dozen companies were equipped to employ physically disabled persons.

According to government reports, of approximately 450,000 school-age children with disabilities, an estimated 200,000 did not receive any education. Of the 250,000 who received an education, 140,000 attended regular schools, 40,000 studied at home, and 70,000 attended special schools. Because special schools made up only 3 percent of all schools, most children with disabilities could not

study in the communities where they lived and were isolated from other members of the community.

Authorities generally segregated such children from mainstream society through a system that institutionalized them until adulthood. Observers concluded that issues of children's welfare often were ignored, and there were few means of addressing systemic problems of abuse. Human rights groups alleged that children with disabilities in state institutions were poorly provided for and, in some cases, physically abused by staff members. Graduates of state institutions also often lacked the necessary social, educational, and vocational skills to function in society.

There appeared to be no legal mechanism by which individuals could contest their assignment to a facility for persons with disabilities. The classification of categories of disability to children with mental disabilities often followed them through their lives. The labels "imbecile" and "idiot," which were assigned by a commission that assesses children with developmental problems at the age of three and signify that a child is uneducable, were almost always irrevocable. Even the label "debil" (slightly retarded) followed an individual on official documents, creating barriers to employment and housing after graduation from state institutions. This designation was increasingly challenged in the case of children with parents or individual caregivers, but there were few advocates for the rights of institutionalized children.

On April 28, the Moscow City Duma passed a law on the education of persons with disabilities in Moscow, which observers believed created some improvements in education for persons with disabilities.

The election laws contain no special provisions concerning the accessibility of polling places, and the majority of polling places were not accessible to persons with disabilities. However, mobile ballot boxes were generally brought to the homes of the disabled to allow them to vote.

In March the government adopted the State Program on Accessible Environment for 2011-15 with a total budget of 47 billion rubles (\$1.5 billion). The goal of the pilot program was to provide access to services in healthcare, culture, transport, information and communications, education, social protection, sports, and housing facilities for persons with disabilities.

The mandates of government bodies charged with protecting human rights include the protection of persons with disabilities. These bodies carried out a number of inspections in response to complaints from disability organizations and, in some cases, appealed to the responsible agencies to remedy individual situations. Inspections by the Ombudsman's Office of Homes for Children with Mental Disabilities continued to disclose severe violations of children's rights and substandard conditions.

### **National/Racial/Ethnic Minorities**

The law prohibits discrimination based on nationality. However, government officials at times subjected minorities to discrimination. There was a steady rise in societal violence and discrimination against minorities, particularly Roma, persons from the Caucasus and Central Asia, dark-skinned persons, and foreigners. The number of reported hate crimes increased during the year, and skinhead groups and other extreme nationalist organizations fomented racially motivated violence. Racist propaganda remained a problem, although courts continued to convict individuals of using propaganda to incite ethnic hatred.

According to the SOVA Center, during the year racist violence resulted in the death of at least 20 persons, while 103 others were injured and six received death threats. Incidents were reported in 34 regions. Violence was concentrated in the major cities: seven were killed and 28 injured in Moscow city, four were killed and 19 injured in the greater Moscow Oblast, and three were killed and 16 injured in St Petersburg. The main targets of attack continued to be Central Asians (10 killed and 24 injured); leftist and youth activists (14 injured); and natives of the Caucasus region (six killed and four injured). There were 45 acts of neo-Nazi vandalism recorded in 20 regions during the year.

Violence against African minorities continued. On May 1, Interfax reported that two men in a bar yelling nationalist slogans beat an African doctoral student. The victim was taken to a hospital with multiple injuries and traumatic brain injury. According to the Moscow Protestant Chaplaincy's Task Force on Racial Violence and Harassment, police in Moscow consistently failed to record the abuse of African minorities, charge alleged attackers with any crime, or issue copies of police reports to victims.

On September 8, the Tverskoy District Court in Moscow started hearings against five men who were charged with inciting mass disorder, hooliganism, and using violence against law enforcement officers in connection with the Manezhnaya

Square riots between ethnic Russians and people from the North Caucasus in December 2010. The men continued to be held in pretrial detention.

Skinhead violence continued to be a serious problem. Skinheads primarily targeted foreigners, particularly Asians and individuals from the North Caucasus, although they also expressed anti-Muslim and anti-Semitic sentiments. According to the Ministry of Internal Affairs, neofascist movements had approximately 15,000 to 20,000 members, more than 5,000 of whom were estimated to live in Moscow. However, the ministry stated that if the category includes “extremist youth groups” in general, the number would be closer to 200,000 countrywide. In 2009 MBHR estimated there were as many as 70,000 skinhead and radical nationalist organizations, compared with a few thousand in the early 1990s. Skinhead groups were most numerous in Moscow, St. Petersburg, Nizhniy Novgorod, Yaroslavl, and Voronezh. The three most prominent ultranationalist group--the Great Russia Party, the Slavic Union Movement, and the Movement against Illegal Immigration--claimed 80,000, 10,000, and 20,000 members, respectively. Membership claims by these underground organizations were difficult to verify.

The deputy head of the FMS International and Public Relations Directorate, Konstantin Poltoranin, made the following statement to the BBC in April: “What is now at stake is the survival of the white race. We feel this in Russia. We want to make sure the mixing of blood happens in the right way here, and not the way it has happened in Western Europe where the results have not been good.” Poltoranin was fired after the comments were made public.

Human rights organizations expressed concern that Romani children in schools experienced discrimination. According to Memorial a number of schools refused to register Romani students on the grounds that they lacked documents, while others segregated Romani students or placed them in classes designed for children with learning disabilities because of their ethnicity.

### **Indigenous People**

The law provides for support of indigenous ethnic communities, permits them to create self-governing bodies, and allows them to seek compensation if economic development threatens their lands. Groups such as the Buryats in Siberia and ethnic groups in the far north (including the Enver, Tatarli, Chukchi, and others) continued to work actively to preserve and defend their cultures as well as their right to benefit from the economic resources of their regions. Most asserted that

they received the same treatment as ethnic Russians, although some groups claimed that they were not represented, or were underrepresented, in regional governments.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

LGBT communities continued to suffer from societal stigma and discrimination. Gay rights activists asserted that the majority of LGBT persons hid their orientation due to fear of losing their jobs or their homes, as well as the threat of violence. Nevertheless, there were active gay communities in Moscow and St. Petersburg. Medical practitioners reportedly continued to limit or deny LGBT persons health services due to intolerance and prejudice. According to recent studies, gay men faced discrimination in workplace hiring. Openly gay men were targets of skinhead aggression, and police often failed to respond out of indifference. Several gay rights organizations were outspoken about discrimination encountered by LGBT persons.

Transgender individuals faced difficulties in changing their names and gender classifications on government documents. Although the law allows for such changes, the government has not established a standard procedure for doing so, and in practice many civil registry offices denied these requests. When their documents fail to reflect their gender accurately, transgender persons often faced discrimination in accessing health care, education, housing, and employment.

In Moscow authorities refused to allow a gay pride parade for the sixth consecutive year, despite an ECHR ruling that the bans violated the rights to freedom of assembly and prohibition of discrimination. The Web site GayRussia.eu reported that on the same day city hall denied parade permits, it granted permission for a rally calling for the criminalization of homosexuality. On October 1, 40 people were arrested in Moscow during a sanctioned gay pride rally after violence ensued between parade members and protesters. On November 23, Moscow Mayor Sergei Sobyenin stated he was against any gay pride parade.

Societal animosity toward LGBT persons remained strong. In St. Petersburg on June 18, the People's Catholic movement and the group Parents Standing held an antigay rally to demand that the State Duma prohibit "propaganda of sexual perversion." The city council allowed the rally but prohibited a gay rights rally the next week. On September 29, it was reported that a new law outlawing all public

displays of homosexuality, including pride parades, went into effect in Arkhangelsk Oblast.

### **Other Societal Violence or Discrimination**

The International Foundation for Human Rights reported in April that only 33.4 percent of homeless citizens had a Russian passport and 38.2 percent had no documents at all. The lack of a passport prevented homeless citizens from fully securing their legal rights and social services. For example, almost 26 percent of the homeless who stated they had no documents were refused medical assistance. Among the homeless who had a Russian citizen passport, 13.5 percent were refused medical treatment. Homeless persons faced barriers to obtaining legal documentation.

Persons with HIV/AIDS often encountered discrimination. A federal AIDS law includes antidiscrimination provisions but frequently was not enforced. Human Rights Watch reported that HIV-positive mothers and their children faced discrimination in accessing health care, employment, and education. Persons with HIV/AIDS found themselves alienated from their families, employers, and medical service providers. According to GayRussia.eu, the government no longer requires HIV tests for visitors who apply for short-term tourist visas or business visas for one year or longer as long as their total stay in the country is not greater than three months per year.

Prisoners with HIV/AIDS were regularly abused and denied medical treatment. On August 12, prison officials opened an investigation into the alleged abuse of inmate's rights at the Gaaza Prison Hospital in St. Petersburg following a BBC report in which a prisoner, Eduard Razin, complained of his treatment. Razin, who was suffering from HIV, hepatitis, and tuberculosis, stated that he had not received proper treatment. After the story was released, Razin was transferred to a prison in another province.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides workers the right to form and join unions, but government policy limited its exercise in practice. By law the Federal Registration Service must consider a union officially registered once it has submitted the requisite documents. Labor unions are to be independent of government bodies, employers,

political parties, and NGOs, and interference by government authorities in union activities is prohibited.

The law establishes the right to strike and prohibits reprisals against strikers. The law requires the provision of a minimum level of essential services if a strike could affect the safety or health of citizens. The labor code prohibits strikes in the military and emergency response services. In addition it prohibits strikes in essential public service sectors, including utilities and transportation, or strikes that would threaten the country's defense and safety or the life and health of its workers. Solidarity strikes and strikes on issues related to state policies also are prohibited.

The law provides for collective bargaining, but only one collective bargaining agreement is permitted per enterprise, and bargaining must be carried out by a union or group of unions representing at least half of the workforce. The law prohibits antiunion discrimination.

State agencies responsible for overseeing the observance of labor legislation frequently failed to fulfill their responsibilities, and violations of labor law were common. Registering unions, for example, was often a cumbersome process. Labor experts asserted that the documents a union must submit vary among regional offices of the service, and the offices often find fault with the papers provided for minor, bureaucratic reasons.

Labor activists reported that police regularly used widespread intimidation techniques against union supporters, including detention, extensive interrogations, and provocation of physical confrontation. Police and prosecutors often questioned union activists based on written orders from the regional office of the FSB. Union activists also alleged that police pressured them to become informants.

In spite of laws defending the right to strike, the majority of strikes were considered illegal because they violated one or more of a complex set of procedures governing disputes. Courts may confiscate union property to cover employers' losses in the event that a declared strike continues after it is ruled illegal. The courts have upheld most employers' requests to declare a strike illegal. According to the Federation of Independent Trade Unions of Russia, the legal preparation for a strike takes at least 40 days.



The Federal Statistics Service registered only two legal strikes during the year. Independent commentators, however, noted significantly more protest actions occurred. During the first nine months of the year, the Center for Social and Labor Rights registered a total of 194 labor protest actions, including 67 work stoppages. Data for the first six months of the year revealed that the primary causes of labor disputes were wage arrears (35 percent), followed by company reorganization or closure (34 percent), low pay (29 percent), and layoffs (16 percent), with some disputes having multiple causes.

In practice employers were slow to recognize newly formed unions. In addition they often accepted union requests for collective bargaining reluctantly and failed to provide union representatives with financial reports. Some companies claimed to have financial difficulties to avoid concluding new agreements or disregarded the existing ones in violation of labor legislation norms.

Employers frequently engaged in reprisals for union activity, including threats of night shifts, denial of benefits, blacklisting, and termination. Although unions were occasionally successful in courts, in most cases the management of companies engaged in antiunion activities was not penalized.

In January the Labor Confederation of Russia and All-Russia Confederation of Labor filed a joint complaint against the government with the International Labor Organization's Freedom of Association Committee. The complaint, later joined by leading unions, alleged violations that took place from 2006 to 2009, including violations of trade union rights and civil liberties, violations of workers' right to establish organizations without prior authorization, discrimination based on union membership and union activities, refusal by employers to recognize newly formed unions, denial of union leaders' access to members' workplaces, violations of the right to bargain collectively, government interference in trade union activities, and absence of an established system to defend trade union rights.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Men, women, and children were subjected to conditions of forced labor, including work in the construction industry, textile shops, and agriculture, according to the National Foundation for the Prevention of Cruelty to Children and UNICEF. Military personnel were investigated in the past for the labor exploitation of military conscripts under their command. Guest workers in the far eastern part of the country were subjected to

conditions of debt bondage and forced labor, including in the agricultural and fishing sectors. Men, women, and children, including those from foreign countries such as Belarus, Kyrgyzstan, Tajikistan, Uzbekistan, Ukraine, and Moldova, were subjected to conditions of forced labor, including work in the construction industry, in textile shops, and in agriculture.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

There are laws to protect children from exploitation in the workplace, including laws against compulsory labor; however, authorities did not effectively implement laws and policies that would protect children. The law prohibits the employment of children under the age of 16 in most cases and regulates the working conditions of children under the age of 18, including prohibiting dangerous nighttime and overtime work. The law permits children, under certain conditions and with the approval of a parent or guardian, to work at the age of 14. Such work must not threaten the child's health or welfare.

The Federal Labor and Employment Service (RosTrud) is responsible for inspecting enterprises and organizations to identify violations of labor and occupational health standards for minors. Local police only investigated in response to complaints. RosTrud reported 5,100 child labor violations in 2010. The most common violations included the absence of an obligatory medical check, absence of written labor agreements, involvement of minors in harmful and/or unsafe work environment, and excessive hours.

In urban areas the employment of children occurred primarily in the informal sector--retail services, selling goods on the street, washing cars, and making deliveries. In rural areas children worked in agriculture.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

### **d. Acceptable Conditions of Work**

As of June 1, the legal minimum wage was 4,611 rubles (approximately \$143) per month. The subsistence minimum set by the government was 6,505 rubles (\$202) per month in the second quarter of the year. According to the Federal Statistics

Service, in the first half of the year, 14.9 percent of the population had incomes below the subsistence minimum, compared with 13.5 percent in the first half of 2010.

The labor code contains provisions for standard work hours, overtime, and annual leave. The standard workweek cannot exceed 40 hours. Employers are not permitted to request overtime work from pregnant women, workers under age 18, and other categories of employees specified by federal laws. Standard annual paid leave is 28 calendar days. Additional annual paid leave is granted to employees involved in work with harmful and/or dangerous labor conditions and to employees working in the Far North regions. Organizations have discretion to grant additional leave to employees.

The law establishes minimum conditions for workplace safety and worker health. The law gives workers the right to remove themselves from hazardous or life-threatening work situations without jeopardizing their continued employment.

RosTrud has approximately 1,700 labor safety inspectors working across the country. In 2010 RosTrud organized 182,700 labor inspections (including 89,000 inspections related to occupational safety). Inspections revealed a total of 992,400 labor violations (including 665,700 violations of occupational safety). RosTrud reported 9,500 violations of women's labor regulations in 2010. Most common were labor violations involving pregnant women and women with children under the age of three.

RosTrud reported that occupational incidents caused 3,244 deaths in 2010, including those of 244 women and three minors. The most unsafe sectors were construction and manufacturing (680 and 550 deaths, respectively). In many cases factory workers did not have adequate protective equipment and clothing, enterprises stored hazardous materials in open areas, emergency exits were locked, and smoking was permitted near flammable substances. Many companies employing workers in hazardous conditions awarded bonuses based on worker productivity, which could encourage workers to jeopardize their safety for higher salaries.

The law entitles foreigners working legally in the country to the same rights and protections as citizens. However, Human Rights Watch noted in a 2009 report that many employers in the construction sector, in which migrant laborers often worked, did not respect safety standards or provide migrant workers with

mandatory insurance or medical treatment, with many workers returning home without getting paid for the work done.

Press reports during the year cited multiple claims by workers of poor housing and nutrition as well as 13-hour workdays on construction sites associated with the 2012 Asia-Pacific Economic Cooperation Forum (APEC) summit in Vladivostok. In particular, in May almost 300 Turkish workers on Russkiy Island held a strike demanding payment of their delayed wages, while in July, 150 Uzbek workers struck to demand wages that had been delayed for three months. Poor working conditions and failure to respect labor code and labor safety rules were common on APEC-2012 construction sites in Vladivostok.