

## RUSSIA

The Russian Federation has a centralized political system, with power 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). The country has an estimated population of 142 million. 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.

There were numerous reports of governmental and societal human rights problems and abuses during the year. The restrictions on political competition and interference in local and regional elections in ways that restricted citizens' right to change their government continued. There were reports of: attacks on and killings of journalists by unidentified persons for reasons apparently related to their activities; physical abuse by law enforcement officers, particularly in the North Caucasus region; and harsh and often life-threatening prison conditions. Arbitrary detention and politically motivated imprisonments were problems. The government controlled many media outlets and infringed on freedoms of speech and expression, pressured major independent media outlets to abstain from critical coverage, and harassed and intimidated some journalists into practicing self-censorship. The Internet remained by and large free and provided citizens access to an increased amount of information that was not available on state-controlled media. The government limited freedom of assembly, and police at times used violence to prevent groups from engaging in peaceful protest. Rule of law and due process violations remained a problem.

Corruption was widespread throughout the executive, legislative, and judicial branches, and officials often engaged in corrupt practices. Corruption in law enforcement remained a serious problem. Political and executive influence on the judicial system was observed in some high-profile cases. The government made it difficult for some nongovernmental organizations (NGOs) to carry out their work. Unidentified assailants physically attacked NGO leaders who took positions opposed to government policies or private interests. Security services and local authorities at times fabricated grounds for legal justification for searches and raids on civil society groups. Violence against women and children, including domestic violence, remained a significant problem. Trafficking in persons continued to be a significant problem. During the year xenophobic, racial, anti-Semitic, and ethnic

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attacks and hate crimes, particularly by skinheads, nationalists, and right-wing extremists, continued to be significant problems. There were instances of societal discrimination, harassment, and violence against religious and ethnic minorities. There continued to be some governmental and widespread social discrimination against persons with disabilities, ethnic minorities, and dark-skinned immigrants. Worker rights were limited. Labor activists reported police used intimidation techniques against union supporters, including detention, interrogations, and provocation of physical confrontation.

The conflict between the government and insurgents, Islamist militants, and criminal forces in the North Caucasus led to numerous human rights violations by all parties, who reportedly engaged in killing, torture, abuse, violence, and politically motivated abductions, often with impunity. In Dagestan and Kabardino-Balkariya, the number of attacks on law enforcement personnel increased markedly. Violence generally decreased in Chechnya and Ingushetiya in comparison with 2009, but there were some high-profile attacks on regional government targets. The number of persons killed in the region declined slightly from 2009; however, the number of injured, especially among civilians, increased significantly. Thousands of internally displaced persons (IDPs) in the region lived in temporary centers that failed to meet international standards.

### RESPECT FOR HUMAN RIGHTS

#### Section 1    Respect for the Integrity of the Person, Including Freedom From: Arbitrary or Unlawful Deprivation of Life

There were reports the government or its agents committed politically motivated killings and other arbitrary killings, particularly in the Caucasus region (see section 1.g.). In many cases the government did not punish the perpetrators.

In the Caucasus areas of conflict, there were numerous killings during the year by both authorities and militants (see section 1.g.).

On January 20, Tomsk resident Konstantin Popov, who was arrested for public intoxication, died in police custody after policeman Alexey Mitayev beat him and shot him in the genitals. Authorities arrested Mitayev and charged him with assault and abuse of authority. Mitayev faced 10 years in prison on charges of "intentional infliction of a grave injury leading to death by negligence" and "exceeding official

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powers with the use of force." On January 22, the Kremlin fired the chief of the Tomsk police force, General Viktor Grechman, in reaction to the killing. First Deputy Prosecutor Aleksander Buksman called for the control of holding cells for drunks to be transferred to the health and social development ministry.

The Ministry of Defense reported 14 deaths as a direct result of hazing during the year (see section 1.c.). However, the Committee of Soldiers' Mothers estimated the actual number of deaths during the year due to violence among soldiers, including those who died in hospitals, upon discharge or because of lack of medical care, to be approximately 2,000. As in past years, human rights observers noted that few of the persons accused in such incidents were prosecuted or otherwise held accountable.

According to the publication *Kommersant*, in May, Roman Suslov, a 21-year-old draftee, was found hanged on a train bound for his military posting. Although the army claimed he committed suicide, Suslov's body showed clear signs of violent death and no signs of hanging. Suslov had sent a text message to his parents on the day of his death warning of the brutal conditions in the military, writing "they will either kill me or make me disabled." The authorities opened an investigation only after repeated demands by his parents.

On May 31, Albert Kiyamov fell to his death out of a fourth story barracks window, five days after reporting for military duty. Although the death was ruled a suicide, Kiyamov had endured days of beating and humiliation at the hands of his sergeant, Sergey Lugovets, against whom criminal charges were filed.

There was a report of a death during the year related to denial of medical care in a pretrial detention center. On April 30, Vera Trifonova died after awaiting trial for more than four months in the Matrosskaya Tishina pretrial detention center. The lead investigator in the criminal case against her was charged with criminal negligence. Human rights observers charged that she was denied treatment for her worsening condition in order to force her to make a false confession (see section 1.c.).

No charges resulted from an investigation into the 2009 death in a Moscow pretrial detention prison of lawyer Sergei Magnitskiy (see section 1.c.).

On April 12, Moscow judge Eduard Chuvashov was shot and killed in the stairwell of his apartment in central Moscow. In February he had imposed stiff sentences on

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several members of the White Wolves fascist organization, finding nine of them responsible for 11 killings. This group was reportedly linked with the nationalist group Combat 18. Chuvashov had earlier convicted members of another nationalist group of killing 20 persons and attempting to kill 12 others. At year's end no suspects were apprehended in the case.

According to the Glasnost Defense Foundation, a number of journalists were killed during the year, possibly for reasons related to their professional activities. The government officially reopened investigations into the killings of several journalists from previous years (see section 2.a.), although by year's end there were arrests only in one case, that of the lawyer Stanislav Markelov and Novaya Gazeta reporter Anastasiya Baburova. Many of the killings were related to the conflict in the North Caucasus (see section 1.g.).

On December 23, the Moscow city prosecutor's office filed a criminal case against Nikita Tikhonov and Yevgenia Khasis, who were arrested in November 2009 and charged with the January 2009 shooting death of human rights lawyer Stanislav Markelov and journalist Anastasiya Baburova. The attack occurred shortly after Markelov held a press conference to criticize the early parole of Colonel Yuriy Budanov, who in 2000 raped and strangled an 18-year-old Chechen girl. The prosecutor's office charged the pair with murder. Both individuals were reportedly closely associated with the Russian nationalist group Russian Way.

There were no developments in the January 2009 fatal beating of 20-year-old activist Anton Stradymov in Moscow. Stradymov was a member of the National Bolshevik group. He had also participated in a number of "dissenters marches," a form of political opposition protest begun in 2006.

There were no developments in the shooting death in November 2009 by unknown persons of antifascist activist Ivan Khutorskoy.

There were no developments in the October 2009 killing of prominent Ingush human rights activist Maksharip Aushev or the December 2009 killing of several of his relatives. Despite the promise of Ingushetiya's president, Yunus-Bek Yevkurov, that there would be a vigorous investigation of Aushev's killing, no arrests were reported.

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There were no developments in the December 2009 killing of Gennadiy Prudetskiy director of the charity Social Defense for Victims of Repression. Investigators believed his shooting death could be related to his work with the charity.

There were no developments in the cases of Muslim religious scholars Saihadji Saihadjiev, Nustap Abdurakhmanov, and Akhmed Hadjimagedov, who were abducted and killed in 2008 in Dagestan.

Rebel forces committed extrajudicial killings in the conflicts in the North Caucasus area (see section 1.g.).

### b. Disappearance

Reports of politically motivated disappearances in connection with the conflicts in the Northern Caucasus continued. According to Caucasian Knot, an online Russian news agency specializing in reporting on the Caucasus, there were 52 cases of kidnappings or illegal detentions in the region, and only 16 of those persons were confirmed to have returned home (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 only able to bring charges of simple assault or exceeding authority against police suspected of engaging in torture.

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. A February 2009 report by the commissioner for human rights (ombudsman) noted that one-third of the complaints submitted to his office involved human rights violations by law enforcement authorities.

On February 11, police in Bashkortostan detained Dmitry Apanin, a fifth-year university student. News reports indicated officers mistook Apanin's severe stutter for evidence of intoxication and took him to a detoxification center. There, he was allegedly beaten, which resulted in breaking one of his spinal vertebrae.

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On June 17, police in Dagestan beat human rights lawyer Sapiyat Magomedova at a police precinct after she tried to gain access to a client.

On August 31, Kstovo police allegedly beat 17-year-old Nikita Kaftasev, after detaining him on suspicion of committing an unspecified crime. The boy was dropped off at a city hospital the next morning, where he underwent emergency surgery; he reportedly sustained permanent damage to his genitals.

Security forces at times beat journalists and protesters (see sections 2.a. and 2.b.).

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

In June a Moscow court dismissed the case against former Yukos Oil Company vice president Vasiliy Aleksanyan due to an expiration of the statute of limitations. Aleksanyan, who was charged with assisting Yukos in tax evasion in 2006 but never tried, was HIV positive and had been diagnosed with lymphatic cancer and tuberculosis. He initially was held in a prison, rather than a hospital, but was released in 2009.

On February 11, the chair of the Investigative Committee--a federal autonomous investigative body--Aleksandr Bastrykin ordered the reopening of a 2008 police beating case of several young men near Moscow's Sokolniki Metro Station. Police reportedly used billy clubs and electric shock in the beating. According to the Web site avtonom.org, a case had been opened against the police but later closed due to a lack of evidence.

There continued to be instances of attacks on political and human rights activists, critics of government policies, and persons whom the government considered supportive of the opposition. For example, government forces engaged in the conflict in the North Caucasus reportedly tortured and otherwise mistreated civilians, as well as participants in the conflict (see section 1.g.).

In March Amnesty International reported an attack on Vadim Karastelev, a member of the Novorossisk Human Rights Committee. He was severely beaten by two men outside his home. The attack occurred a day after his release from police detention, where he had been under arrest for seven days for an administrative

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offense--organizing a demonstration and allegedly disobeying police orders. Karastelev had earlier distributed leaflets calling for public support for police reform and support for former policeman Aleksey Dymovskiy, who is widely known for his Youtube video calling on President Medvedev to reform the police. According to police in Novorossisk, one person was detained in connection with the attack, which police investigators described as an act of "hooliganism." (see section 1.d.).

On October 25, unknown assailants beat Sochi activist Mikhail Vinyukov with metal rods. He was treated for a concussion, stab wounds, severe lacerations, and bruises, among other injuries. Observers linked the attack to Vinyukov's work on anticorruption issues. Vinyukov is the head of a branch of the NGO White Tape, whose manifesto is to protect citizen rights and interests. According to the Other Russia Web site, Vinyukov's life was threatened after he released a recording of a conversation between the head of the Sochi Resort Service and Tourism Department, Vladimir Shiroky, and the director of the Lagarevsky Rest Tourism Company, Galina Panaetova, which lead to Panaetova's arrest for bribery.

On November 4, unknown assailants attacked environmental activist Konstantin Fetisov with baseball bats outside his apartment building, fracturing his skull. Observers linked the attack to Fetisov's participation in the campaign to preserve the Khimki forest. According to the *Moscow Times*, on December 27, police detained Andrei Chernyshev, Andrei Kashirin, and Vyacheslav Kovalyov in connection with the beating. Chernyshev, who is a department head of the property management committee in the Khimki City Hall, is suspected by the authorities of hiring the other two unemployed men to commit the beating.

There was no indication the authorities were investigating the attack on human rights activist and former parliamentarian Lev Ponomaryov in April 2009.

There was no indication authorities were investigating the April 2009 attack on Stanoslav Yakovlev, a member of the Solidarity opposition party, or the July 2009 shooting assault on Albert Pchelintsev, a local anticorruption activist and freelance journalist from the Khimki region.

In December 2009 police arrested the deputy head of the Khabarovskiy Kray Prosecutor's Office, Viktor Basov, for allegedly raping three juvenile girls. An investigator opened a criminal case against Basov, but the Khabarovsk Kray chief

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prosecutor refused to proceed. A federal prosecutor reopened the case, and Basov began his trial for rape in October.

Reported abuses against military servicemen, particularly "dedovshchina," and the violent hazing of junior recruits in the military and other security services increased in the first half of the year. According to military officials, from January through May, such incidents increased by 150 percent compared with the same period in 2009. The newspaper *Vedimosti* reported that during the same period, approximately 1,167 conscripts were hazed. Earlier in the year, the commander of the Siberian Military District told reporters that there was no dramatic decrease in such offenses as had been expected by military officials following the reduction in the period of mandatory military service to 12 months. Soldiers serving on contracts reportedly replaced senior soldiers as the main perpetrators of hazing. Such mistreatment often included beatings and extortion. According to the chief military prosecutor of the Russian Federation, Sergey Fridinskiy, more than 2,000 servicemen were convicted during the year of hazing recruits.

In an interview with *Argumenty I Fakty*, Chief Military Prosecutor Sergey Fridinskiy said the number of hazing cases in the armed forces in 2010 increased by 18 percent over 2009. He believes the increase is related to a more than double increase in the number of conscripts. Supervising officers are also to blame, he noted. In 2009 Committee of Soldiers' Mothers regional committees reported receiving 9,523 complaints of hazing mistreatment of servicemen from 20 regions of the country, similar to previous years. The complaints mostly concerned beatings, but also included sexual abuse, torture, and enslavement. Soldiers often did not report hazing to unit officers or military prosecutors due to fear of reprisals, 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.

Several deaths occurred as a direct or indirect result of military hazing during the year (see section 1.a.).

On September 16, a young recruit, Andrei Starkov, was found dead in a military unit in Khabarovsk Krai. Starkov began his military service in June but was found hanging with no visible injuries. Investigators stated they had no evidence his death was caused by hazing, but his girlfriend and parents reported he had shown no signs of suicidal or abnormal behavior.



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During the previous year, seven soldiers had been found hung in military units in Khabarovsk Krai, and in only one of these cases did the military accept responsibility for the recruit's death.

There were no developments in the investigation of the October 2009 hanging death of 19-year-old private Denis Kostenko of Volgograd in Khabarovskiy Kray.

The human rights ombudsman, as well as the Committee of Soldiers' Mothers, stated there was a growing problem with young men being forced to sign contracts to serve in the military forces. According to the Committee of Soldiers' Mothers, 10 soldiers had filed complaints with their organization regarding being forced to sign military service contracts.

According to the Committee of Soldiers' Mothers, there were approximately 2,000 criminal cases related to violence amongst soldiers filed with the Ministry of Defense during the year. As in the past, hazing problems were reported to be particularly common in units that had previously served in areas of military conflict.

Rebel forces engaged in the conflict in the North Caucasus region reportedly tortured and otherwise mistreated civilians, as well as participants in the conflict (see section 1.g.).

### Prison and Detention Center Conditions

Prison conditions in many facilities remained extremely harsh and at times life threatening. Authorities permitted some monitoring by independent nongovernmental observers. Refusal by authorities to provide needed medical attention resulted in at least one death during the year (see section 1.a.). The Ministry of Justice's Federal Service for the Execution of Sentences (FSIN) administered most of the penitentiary system from Moscow. According to an official FSIN prison survey conducted in February, 862,300 persons were in custody, including 8,500 juveniles and 55,300 women. Of these, 734,300 were held in labor colonies and 129,800 in pretrial detention centers. Detainees were held in five basic forms of custody: temporary police detention centers, pretrial detention facilities (SIZOs), correctional labor colonies (ITKs), prisons designated for those who violate ITK rules, and educational labor colonies (VTKs) for juveniles.

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Conditions in SIZO pretrial facilities varied considerably, but many remained extremely harsh and posed a serious threat to health and life. In past years official statistics generally recorded several thousand prisoner deaths per year in SIZOs. Health, nutrition, ventilation, and sanitation standards remained low. Overcrowding was common, but the Federal Prison Service reported that by February, approximately 129,800 suspects were being held in pretrial detention facilities, a significant reduction from the previous year.

Sergey Pysin, the lead investigator in the criminal case against Vera Trifonova who died on April 30 after awaiting trial for more than four months in Moscow's Matrosskaya Tishina pretrial detention center, was charged with criminal negligence. Trifonova, a businesswoman, suffered from severe diabetes, chronic kidney failure, was nearly blind, and required a wheelchair. Human rights observers claimed she was denied treatment for her worsening condition to force her to provide false testimony. President Medvedev ordered an investigation and the deputy head of the investigative committee for the Moscow Oblast reportedly was fired.

Russian-born Latvian national Grigoris Spektors, who was accused of an economic crime, was denied critically needed medical treatment for diabetes and gangrene in a prison medical facility during the year and instead was incarcerated in Pretrial Detention Center Number Four. When Spektors was able to pay five million rubles (\$161,000) for bail, the bail was increased to 18 million rubles (\$582,000). Spektors was subsequently released and was undergoing treatment in Riga, Latvia, at year's end.

The case of Sergey Magnitskiy, a pretrial detainee who died while in police custody in November 2009, continued. In July Investigative Committee Head Aleksandr Bastrykin opened a criminal case against Interior Ministry (MVD) personnel who had initially overseen the Magnitskiy case. Authorities were purportedly moving slowly because important persons were implicated (see section 4).

In January eight prison employees of the IK-1 (penal colony number 1) in Kopeysk, Chelyabinsk Oblast, were charged with brutality for the beating deaths of four inmates in 2008 while trying to end a riot. In October 2009 investigators in Chelyabinsk charged the head of the Oblast's FSIN, Vladimir Zhidkov, and 17 subordinates with deliberately covering up the killing. Zhidkov faced either a fine

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of 200,000 rubles (\$6,613) or a prison term of two years. A trial began on June 30 and continued at year's end.

Most convicted prisoners were imprisoned in correctional labor colonies, which provided greater freedom of movement than SIZOs; however, at times guards humiliated and beat prisoners, according to Amnesty International. The country's prisons, distinct from correctional colonies, are penitentiary institutions for those who repeatedly violate the rules in ITKs.

Federal standards call for a minimum of approximately 43 square feet per inmate, which is less than the 75-square-foot standard set by the European Convention on Human Rights. Widespread overcrowding remained a problem; however, the NGO Penal Reform International reported some progress in meeting this standard. President Medvedev moved to reduce the prison system's chronic overcrowding problem by issuing more pardons than his predecessor, and in August the government implemented a broader use of punishment short of prison for persons convicted of lesser crimes.

As of July, according to FSIN data, approximately 41 percent of persons incarcerated in the federal prison system had some type of illness. However, in August the General Prosecutor's Office stated that 90 percent of inmates have health problems, and there were 1.2 million cases of illness. Approximately 67,000 inmates had mental disorders, 40,000 had active tuberculosis, and 55,000 had HIV. Statistics for the number of drug and alcohol addicts in prison were not available for 2010. Tuberculosis infection rates were far higher in detention facilities than in the population at large. Some defense attorneys reported the risk of contracting a disease in prison is very high and that some lawyers feared meeting with their clients for fear of contracting illness, such as tuberculosis. The European Court of Human Rights (ECHR) has entered various judgments against the country for failing to provide adequate medical care and not providing humane conditions and adequate space per prisoner.

Abuse of prisoners by other prisoners continued to be a problem. Violence among inmates, including beating and rape, was common. 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) and treated harshly. Prison authorities provided little or no protection.

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As of June 2009, 62 VTKs held 8,500 juvenile prisoners. Conditions in the VTKs were significantly better than in the ITKs, but some juveniles in the VTKs and juvenile SIZO cells reportedly were beaten or raped. While juveniles were generally held separately from adults, there were two prisons in Moscow and one in St. Petersburg where children and adults were not separated.

The law regulating public oversight of detention centers allows public oversight commission representatives to visit the facilities and has been operational in at least 70 regions since the fall of 2009. Regional NGOs are active in the commission's work. Additionally, since the April 2009 signing of a decree by Interior Minister Rashid Nurgaliyev, human rights groups have been allowed to monitor conditions of arrest and detention for pretrial detainees.

However, the decree lacked firm instructions on its implementation, leaving the discretion to cooperate to authorities. The decree also required that officials be present during any discussions of conditions with prisoners. The liberal newspaper *Noviye Izvestiye* reported in October 2009 that the law had achieved mixed results, with some prison officials highly cooperative and others obstructionist, although in the latter case human rights advocates attributed the problem to lack of education among prison officials about the new law.

Human rights observers were able to visit most of the country's 765 prison and detention facilities. Since 2004 authorities have refused to grant the International Committee of the Red Cross (ICRC) access under its standard criteria to persons detained as part of the conflict in Chechnya, and the ICRC as of year's end still did not have any access to these detention facilities.

According to the NGO Memorial, during the year the human rights group Committee of Societal Observers visited detention centers in the North Caucasus, where they documented continuing abuses.

According to observers, persons convicted for minor offenses may often spend six months in prison before having a chance for parole.

### d. Arbitrary Arrest or Detention

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

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### Role of the Police and Security Apparatus

The Ministry of Interior, the Federal Security Service (FSB), and the office of the prosecutor general (Procuracy) are responsible for law enforcement at all levels of government. The FSB is responsible for security, counterintelligence, and counterterrorism, but it also has broader law enforcement functions, including fighting crime and corruption. The Procuracy has authority over the FSB, and the Investigative Committee, an independent body, has the authority to investigate crimes of individuals in the FSB. The national police force, under the Ministry of Interior, is organized at the federal, regional, and local levels.

In February the magazine *New Times* published accusations that the special purpose police detachments (OMON) employed slave labor and had permission to use excessive force when disbanding unauthorized demonstrations (see section 2.a.).

On March 10, legislators from the state Duma security committee sent an official request to Prosecutor General Yuriy Chayka to provide an explanation for an incident in which the Moscow traffic police used civilians' vehicles with persons inside as a human roadblock to stop a car carrying suspected armed criminals. Stanislav Sutyagin, one of the men whose car was damaged, told his story on Youtube. Sutyagin noted the traffic police later informed the car owners that since the criminal vehicle got away, they would not be compensated for their car damages.

A new law empowered the FSB to issue warnings to individuals whom they believe to be creating the conditions for a criminal act "against the country's security." The new law imposes fines and detention of up to 15 days for individuals judged to have hindered the work of an FSB employee.

According to the Ministry of Interior Web site, MVD officials committed 125,000 offenses during the year (21 percent more than in 2009). Of this number, an estimated 63,000 involved misconduct or disciplinary violations, and 4,171 criminal cases against police officers were initiated.

On January 22, Aleksey Dymovskiy, a former police officer who gained notoriety for his Youtube video in which he accused the Novorossiysk police force of corruption, was arrested and charged with defrauding the police department of

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24,000 rubles (\$775). He was held in pretrial detention for two months, and then released (see section 4).

On July 1, authorities released Tatyana Kazakova, mayor of the Siberian village of Listvyanka, whom the FSB had arrested in 2008, accused of abuse of office and election irregularities, and held for more than two years in pretrial detention. Observers alleged her arrest may have been ordered in retaliation for her request for a criminal inquiry into an FSB-owned resort. The federal children's ombudsman, Pavel Astakhov, called the government's refusal to allow Kazakova's children to visit her during detention a "major injustice" and declared she was being persecuted, a charge echoed by the Siberian human rights ombudsman. Kazakova was found guilty of a felony, but her six-year sentence was suspended in September.

On August 2, police in Tatarstan detained human rights lawyer Rustem Vliullin for two days. Vliullin claimed one officer from the counterextremism department beat him and another officer threatened to kill him. He was arrested after videotaping police when they stopped his client for a traffic violation. He was never charged with a crime, and he filed a suit against the police.

### Arrest Procedures and Treatment While in Detention

By law an individual may be taken into 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 a court-approved arrest warrant is required. After their arrest, detainees are typically taken to the nearest police station, where they are informed of their rights. Police are required to document in writing the grounds for the detention. This document is to 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 attorney must be present at the court hearing. By law police must complete their investigation and transfer the case file to a prosecutor for

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arraignment within two months of a suspect's arrest, although a court may extend a criminal investigation for up to six months in cases classified as complex. 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 frequently evaded by formally sending the case to court for adjudication. This action effectively extends the 18-month time limit.

Amendments to the Criminal Procedure Code adopted in April imposed new limits on pretrial detention in cases involving "entrepreneurial" (i.e., white-collar) crimes. The amendment also widened the definition of economic crimes and allowed bail to be offered at any time through real property, rather than cash or securities. While it is difficult to accurately measure the amendment's impact, available information seems to indicate a significant decrease in pretrial detention. According to Russian Supreme Court Justice Lebedev, in the first six weeks after the passage of the amendment, courts approved less than 50 percent of detention applications, in contrast to the 90 percent approval rate prior to the law. According to an editorial in the newspaper *Vedimosti*, the total number of accused persons held in pretrial detention dropped by 10 percent--from 131,400 to 120,100, in the first nine months of the year. However, some lower courts appeared to disregard the amendments by simply defining the charged crimes as "nonentrepreneurial," thereby exempting them from the scope of the new law. This disregard was possibly due to illicit pressure on judges by corrupt business parties who initially "commissioned" the cases.

Legal limitations on detention were generally respected outside of the North Caucasus; however, there were exceptions. There were reports of occasional violations of the 48-hour limit for holding an arrestee. 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 legislation was adopted to provide remedies in domestic courts for persons with grievances over prolonged detention (see section 1.e.).

There were reports that police, in obtaining defense counsel for detainees, obtained 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.

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Judges occasionally suppressed confessions of suspects if they were taken without a lawyer present. They also at times freed suspects who were held in excess of detention limits, although they usually granted prosecutors' motions to extend the detention period for good cause. The Supreme Court overturned a number of cases in which lower court judges permitted prolonged detention on what the Supreme Court deemed inadequate grounds.

### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the judicial branch did not consistently act as an effective counterweight to other branches of the government. Judges remained subject to influence from the executive, military, and security forces, particularly in high profile or politically sensitive cases, such as the Khodorkovskiy case.

The law requires judicial approval of arrest warrants, searches, seizures, and detentions. This approval requirement was generally honored, although the process of obtaining the judicial warrants was occasionally subverted by bribery or political pressure.

The Investigation Committee, formerly located within the Office of the Prosecutor General, is now an independent agency, overseeing the investigation of many serious cases. The Investigation Committee chief is appointed directly by the president.

Despite recent increases in judges' salaries, reports of judges accepting bribes continued. For the first half of the year, the Supreme Qualifying Collegium of Judges removed one judge from office for a disciplinary offense and warned another. This collegium is charged with certifying appointments to the judiciary and judges' promotions. Regional qualifying collegia during this period disciplined 163 judges for disciplinary violations, including 155 judges of the courts of general jurisdiction and eight arbitrazh (commercial court) judges. In addition, a considerable number of judges each year are allowed to leave office on their own initiative without any question of discipline being raised formally.

The Supreme Court stated in April that 40 percent of criminal cases presented to the upper court in 2009 suffered from judicial errors. The reported main sources of these errors were poor qualifications of judges in the lower courts and improper



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classification of crimes as criminal rather than administrative. The head of the Supreme Court, Vyacheslav Lebedev, called for stricter selection of future judges, noting that 60 to 70 judges each year are dismissed.

Authorities did not provide adequate protection for witnesses and victims from intimidation or threats from powerful criminal defendants. In May 2009 the Ministry of Interior estimated nearly half of the approximately 10 million witnesses in criminal cases suffered threats or violence from criminal elements; they noted the existence of the witness protection program was little known among the population.

In February 2009 a Moscow judge, Olga Kudeshkina, publicly criticized Moscow's judicial system, alleging widespread improper influence on rulings and calling it an "instrument for settling political, commercial, or personal scores." She was subsequently dismissed from her position. She appealed her case to the European Court of Human Rights (ECHR), which in August awarded her 10,000 euros (\$13,400).

In June 2009 the Council of Europe issued a report, based on interviews with judges, prosecutors, defense lawyers, and defendants, which asserted that judges routinely received intimidating telephone calls from superiors instructing them how to rule in specific cases, with particular emphasis placed on delivering convictions at any cost. The report stated defense attorneys were frequently threatened and corporations were at the mercy of corrupt law enforcement officials. Among the cases detailed in the report was one of a Moscow region judge who was dismissed and told publicly by a United Russia Duma deputy that she "ought to be shot" after voiding the results of a local election.

### Trial Procedures

Trials typically are conducted before a judge without a jury (bench trials). The defendant is presumed innocent. 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 in the courtroom and must consult with their attorneys through the bars. Defendants have the right of appeal.

The law provides for the use of jury trials for a limited category of crimes in higher-level regional courts.

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During the year the ECHR on multiple occasions found the country in violation of provisions of the European Convention on Human Rights related to trial procedures. The court found 84 violations by the country involving the right to a fair trial and 29 violations involving proceedings that exceeded a "reasonable" length of time.

According to the *Novosti* Web site, in December Prime Minister Putin opined jury trials are "ineffective" and can be influenced by clan or ethnic interests. In 2008 the State Duma enacted, and the president signed, a law providing that certain crimes, including terrorism, espionage, hostage taking, and mass disorder, would be heard by panels of three judges rather than by juries.

In July 2009 the government began using plea bargaining in criminal cases. Plea bargains reduced defendants' time in pretrial detention, reduced the average prison sentence by one third, and allowed courts and prosecutors to devote their resources to other cases.

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. Defense attorneys are allowed to visit their clients in detention, although sometimes conditions reportedly make it difficult for attorneys to conduct meaningful and confidential consultations with their clients. Some defense lawyers claimed their conversations were monitored electronically by informants, and that sometimes prison authorities didn't provide them with access to their clients. They also claimed that investigators hired "pocket attorneys" who simply advised defendants to confess, thereby preventing the defendant from obtaining real legal representation.

The law provides for the appointment of an attorney free of charge if a suspect cannot afford one; however, this provision was often ignored in practice. The high cost of competent legal service means lower-income defendants often lacked competent representation. There were few defense attorneys in remote areas of the country. Public centers, staffed on a part-time basis by lawyers, continue to offer free advice on legal rights and recourse under the law; however, they are not permitted to handle individual cases. The federal government funded a limited experimental system of legal assistance for indigent persons in 10 regions.

Political Prisoners and Detainees

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Authorities selectively detained and prosecuted members of the political opposition. On December 31, during a Strategy 31 demonstration for the right of freedom of assembly, authorities arrested opposition figures Boris Nemtsov, Ilya Yashin, Eduard Limonov, Vladimir Tor, and Konstantin Kosyakin. Charges ranged from failure to comply with a police directive to hooliganism.

Human rights organizations and activists also identified the following individuals during the year as political prisoners: Aleksey Sokolov, Igor Sutyagin, Zara Murtazaliyeva, Valentin Danilov, Mikhail Khodorkovskiy, and Platon Lebedev. Igor Sutyagin was released during the year.

In August, in what his lawyers described as a serious human rights violation, authorities transferred Aleksey Sokolov, the head of Sverdlovsk-based NGO Legal Basis, which highlights corruption and abuse in prisons, to an unspecified Krasnoyarsk Krai penitentiary by order of the FSIN. On September 5, Sokolov reported that while in transit, the head of the Novosibirsk detention center beat him. Sokolov stated he was ordered to put in writing he had initiated the fight. Despite his injuries, Sokolov did not receive medical attention for eight days. Sokolov was arrested in May 2009 and convicted on charges of having committed a burglary five years earlier. Sokolov had received warnings local authorities would "find a reason" to imprison him if he continued his human rights work (see section 5).

According to his legal representatives, Sokolov had little or no access to his family and legal representation. Sokolov's case was filed in the ECHR in December 2009 and was awarded priority status in April. On December 14, the Sosnovoborsk city court rejected Sokolov's motion for conditional early release. Despite letters supporting his motion from the Russian Human Rights Ombudsman, the Helsinki Group, Amnesty International, and the Russian Public Chamber, the judge reportedly based her decision on two disciplinary infractions: Sokolov's reading a book at the wrong time of day and his drinking tea with a cellmate in remembrance of Sokolov's recently deceased father.

Valentin Danilov continued serving a 13-year prison sentence for allegedly transferring classified technology to China, although colleagues and supporters asserted the information in question was declassified more than a decade before his arrest.

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Former Yukos owners Mikhail Khodorkovskiy and Platon Lebedev continued to serve eight-year prison sentences following their initial 2005 convictions for fraud and tax evasion. Although a number of high-profile witnesses had testified that the new charges against Khodorkovsky and Lebedev were baseless, both men were found guilty on December 30 and subsequently given the maximum possible sentence by the court. They will be eligible for release in 2017. The ECHR heard arguments in claims by Yukos against its expropriation by the government in March.

The arrest, conviction, and subsequent treatment of Khodorkovskiy and Lebedev raised concerns about due process and the rule of law, including the independence of courts. Some observers believed that, while the original charges against Khodorkovskiy may have had some merit, he was selectively targeted for prosecution because of his politics. Others have speculated that he was targeted to strip his assets and those of Yukos and acquire them on behalf of government and business interests. A week before the court reached the verdict, Prime Minister Putin commented about the case that "a thief belongs in jail," which some observers called pressure on the court.

In March the ECHR agreed to hear Khodorkovskiy's approximately three trillion-ruble (\$98 billion) claim against the government that his rights were violated. The damage claimed is the estimated amount that Yukos would have been worth if its properties had not been stripped away in 2007.

### Regional Human Rights Court Decisions

By law any person in the country may bring allegations to the ECHR concerning human rights violations covered by the European Convention on Human Rights that occurred after 1998, provided they have exhausted "effective and ordinary" appeals in the country's courts. This condition was usually satisfied by two appeals (first and cassation) in courts of ordinary jurisdiction or three (first, appeal, and cassation) in the commercial court system. The ECHR received more than 40,000 complaints involving the country. During the year the ECHR ruled against the state in 217 of 415 cases. The Demos Center reported in January 2009 that state agencies enforced ECHR rulings approximately 60 percent of the time. When they did, the government generally paid financial judgments ordered by the ECHR in a timely fashion; however, it rarely carried out judicial orders from the ECHR or made corresponding changes in domestic legislation and practice required by ECHR decisions. The government also issued blanket refusals in response to

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ECHR requests for disclosure of the domestic case files relating to alleged gross violations in Chechnya. The ECHR criticized this failure of disclosure. In March the government ratified Protocol 14 of the European Convention on Human Rights, designed to streamline the process by which the ECHR examines cases and thus reduce its backlog of six to nine years. The protocol entered into force on June 1.

In May and June, the ECHR ruled that the government must provide financial compensation to victims' family members for its complicity in the 2000 and 2002 killings and disappearances of a number of Chechens (see section 1.g.).

A Human Rights Watch (HRW) report released in September 2009 concluded that the central government had failed to act on any of the ECHR rulings that called on it to investigate the 115 rulings on human rights violations in Chechnya, almost all of which found the country responsible for serious human rights violations and failure to investigate the crimes. HRW researched 33 of the cases and found that the government had not brought a single perpetrator to justice. According to HRW, the number of rulings on human rights violations in Chechnya increased to 150 this year, and in almost all cases, the authorities refused to investigate.

Persons considering applying to the ECHR for redress of grievances could be intimidated by a past pattern of harassment toward applicants. Amnesty International and other human rights groups reported past reprisals against applicants to the court, including killings, disappearances, and intimidation. According to press reports and human rights NGOs, as of September 2009 at least six applicants to the ECHR had been killed or abducted.

### Civil Judicial Procedures and Remedies

The legislation on Compensation to Citizens Whose Right to a Fair Trial and Right to Enforcement of a Judgment within a Reasonable Time Have Been Violated became law on May 4. The law was expected to reduce the substantial number of cases brought to the ECHR from Russia, since 30 percent of these concern the right to a fair trial. The law allows 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.

Although the law provides mechanisms for filing lawsuits against authorities for violations of civil rights, these mechanisms often do not work well in practice. For example, the law provides that a defendant who has been acquitted after trial has

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the right to compensation from the government. In reality, however, human rights activists claimed compensation is avoided through procedural means, such as leaving cases in pending status, without closing them. As a result, Russians who believe their civil rights have been violated typically seek redress in the ECHR, after a Russian court finds against them.

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

The law prohibits such actions, and it 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 have legal access to telephone records, including personal information of cell phone owners, and require providers to grant the Ministry of Interior and the FSB 24-hour remote access to their client databases. In past years, some experts asserted this access was unconstitutional; however, the practice has not been challenged in court. Authorities are able to monitor telephone calls in real time through the Law on Operational Search Activity.

The government requires Internet service providers to provide dedicated lines to the security establishment, enabling police to track private e-mail communications and monitor Internet activity. In January 2009, the Ministry of Information and Communication officially required telecommunications companies and Internet service providers to allow the FSB to tap telephones and monitor information over the Internet. The ministry maintained that no information would be accessed without a court order. There were no new wiretapping cases during the year.

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

Violence continued to spread in the North Caucasus republics, driven by separatism, interethnic conflict, jihadist movements, vendettas, criminality, and excesses by security forces. Dagestan, Kabardino-Balkaria, and North Ossetia

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witnessed a significant increase in violence, while Ingushetiya, Chechnya, and Karachayevo-Cherkessia saw a decrease from the previous year. The government used security forces to try to impose order, created a regional public council, and allocated 50 billion rubles (\$1.5 billion) for social and economic assistance projects.

Rebels also continued to commit human rights abuses, including major acts of terrorism.

### Killings

There were numerous killings during the year by both government forces and militants.

Russian government officials often provided contradictory data on such casualties, while nongovernmental sources were inconsistent as well. Russian Federation Deputy Prosecutor General Sydoruk, for example, stated that as of December, 300 militants had been killed, including 16 rebel leaders; additionally, the deputy prosecutor stated that 218 law enforcement and military personnel had been killed and 536 injured in the unrest. This was an 11 percent increase over 2009.

According to other public media reports, there were 918 killings during the year by both authorities and militants, and nearly 800 civilians were killed or wounded as well--a 30 percent increase from 2009.

Caucasian Knot, an online Russian news agency specializing in reporting on the Caucasus, reported that during the year, fighting in the North Caucasus resulted in 1,710 casualties, the majority of which occurred in Chechnya, Dagestan, and Ingushetiya. A total of 754 persons were killed and 956 were wounded; 349 of those killed were alleged militants, 225 were security service personnel, and the remaining 180 were civilians. Dagestan was the deadliest region in the North Caucasus. Almost 700 persons were killed or wounded there, and nearly 150 isolated clashes involving security forces and militants took place, as did more than 100 bombings or explosions.

Among the attacks, on January 6, in Makhachkala, a car carrying 220 pounds of TNT exploded at the gates of a military field camp killing five policemen and wounding 19. In Chechnya, 37 rebel bombings, 12 suicide bombings, and 62 armed clashes killed 127 persons, including 44 security personnel, 80 rebel insurgents, and three civilians, and wounded 123 persons, including 93 security

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officials and 30 civilians. On October 19, three suicide bombers attacked the Chechen parliament building, killing two policemen and one watchman.

In North Ossetia, three rebel attacks killed 24 persons, including two security personnel, two rebels, and 20 civilians, and injured 202 persons, including 35 law enforcement personnel and 167 civilians. On September 9, a suicide bomber drove a car into the central Vladikavkaz market and detonated it, killing 19 persons and injuring 160. In Ingushetiya there were 40 bombings, two suicide attacks, and 103 firefights, which killed 31 security personnel, 63 rebels, and 40 civilians, and wounded 133 government officials and 59 civilians. In Kabardino-Balkaria, there were 41 bomb attacks and one suicide bombing, which killed 23 government personnel, 25 rebels, and 31 civilians. Approximately 16 security personnel and 47 civilians were injured. In Stavropol three attacks killed two rebels and eight civilians and injured 79 persons.

Deputy Chechen Interior Minister Roman Edilov reported 87 rebels were killed in Chechnya, including three rebel military commanders, and 220 had been arrested during the year. On December 20, the Ministry of Interior estimated 80 rebels had been killed and 180 arrested in the first 11 months of the year in Chechnya. Both estimates indicated a decrease in violence from 2009, when 177 rebels were killed and 213 arrested.

Civilians suffered as a result of actions by both rebels and security personnel. In Dagestan, nine children were killed by stray gunfire during a counterterrorist operation in the village of Kirovaul in the Kizilyurt District on December 6.

There continued to be reports of indiscriminate use of force by security personnel resulting in numerous deaths. Security forces generally conducted their activities without regard for due process or civilian casualties and with apparent impunity from investigation or prosecution for their conduct.

For example, on February 11-12, according to NGO Memorial, security forces killed at least four civilians in Ingushetiya in the course of an operation against rebels. The authorities claimed the inhabitants of the area had been warned in advance of the operation and the four had been caught in cross fire with terrorists. Memorial cited local residents as saying they had not been warned and describing the killing of the victims as separate actions not related to firing on terrorists. Chechen ombudsman Nurdi Nukhazhhiyev supported the government's claim but doubted the objectivity of a government investigation. He alleged that "hundreds of



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crimes committed by the Russian military against Chechen civilians have not been investigated."

There were also killings by rebels. For example, on May 13, in Dagestan, five persons were killed when a vehicle carrying telecommunications workers was attacked with two bombs and gunfire from unknown persons, according to a press account. The personnel were on their way to repair a cell phone tower damaged in a fire the day before. The gunmen reportedly declared at the end of the attack that as soon as the communications center was repaired, they would attack it again.

According to NGO Interfax, on June 8, an official of a madrassa in Dagestan was shot and killed. Authorities detained a suspect identified as "an active supporter of radical Islamism." On the same day also in Dagestan, Interfax reported a judge, Abdurakhman Gamzatov, was fatally shot in his home.

On September 7, unknown gunmen in Kabardino-Balkaria ambushed and killed district judge Dzhulber Bykov in his car. Political observers tied the killing to Bykov's professional activities.

According to the Glasnost Defense Fund, 12 journalists were killed during the year. The Web site Journalists-in-Russia.org listed 11 journalists killed, seven of them possibly for reasons associated with their work (see section 1.a.). Reporters Without Borders listed only one killing of a journalist.

On May 11, according to the Glasnost Defense Foundation, Shamil Aliyev, founder and head manager of Priboi and Vatan radio stations and director of the TNT-Makhachkala television network, was shot and killed in Makhachkala. Unknown assailants attacked his car with submachine guns, leaving Aliyev and his bodyguard dead and his driver wounded. No arrests were made by year's end.

On August 11, according to the Glasnost Defense Foundation, Magomed Sultanmagomedov, editor in chief of Makhachkala TV, was shot and killed in Makhachkala, when unknown assailants attacked his car with submachine guns. No arrests were made in connection with the case.

In November a trial began in Vienna of three persons, Otto Kaltenbrunner (formerly known as Ramzan Edilov), Suleiman Dadayev, and Turpal-Ali Yesherkayev, who were alleged to have been accomplices in the shooting death in Vienna in January 2009 of Umar Israilov. Israilov, a former bodyguard of Chechen

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President 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 and 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 Israilov's alleged killer, Letscha Bogatirov, was promoted by the Kadyrov government following the assassination as a reward for his actions. The trial was scheduled to continue in 2011.

There were no arrests or indications of continuing investigation in the August 2009 abduction and killing in Chechnya of Zarema Sadulayeva and Alik Dzhabraïlov, charity workers who ran the Grozny-based NGO Save the Generation.

There were no arrests or indications of a continuing investigation into the 2008 killing of three Chechen brothers, Zurab, Akhdan, and Alvi Ilaev, nor was there any indication authorities were investigating the 2008 killing in Makhachkala of Telman Alishayev, a journalist from the Islam-focused television station TV Chirkey.

On May 12, the ECHR ruled the Russian government must pay 225,000 euros (\$301,500) in compensation for its complicity in the killing of four Chechens and the disappearance of another.

On June 17, Caucasian Knot reported the ECHR concluded security authorities were responsible for the disappearances and deaths of seven Chechens in 2002. The ECHR ordered the government to pay 470,000 euros (\$630,000). Hasan Batayev, Zaur Ibragimov, Magomed Temurkayev, Rizvan Ismailov, Said-Ali, and Haron Musayevi were taken from their homes in Grozny by armed masked men. Usman Mavlyueva was kidnapped at a checkpoint.

There were no reports of further developments in the following 2009 killings of civilians, police, and government officials by rebels or unknown persons: the March shootout between police and insurgents in Dagestan in which five officers and 12 rebels were killed; the March abduction and killing of a police officer in the Vedeno Region of Chechnya; the April grenade attack on the home of Criminal Police Chief Alikhan Geroyev of Sunzhenskiy District, Ingushetiya, which killed both Geroyev and his sister; the June killing of Adilgirey Magomedtagirov, the chief of the Dagestan Ministry of Interior; the July killing in Nazran of Magomed Gadaborshev, head of the Ingush Republic's criminal investigation department; the July shooting death of Isapil Ozdoeyev, the head of a city-level Ministry of Interior

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department; the July abduction, torture, and killing of Batyr Albakov in Ingushetiya; the August shooting death of Ingush construction minister Ruslan Amerkhanov; the August killing of 25 persons and wounding of 280 at an Ingush police station in Nazran; and the August attack in which 10 men shot and killed four officers in Buinaksk, Dagestan, and then shot and killed seven women in a nearby sauna.

Federal forces and their opponents in Chechnya made extensive use of antipersonnel mines in Chechnya. During the year the estimated area in Chechnya covered with mines ranged from 34,600 to 59,300 acres, according to *Kommersant* and *Nezavisimaya Gazeta*.

### Abductions

Government personnel, rebels, and criminal elements continued to engage in abductions in the North Caucasus. Officials and observers disagreed on the numbers of victims. Human rights groups believed the numbers of abductions were underreported due to the reluctance of victims' relatives to complain to authorities due to fear of reprisal. According to a report on the Web site Caucasian Knot, during the year approximately 50 persons were kidnapped or unlawfully detained by armed parties in the North Caucasus, and only 16 were freed. Allegedly, there was no accountability for government forces involved in abductions. There were continued reports abductions were followed by beatings or torture to extract confessions and that abductions were conducted for political reasons. Criminal groups in the region, possibly with links to rebel forces, frequently resorted to kidnapping for ransom.

On March 3, according to the Investigation Committee, a special unit for missing persons was set up in Chechnya and received reports regarding the kidnapping of more than 200 persons by military and MVD personnel between 1999 and 2003.

At the same time, security forces under the command of Chechen President Kadyrov allegedly played a significant role in abductions, either on their own initiative or in joint operations with federal forces. Human rights groups reported these forces were frequently suspected of being responsible for disappearances and abductions, including those of family members of rebel commanders and fighters.

Security forces in Chechnya, Dagestan, and Ingushetiya frequently abducted or detained individuals for several days without immediate explanation or charge,

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according to human rights groups. Caucasian Knot reported that rather than issuing a summons for criminal offenses, security forces preferred to seize suspects at home or while traveling.

On May 13, according to the NGO Memorial, police in Ingushetiya arrested Magomed Garbakov after security forces partially destroyed his home during a search in which approximately 217,000 rubles (\$7,000) and personal items were reportedly stolen. Garbakov has not been seen since, and his family has not been informed of the charges against him.

On August 8, Russian and Ingush security forces raided the home of the Mutsolgov family and abducted 15-year-old Magomed Mutsolgov, beating his father in the process. The child was held for two days and reportedly tortured with electric shocks. Caucasian Knot noted the case might be related to Magomed's older brother, who was killed by the FSB in July.

In October 2009 a procurement and logistics assistant for the Danish Refugee Council, Zarema Gaisanova, was abducted from her home in Grozniy. Amnesty International asserted that law enforcement officials carried out the abduction. Her whereabouts remained unknown at year's end. The Danish Refugee Council (DRC) reported that eye-witnesses and other human rights organizations stated that a special security operation involving either Chechen leader Ramzon Kadyrov or a security unit named after him took place, in which Zarema Gaisanova was taken away in a military vehicle. The NGO Memorial criticized the criminal investigation into the matter as poorly executed and incomplete. The DRC met in April with the Russian Ombudsman for Chechnya, who stated that he would look into the disappearance, but there was no further information on his efforts.

An investigation continued into the abduction in St. Petersburg in December 2009 of two brothers and two uncles of slain activist Maksharip Aushev.

There were no developments in the 2008 abduction case of Mokhmadsalakh Masaev, a Muslim preacher accused of "salafism."

### Physical Abuse, Punishment, and Torture

Armed forces and police units reportedly frequently abused and tortured persons in holding facilities where federal authorities sorted out rebels and persons suspected of aiding them from civilians.

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In Chechnya and Ingushetiya, there continued to be reports of torture by government forces.

For example, on April 27, police in Ingushetiya detained 20-year-old Zelimkhan Chitigov. He was held for two days before being charged with weapons possession, for a grenade found in his room, which his family maintained was planted by police. According to NGO Memorial, Chitigov was brutally beaten while in custody and subjected to electric shocks and other forms of torture. Chitigov remained in police custody but in a hospital, where he was being treated for brain and spinal cord injury, burns, and other serious injuries.

There was a report of a continued arson campaign. The Chechen arson campaign began in 2008 following explicit threats by Chechen President Kadyrov and by Grozniy Mayor Muslim Khuchiyev of burning down houses belonging to families whose sons were suspected of joining the insurgency. Human rights activist Natalya Estemirova was working on a documentary on the arson campaign when she was killed in July 2009 (see section 1.a.). According to the testimony of Human Rights Watch representative Tanya Lokshina, the latest incident in the arson campaign occurred in Shali on March 16.

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. Almost all complainants alleged violations of military discipline and other crimes by federal and Chechen Republic forces.

Chechnya Human Rights Ombudsman Nurdi Nukhazhiyev continued the practice of his predecessor in not cooperating with the area's leading NGO, Memorial.

### Other Conflict-related Abuses

Throughout 2009 security forces conducted security sweeps and passport checks at temporary settlements in Ingushetiya housing IDPs from Chechnya (see section 2.d.). At times these sweeps reportedly led to human rights abuses or disappearances. In February 2009 the Office of the UN High Commissioner for Refugees (UNCHR) reported that Chechen authorities had begun visiting

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approximately 2,500 Chechen IDPs in 22 temporary shelters in Ingushetiya and urging them to return to Chechnya, sometimes with verbal threats. The UNHCR reported different forms of pressure on IDPs continued during the year.

Human rights groups visited illegal detention centers for internally displaced persons in Chechnya and other locations in the North Caucasus where they documented continuing abuses. Chechen Republic security forces reportedly maintained secret prisons in Tsentoroi, Gudermes, and other locations. HRW reported that it had detailed descriptions of at least 10 unlawful detention facilities. Human rights groups reported that officers of the federal Ministry of Interior's Second Operational Investigative Bureau illegally detained and tortured persons in its Grozniy offices.

Authorities this year continued to refuse to grant the Red Cross access, under its standard criteria, to persons detained as part of the conflict in Chechnya. This denial has been in effect since 2004.

### Section 2 Respect for Civil Liberties

#### a. Freedom of Speech and Press

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

While the government generally respected citizens' right to freedom of speech, state-controlled media frequently ignores 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 the judicial system's procedural weaknesses and overly broad laws to detain persons for expressing views critical of the government.

On July 7, authorities formally charged Oleg Orlov of the NGO Memorial with "slander" for accusing Chechen President Ramzan Kadyrov of complicity in the 2009 killing of human rights activist and journalist Natalya Estemirova. Human rights advocates and international observers criticized the case against Orlov as an infringement of free speech. On September 13, Orlov went on trial in the Khamovnicheskiy Court in Moscow; Orlov's trial was scheduled to continue in 2011.

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With some exceptions, judges appeared unwilling to challenge federal and local officials who sought to prosecute critics. These proceedings on occasion resulted in large fines.

On September 16, the state-owned news agency RIA Novosti refused to allow the members of the newly established opposition coalition, For Russia without Tyranny and Arbitrariness, to hold a press conference on the agency's premises. While the agency had previously agreed to lend its premises, it cancelled the event an hour and a half before its scheduled time. Opposition figures claimed the cancellation was politically motivated.

In some cases the government used direct ownership, or ownership by large private companies with government links, to control or influence some major national media and regional media outlets, especially television. During the year the government reportedly used its leverage to restrict dissemination of information about issues deemed sensitive, including coverage of opposition political parties and official corruption. Several times during the year, there were reports on Ekho Moskvyy and other independent media outlets about self-censorship in the television media, particularly on issues critical of the government. Print, Internet and radio media were more free and independent in comparison. Russian television journalist Leonid Parfyonov decried self-censorship in the media, stating in a November speech that "journalists are not journalists at all, but bureaucrats, following the logic of service and submission."

International observers criticized the unbalanced access to the media, particularly television, for candidates in local elections in March and October, noting that, as in previous elections, United Russia candidates were given favored media access. Observers also noted numerous press freedom abuses, including harassment of media outlets, legislative limitations, lack of equal access to information, and arbitrary application of rules.

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. The largest daily newspaper was independently owned, but several other influential national newspapers were owned by the government, by persons with ties to the government, or by state-owned companies. Many publications without government connections maintained editorial independence and resisted selective attempts by the government to influence their reporting.

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The federal government owned one of the six national television stations and had a controlling interest in one other; state-owned or state-affiliated companies owned controlling interests in three others; and the Moscow city administration owned the sixth. Approximately two-thirds of the other 2,500 television stations in the country were completely or partially owned by the federal and local governments. As a result, the television media often offered constrained editorial content, in particular, avoiding any content critical of the government.

International media continued to face some impediments to their ability to operate freely. Since 2007 authorities have curtailed stations broadcasting Radio Free Europe/Radio Liberty (RFE/RL) and Voice of America (VOA) news programs, except for stations in Moscow and St. Petersburg, which continued to broadcast RFE/RL and VOA programs.

Government-controlled media consistently provided one-sided coverage of President Medvedev and Prime Minister Vladimir Putin.

The government maintained ownership of the largest radio stations, Radio Mayak and Radio Rossiya, both of which adhered to government positions in their news reporting. Ekho Moskvyy radio, despite being majority-owned by the state-controlled corporation Gazprom, provided broader coverage and independent editorial comment, often sharply critical of the government, and a platform to members of the opposition. The government also owned the national news agencies ITAR-TASS and RIA-Novosti.

According to the media freedom NGO Glasnost Defense Foundation (GDF) there were 58 attacks against journalists during the year, approximately the same level as in 2009. In most cases, according to the GDF, the mistreatment appeared to have been at the initiative of local officials.

A number of journalists were assaulted and several were killed during the year; frequently the attacks were directly related to the journalists' professional activities, although it was not always clear whether this was the case. According to the GDF, this year 12 journalists were killed, although other sources listed fewer. Most cases of high-profile killing and kidnapping of journalists were unresolved. In March 2009 the Center for Journalism in Extreme Situations reported 40 cases of unresolved killings of journalists since 2003. NGOs supporting independent media characterized beatings of journalists by unknown assailants as "routine," noting



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that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

For example, on May 31, police in Moscow detained and allegedly beat *Gazeta.ru* correspondent Aleksandr Artemyev for attending an opposition rally in support of freedom of assembly. The rally had been prohibited by Moscow city authorities. Police broke Artemyev's arm in two places. His attempts to seek criminal prosecution of the police were not successful.

On April 26, unidentified assailants in Sochi severely beat Arkadiy Lander, editor in chief of the local newspaper *Mestnaya*. He suffered severe head injuries and was hospitalized. Lander's colleagues believed that the attack was in response to the newspaper's frequent criticism of city authorities and corruption. The police investigation into the attack produced no results by year's end.

On May 18, an unknown attacker in Tomsk fired several shots from a nonlethal weapon at Mark Minin, director of a local television station, without attempting to rob him. According to Minin, the attack could have been ordered by individuals he featured on his television programs.

On November 6, journalist and blogger Oleg Kashin was severely beaten outside his Moscow home by two attackers. It is possible that the attack was connected to his work, as he had reported on the controversial Khimki Forest road construction project and Kremlin-sponsored political youth movements and had engaged in a public dispute with Pskov Governor Andrei Turchak. He also exposed Russian Youth Agency Head Vasiliy Yakemenko's alleged indiscretions with an underage girl. The Young Guard, a Kremlin-based youth group, had publically threatened Kashin on its Web site, citing the journalist in a column headlined "Journalist-Betrayers Should Be Punished." President Medvedev ordered the Prosecutor General's Office and the Interior Ministry to investigate. There were no arrests by year's end.

On November 4, Khimki Forest opposition activist Konstantin Fetisov was attacked with a bat and suffered a skull fracture after leaving a police station following questioning by the police regarding Khimki Forest protests. Fetisov remained in a coma, and three persons were arrested in connection with the attack.

On November 5, the editor of the *Saratov Journal*, Sergey Mikhayilov, was attacked. According to the *Guardian* newspaper, following a critical news story,

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Mikhayilov stated that a member of the Duma texted him: "Your activity will not be without consequences." Police stated that they do not believe the attack was related to Mikhayilov's work.

On November 8, two men attacked *Zhukovsky Vesti* reporter Anatoly Adamchuk outside his newspaper's offices. He was hospitalized with a head injury, and his thumb drive was stolen. According to Adamchuk's colleagues, he stated that the attackers repeatedly stated the name of his newspaper while beating him. Adamchuk had written about the felling of local forests prior to an on air show. Moscow police claimed that Adamchuk faked this attack and hired two persons to stage it.

The Murmansk Interior Criminal Investigation Department announced they believed that the January 2009 shooting death in Murmansk of Shafiq Amrakhov, editor of the online news site RIA-5151, was connected to his business activities and not his work as a journalist. Amrakhov was shot in the stairwell of his home.

There were no developments in the investigation into the March 2009 death of Sergey Protazanov, journalist for the newspaper *Grazhdanskoye Soglasie (Civic Agreement)*, who was attacked by unknown assailants in the Moscow suburb of Khimki. His colleagues indicated that he had been working on a story about the local administration's alleged violations of electoral law.

There were no developments in the investigation into the April 2009 attack on Vyacheslav Yaroshenko, editor in chief of the Rostov-on-Don newspaper *Korruptsiya I Prestupnost (Corruption and Crime)*. Yaroshenko died of his injuries in June 2009. His colleagues believed he was killed in revenge for his investigative reporting on corruption among local authorities.

On February 26, the lead investigator of the abduction and killing in July 2009 of prominent journalist and human rights activist Natalia Estemirova announced that authorities knew who had killed her but were unable to make an arrest.

There were no developments in the investigation into the August 2009 shooting death of Dagestani journalist Abdulmalik Akhmedilov in Makhachkala by unknown assailants. Akhmedilov had criticized federal forces and local law enforcement officers for suppressing religious and political dissent; he was also known for his investigative reporting into assassinations of Dagestan officials.

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There were no developments in the investigation into the November 2009 death Olga Kotovskaya of Kaskad TV in Kaliningrad, who fell from the 14th floor of a building. Kotovskaya had just won a court case to regain control of her television station, which had a reputation for objective news reporting. Officials initially claimed that her death was suicide but a week later opened a criminal investigation for killing.

In May two men went on trial in Dagestan charged with the 2008 killing of Gadzhi Abashilov, head of the local branch of the Russian State Television and Radio Company in Makhachkala. In June the Dagestan Supreme Court ordered further investigation into the case, citing legal violations by the investigators. In August investigators released both suspects from custody, stating that the maximum allowable term of pretrial detention had expired. Law enforcement authorities and Abashilov's colleagues believed that his killing was related to his journalistic work, including his reporting on the situation in Dagestan.

There were no reports of progress in the following cases: the 2008 attack on Miloslav Bitokov, editor in chief of the *Gazeta Yuga* newspaper in the North Caucasus Republic of Kabardino-Balkaria; the 2008 beating of independent Khimki journalist Mikhail Beketov, publisher of the weekly *Khimkiskaya Pravda*; the 2008 beating of several journalists during a series of protests over planned increases in tariffs on imported cars; and the 2008 attack on Zhanna Akbasheva, a correspondent for the Regnum News Agency in Karachay-Cherkessia, who wrote about corruption and press freedom issues.

In June the Investigative Committee, formerly under the Prosecutor's Office extended the term of the investigation into the 2006 killing of prominent investigative journalist Anna Politkovskaya until February 2011. The Investigative Committee announced that it had identified more suspects in the case, and asked a number of EU countries for help apprehending them. In October the Investigative Committee charged Sergey Khadzhikurbanov, a former police officer who is serving a prison term for extortion, with organizing the killing of Politkovskaya. Khadzhikurbanov was among the three defendants acquitted of the same charges in 2009. In June 2009 the Supreme Court overturned a February 2009 lower court decision to acquit four suspects, including former FSB officer Pavel Ryaguzov in Politkovskaya's killing.

In April the Investigative Committee maintained that the suspected perpetrator of the 2004 killing of Paul Klebnikov, the former editor in chief of *Forbes Russia*,

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remained at large. The Prosecutor's Office reactivated the formerly frozen investigation into the journalist's death. Suspects Musa Vakhayev and Kazbek Dukuzov were found not guilty of the killing in 2006. Marat Valeyev, another defendant in the case, was cleared of the charges and released from custody in December 2009.

On September 16, the Investigative Committee resumed its investigation into the 2003 death of Yuriy Shchekochikhin, a member of the State Duma and deputy editor of the newspaper *Novaya Gazeta*. Investigators exhumed Shchekochikhin's body and unsuccessfully tested tissue samples to detect any signs of poisoning. Investigators initially had endorsed official findings that Shchekochikhin died of an allergic reaction to an unknown substance. At the time of his death, Shchekochikhin was investigating allegations of FSB responsibility for a series of 1999 apartment building bombings and the purported involvement of senior security officials and the prosecutor general's office in smuggling goods through FSB storage facilities.

Government officials occasionally responded to negative coverage by taking legal action against journalists and media outlets. Although the law prohibits courts from imposing damages in libel and defamation cases that would bankrupt a media organization, one NGO reported that local courts did not always respect the law in practice.

On March 29, a court in Tula ordered the local newspaper *Rubezh* to pay 500 thousand rubles (\$16,100) to settle a libel case filed by Tula Region Governor Vyacheslav Dudka in connection with a story the newspaper published about corruption in the local government.

On September 2, police conducted the latest of several raids on the offices of *New Times* magazine that were connected with an article, entitled "Slaves of the OMON," alleging abuses and corruption within the OMON (special purpose police units). The article included interviews with unnamed sources within OMON; police demanded that the magazine turn over documents and recordings that would identify the sources. On May 12, the Moscow City Court, concurring with an earlier Tverskoy District Court decision, ordered the seizure of the documents and recordings as evidence in a libel case authorities brought against the magazine. The *New Times*' editor provided a transcript of the interviews to the police during the raid, but refused to name the sources or surrender the recordings, citing laws providing for protection of journalists' sources.

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On September 8, Sergey Mikhaylov, editor in chief of the Altai region newspaper *Listok*, which is often critical of regional authorities, went on trial on charges of libel and inciting ethnic hatred based on two articles that contained phrases that local authorities deemed offensive. Investigators searched Mikhaylov's apartment and confiscated his computer. Mikhaylov's colleagues argued that the case against him was politically motivated.

On September 9, the Supreme Court of Dagestan rejected a lawsuit filed by local authorities in June 2009 seeking to shut down the independent Dagestan weekly *Chernovik* because of its alleged support for extremist views. In April, a court rejected a suit by the former chairman of the Presidential Council for Human Rights, Ella Pamfilova, against the newspaper *Nezavisimaya Gazeta*, claiming that the paper had insulted her honor, dignity, and reputation. The court's decision reaffirmed the right of the press to criticize the government and the manner in which members of the government perform their duties.

In January the Moscow prosecutor's office reversed the Moscow city police directorate's refusal to open a libel case filed by Chechen leader Ramzan Kadyrov against *Novaya Gazeta* editor in chief Dmitriy Muratov and three other journalists of the newspaper for publishing an investigative article in February 2009 about the killing in Vienna of Kadyrov's former bodyguard, Umar Israilov (see section 1.a.). Kadyrov dropped his case in February after the first court session.

On January 19, prosecutors in Samara closed a criminal case against Sergey Kurt-Adzhiyev, the editor of the local edition of *Novaya Gazeta*, who was fined 15,000 rubles (\$496) in 2008 for using unlicensed software on his office computer. Kurt-Adzhiyev appealed the sentence, and further examination of the case ordered by the court revealed prosecutorial violations, as well as new exculpatory evidence. However, the Samara edition of *Novaya Gazeta* continued to be unable to publish; investigators confiscated all of its computers in 2007.

Officials at all levels used their authority, sometimes publicly, to restrict or limit the effectiveness of journalists who criticized them. One method was to deny the media access to events and information, including denying filming opportunities and statistics theoretically available to the public. On May 16, police prevented a correspondent of the GTRK Kuban television station from covering a public rally in Krasnodar. The correspondent was taken to a police station and released after several hours. On May 31, police in Moscow detained several journalists,

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including correspondents of *New Times*, Radio France Internationale, *Novaya Gazeta*, and ITAR-TASS, who attempted to cover a rally in support of freedom of assembly that had been prohibited by city authorities.

There were no known cases of reporters being detained in Chechnya. Journalists in Chechnya, however, continued to face pressure and restrictions. There were minor instances of journalists being briefly detained in other North Caucasus republics. The editor of the *Dosh* journal, Israpil Shovkhalov, was briefly detained on March 9 by the authorities in Ingushetiya. A correspondent of the weekly publication *New Business* was detained on March 2 for a short time while covering a protest in Makhachkala. 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. Media freedom advocates asserted that officials used the law to restrict criticism and label independent reporters as extremists. Authorities may close any organization deemed extremist by submitting charges to a court, which the organization concerned cannot challenge.

As in previous years, the antiextremism law was applied to media outlets and activists. *Novaya Gazeta* was warned for an article examining Russia's right-wing radical groups, and *Vedemosti* was warned for an article on female suicide bombers. These warnings discouraged coverage of these controversial topics by other news outlets.

The Justice Ministry continued to expand its list of "extremist" materials during the year to include more than 700 items, up from 467 in 2009. The list included materials produced by Jehovah's Witnesses and Scientologists; the works of Muslim scholar Said Nursi; a picture of Winnie the Pooh wearing a swastika; a flag with a cross; and the Web site *Samizdat*, which was similar to Wikipedia and which had more than 500,000 subscribers. Some analysts asserted that the vague definitions of "extremism" were expanding the list to the point of discrediting the concept altogether.

Officials or unidentified individuals sometimes used force or took extreme measures to prevent the circulation of publications not favored by the government. For example, on March 10, police in Vladimir seized copies of the newspaper *Vechernaya Ryazan*, which carried campaign advertising by the local branch of the Russian Liberal Democratic Party. The police claimed that the publication of advertising involved legal violations. On March 17, prosecutors in Vladivostok

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seized copies of the local opposition newspaper *Protestnoye Dvizheniye*, which published an open letter to the local prosecutor. On May 28, police in Kemerovo stopped a vehicle carrying copies of the local newspaper *Sovetskiy Kuzbass* and seized all the copies, claiming that the newspaper's issue included articles with extremist content. On September 7, police in Korolev seized copies of the newspaper *Khimkinskaya Pravda*, stating that the newspaper had to be "checked for extremist material."

Copies of the report *Putin. Results. 10 Years*, written by former deputy prime minister Boris Nemtsov and former deputy energy minister Vladimir Milov, were confiscated on several occasions. On August 25, local police from Murmansk detained two activists from the Solidarity opposition movement when they attempted to transfer the publication from a train to their vehicle. Approximately a thousand copies reportedly were confiscated by the Murmansk police for analysis for the presence of "extremist literature." Police in St. Petersburg confiscated 200,000 copies of the publication on June 15 and 17 but later released them after determining that the literature was not extremist.

According to the GDF and other media 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. On September 13, Microsoft announced that it would create a unilateral software license for NGOs and independent media in a number of countries, including Russia, to prevent authorities from using antipiracy enforcement as a pretext to pressure NGOs.

A 2006 warning to the media against referring to the National Bolshevik Party without indicating that it was banned remained in place. The media were informed that omitting to mention the party's illegality could be considered dissemination of false information and lead to the "application of restrictive, precautionary, and preventive measures."

According to the GDF and media NGOs, some 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. The GDF reported that approximately 90 percent of print media organizations relied on state-controlled organizations for paper, printing, or distribution, and many television stations were forced to rely on the government (in particular, regional committees for the management of state property) for access to the airwaves and

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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. It noted that this practice was more common outside the Moscow area.

### Internet Freedom

The government did not restrict access to the Internet. Internet use in Russia grew exponentially during the year to between 40-50 million users. There was a growing use of social networking, blogs, and increasing reliance on the Internet as an alternative news source. Individuals and groups could generally engage in the peaceful expression of views via the Internet, including by e-mail, but traffic reportedly was monitored by the government. 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 personally, and monitor their Internet activity. Although legislation formally protects individual privacy, prohibiting wiretapping of any kind without a court order, there appeared to be no mechanism to prevent FSB access to e-mail traffic or private information. Authorities were not required to give telecommunications companies or individuals documentation on targets of interest prior to accessing information.

There was widespread and growing access to the Internet through home, work, and public venues. Approximately 35 to 40 percent of adults had Internet access with a far larger percentage in Moscow and St. Petersburg. In contrast to other forms of media, the law does not require sites to register as mass media, and unregistered sites were not subject to administrative sanctions. Internet forums, including blogging services, increasingly served as the most open media vehicles in the country for expressing political views. Nonetheless, some bloggers were investigated or charged for their Internet postings based on extremely broad definitions of prohibited activities, such as "extremism" or inciting hatred, as well as libel. In addition the law allows authorities to hold bloggers liable for comments that others post on their blogs. In April 2009 authorities issued warnings to mass-information Internet sites against negative coverage of government news.

On August 10, police in Ufa arrested bloggers Nikolay Shvetsov, Sergey Orlov, Konstantin Nesterov, and Igor Kuchumov on charges of extremism and fomenting



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ethnic hatred in their blogs for quoting a book criticizing Bashkortostan President Murtaza Rakhimov.

On July 28, a court in Komsomolsk-na-Amure ordered the local Internet service provider Rosnet to block access to five popular Web sites, including You Tube and web.archive.org, which authorities stated contained extremist video materials and Adolf Hitler's *Mein Kampf*. Rosnet appealed the verdict, and in September the higher court altered the controversial ruling and listed particular pages with "extremist materials" that have to be blocked instead of the whole resource.

On June 15, the Supreme Court issued a ruling that allows authorities to demand that media organizations remove from their Web sites material posted by users that authorities deem extremist, slanderous, or liable to incite hatred. At least four bloggers were investigated or prosecuted during the year, according to Reporters Without Borders.

On May 15, authorities shut down a discussion community on the popular social network VKontakte that discussed the consequences of the deadly accident at the Rapsadskaya coal mine. According to the GDF, law enforcement officers demanded that popular blogger Marina Litvinovich, who managed the community, provide them with the site password, which they used to make the community unavailable for access.

On March 19, authorities ordered the Web site March 20 to close down for publishing "extremist" content. The Web site published information about plans for Day of Wrath protest rallies in various cities held by opposition movement activists. According to RiaNovosti, Solidarity movement member Olga Kumosova claimed that the site was used for the purpose of planning protest slogans and the closure was illegal.

On January 15, the Tatarstan Supreme Court confirmed the sentence issued to Tatar writer and journalist Irek Murtazin. In November 2009 a court in Kazan sentenced Murtazin to 21 months in prison on charges brought by Tatarstan President Mintimer Shaimiev that included "disseminating false information" about the president and "violating his privacy" by suggesting in a 2008 blog that Shaimiev had died while vacationing in Turkey.

According to the *Global Voice Online* Web site, there were multiple instances of Internet censorship during the year. In July the Ingushetiyen authorities were able

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to block the popular blogging site *LiveJournal* on a local Internet server, and in August the local authorities blocked the *Tulksiye Pryaniki* Web site that was critical of the authorities. After the December 11 ethnic riots in Manezh Square in Moscow, the popular *Vkontakte* Web site removed what it characterized as dangerous content in cooperation with the police and FSB.

In May 2009 Sverdlovsk authorities brought a criminal libel case against a LiveJournal blogger with the pen name "Father Christmas," who was critical of the Sverdlovsk police and the security cadre of the mayor. In June 2009 a court in Ufa, Bashkortostan, ordered local Internet service providers to block access to the *revinform* blog on LiveJournal because of its allegedly extremist content. The court cited as an example of extremist content an article from a local opposition newspaper posted on the blog, which reported on top-level corruption in the local government.

### Academic Freedom and Cultural Events

The government generally did not restrict academic freedom; however, human rights and academic organizations believed that the continued imprisonment of physicist Valentin Danilov and others inhibited academic freedom and contact with foreigners on subjects that authorities might deem sensitive.

There were reports of pressure on teachers, academics, and scholars.

On December 29, Kabardin ethnographer Aslan Tsipinov was shot and killed outside his home near Nalchik, Kabardino Balkaria. North Caucasian insurgents later claimed responsibility for the killing, explaining that they killed Tsipinov because he sought to corrupt young Muslims by reviving ancient pagan rituals.

On July 12, according to press reports, Yuriy Samadurov, former director of the Sakharov Center, was fined 200,000 rubles (\$6,500) on charges of inciting ethnic and racial hatred in a 2007 exhibit held at the center that displayed works banned by Russian museums. The curator of the exhibition, Andrei Yerofev, was fined 150,000 rubles (\$4,800). The prosecution had originally asked for prison sentences.

On March 16, according to NGO and media reports, authorities arrested Svyatoslav Bobyshev and Yevgeny Afanasyev, two professors at Baltic State Technical University in St. Petersburg, and accused them of spying and passing state secrets

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to Chinese citizens. The two professors reportedly remained in detention at the Lefortovo maximum-security prison in Moscow. A court agreed in September to extend their detention for a further four months.

On November 13, historian Igor Pykhalov was attacked outside his home by unknown assailants. Reports suggest that Pykhalov was targeted because of his controversial pro-Stalinist views and his writings on Stalin's deportation of persons indigenous to the North Caucasus.

In May 2009 President Medvedev announced the formation of a Committee against the Falsification of History, which was dedicated to countering statements denigrating the role of the Soviet Union in the victory over Nazism. In connection with this initiative, a small number of professors in Moscow universities reported receiving instructions to submit their teaching materials to the university administration for examination as to whether they were violating the proposed law. At year's end, no further pressure on teachers was reported.

### 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. According to the human rights NGO AGORA, more than 3,160 civil activists were arrested following public events during the year.

In December 2009 the Duma passed a law increasing the severity of punishment for anyone found guilty of illegally interfering with the flow of traffic. The law increased the fine from 2,500 rubles (\$83) to 100,000 rubles (\$3,300) or two years in prison. Human rights activists viewed this as a move to restrict freedom of assembly. However, human rights advocates generally welcomed President Medvedev's veto of the proposed legislation "On Amendments to the Federal Law On Gatherings, Meetings, Demonstrations, Marches, and Pickets" that would have prevented those who received minor administrative fines from registering and participating in rallies. The president declared that the provisions would infringe on the right of assembly provided in the constitution.

On November 10, President Medvedev signed into law a modified bill, which requires that requests for permission to demonstrate be filed no less than three days before the proposed event. Such types of protest actions involve a smaller group of

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activists voicing disapproval of one specific issue and picketing in the vicinity of the offices of the government authority with which the activists take issue. The law also regulates the use of major streets, highways, and railroads as venues for public protests.

The law requires notification for public meetings, demonstrations, or marches by more than one person, but in practice municipal government treated this as a permitting process which must be requested between five and 10 days before the event. During this type of protest, many speakers take part and the size of the protest group is much larger than that for a picket. Local elected and administrative officials selectively denied some groups permission to assemble or offered alternate venues that were inconveniently located.

Demonstrations that took place without official permission were often broken up by police, who frequently detained demonstrators. In an August interview, Prime Minister Putin called these unsanctioned demonstrations "provocations" and stated that those who participate in them should expect to "take a cudgel to the head."

On January 15, members of the Moscow Oblast Duma rejected an amendment to legislation on demonstrations and public gatherings that would have required government permission to hold a solitary protest. Representatives of the Yabloko Party conducted pickets in front of the Moscow Oblast Duma against this initiative.

In July and August, police dispersed several demonstrations in connection with the movement to protect the Khimki forest near Moscow from destruction to make way for a proposed highway. On July 28, police detained nine environmental activists who had been camping in the forest after construction began on the project. On August 2, police detained 50 persons at an unsanctioned protest in the forest, including Yabloko Party leader Sergey Mitrokhin. Another protest was dispersed on August 10 outside of the Moscow Oblast administration building. Authorities granted permission to hold a much larger protest on August 22.

In connection with these rallies, Human Rights Ombudsman Vladimir Lukin expressed disagreement with the government's position that the authorities have the legal right to deny groups permission to demonstrate, countering that, in his view of the constitution, activists should only have to notify the authorities of their activities beforehand. Sergey Mironov, the speaker of the upper house of the State Duma and leader of minority party Just Russia, supported the right of activists to demonstrate peacefully and called the police actions toward participants "cruel."

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On August 22, political activist Lev Ponomaryov and Solidarity opposition coalition leaders Boris Nemtsov and Mikhail Shneyder were detained for more than 12 hours in Moscow on the charge that they conducted an unsanctioned march. Local authorities had agreed to permit the opposition to hold a "rally" to mark National Flag Day, but refused to permit a "march." When the participants began to move down the street with a Russian flag, police arrested them. On August 26, Ponomaryov and Shneyder were sentenced to three days of administrative arrest.

On September 7, a Moscow court convicted Lev Ponomaryov of "insubordination" to a police officer and sentenced him to four days of administrative arrest in connection with his participation in an unsanctioned protest on August 12 at which demonstrators demanded the resignation of Moscow's then mayor, Yuriy Luzhkov.

On October 31, authorities in Moscow for the first time allowed human rights proponents to hold a "Strategy 31" rally on Triumphalnaya Square to demonstrate support for Article 31 of the constitution, which provides for freedom of assembly. This was the first time the Strategy 31 opposition movement's protests were allowed. More than 1,500 persons attended, nearly double the number authorized by authorities; security forces were generally restrained. For most of the year and throughout 2009, authorities in Moscow employed various pretexts to deny human rights activists permission to hold Strategy 31 demonstrations on the last day of each 31-day month. On several occasions, police detained persons who gathered to protest the denials. According to a *Vedomosti* press report, the deputy head of the Moscow Interior Office stated that the mere presence of a sign displaying the number "31" was grounds for arrest. After detaining dozens of individuals at January and March rallies, state security forces were especially violent in their suppression of the May 31 peaceful protest, arresting at least 152 persons and reportedly beating many in jail. In response to the police actions, Human Rights Ombudsman Vladimir Lukin characterized the actions of the security personnel as "disproportionate" and "unreasonably brutal" and the detention of the protesters as "illegal."

Many observers noted a selective and consistent pattern of encouraging rallies friendly to the government--while preventing politically sensitive demonstrations. On the same day as the January Strategy 31 rally, United Russia organized progovernment rallies, which were the only demonstrations to receive coverage on state-run television news channels. Some demonstrators at the progovernment

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rallies told news media that they had been pressured to attend, and one student stated that he would receive class credit for his attendance.

### 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. Several organizations have been forced in the past to suspend activities while registration was pending. Restrictions were applied in a discriminatory and selective manner to some NGOs, particularly those receiving foreign funding or involved in issues of political opposition or in human rights monitoring.

The finances of registered organizations are subject to investigation by the tax authorities, and foreign grants must be registered. A 2008 prime ministerial decree reduced the number of foreign organizations whose grants were exempt from taxation from 101 to 12 and imposed an annual registration process on those that met the proposed requirements. Many NGOs interpreted the decree as a further step to restrict foreign funding of NGOs. Authorities subjected some NGOs with foreign funding to lengthy financial audits or delayed the registration of their foreign-financed programs. The financial investigations were particularly burdensome, and some NGOs, particularly smaller NGOs with limited organizational capacity, stated that it restricted their activities.

Between September 13 and 16, prosecutors conducted an extensive inspection campaign of approximately 40 NGOs, in what many observers called an attempt to intimidate and disrupt these groups (see section 5). Just as suddenly as the inspections began, they ended, with no further action.

The law provides a basis for government oversight of NGO activities, including ensuring their compliance with stringent registration requirements, a particular problem for the branch offices of foreign NGOs. The law also provides a basis for the oversight of extensive reporting requirements for NGOs concerning their programs and activities, as well as for government enforcement of limitations on the participation of foreign citizens. Authorities selectively used the regulations to harass certain NGOs.

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In July 2009 following complaints by NGOs about the burdensome nature of requirements imposed upon them, the law was amended to revoke the Justice Ministry's authority to arbitrarily demand documents from domestic NGOs; it further provides that flaws in documentation would not be grounds to annul, but only to suspend, a domestic organization's registration and removes "threats to national unity and identity" from the list of reasons for denying registration. The amendment also simplified reporting forms for domestic NGOs and required them to be inspected by the government once every three years, rather than annually. None of these amendments applied to foreign NGOs.

There were no reports during the year that political parties had their registration revoked or denied.

### c. Freedom of Religion

For a complete description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/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 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.

All adult citizens must carry government-issued internal passports while traveling domestically and must register with the local authorities within a specified time of their arrival at a new location. Authorities often refused to provide governmental services to individuals without internal passports or proper registration. The official grace period for registration given to an individual arriving in a new location is 90 days. 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 from them.

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Although the law gives citizens the right to choose their place of residence freely, many regional governments continued to restrict this right through residential registration rules that closely resembled Soviet-era regulations. Citizens moving permanently must register within seven days in order to reside, work, or obtain government services and benefits or education for their children in a specific area. Citizens changing residence within the country, migrants, and persons with a legal claim to Russian citizenship who moved to the country from other former-Soviet republics often faced great difficulties or simply were not permitted to register in some cities. The registration process in local police precincts was often corrupt. There were frequent reports of police expecting bribes to process registration applications and demanding them during spot checks for registration documentation.

In the aftermath of the December race-fueled Manezh riots in Moscow, Prime Minister Putin met with soccer fans and suggested that rules for internal migration and registration should be tightened.

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.

The law prohibits forced exile, and the government did not employ it. The law provides all citizens with the right to emigrate, and this right was respected.

### Internally Displaced Persons

The UNHCR reported that there were 75,323 IDPs in the country as of December 31, mainly in the North Caucasus. At year's end, 16,518 IDPs remained displaced to Ingushetiya by Chechnya's second conflict, according to the UNHCR. Of these, 13,852 persons lived in private quarters, while 2,666 resided in temporary settlements. The UNHCR reported that Ingushetiya was also home to 10,047 IDPs from Prigorodny, North Ossetia. As of July, 2,578 Chechen IDPs were living in Dagestan, with an estimated 188 living in temporary settlements and temporary accommodation centers within Chechnya proper and 2,390 in private settlements. Also as of July, nearly 22,193 forced migrants from South Ossetia, Georgia, remained in North Ossetia; another 20,193 were from the conflict in the early 1990s, and 2,000 were displaced as a result of the August 2008 conflict, according to the UNHCR.



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Although sources differed on the exact figures, approximately 46,000 IDPs returned from Chechnya to Ingushetiya and Dagestan in the last six and a half years. Authorities discontinued use of negative incentives--including deregistration from IDP rolls, cancellation of food assistance, and utility cuts to temporary settlements-- used in 2009 to induce often-unwilling IDPs in Ingushetiya to return to Chechnya; however, the Ingushetiya office of the Federal Migration Service refused to accept any claims for reinstatement on its registration lists. Authorities maintained a policy of compensating persons who lost housing in military operations; however, compensation was typically inadequate to insure long-term shelter for beneficiaries.

### Protection of Refugees

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

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, did not maintain a presence at airports or other border points. Asylum seekers thus had to rely on the good will of border guards and airline personnel to call immigration officials to the scene or else face immediate return to their countries of origin, including in some cases to countries where a well-founded fear of persecution could be demonstrated.

Sixteen self-identified Somali asylum seekers, who in March 2009 attempted to transit Moscow's Sheremetyevo Airport without documents, spent several months living in the airport's transit zone, at times compelled to beg for food from airline passengers. The group's men, women, and children had difficulty accessing the system for applying for asylum and obtained basic social services only through the UNHCR's intervention. At the end of the year, six of these asylum seekers remained at Sheremetyevo Airport. All of the applicants were rejected for asylum; some were appealing, while several returned to Somalia.

By law the decision of a Migration Service 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

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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 migration service. The UNHCR and NGOs stated that asylum seekers at times faced detention, deportation, fines by police, and racially motivated assaults.

The UNHCR, the International Organization for Migration, and NGOs assisted the government in trying to develop a more humane migration management system. The Federal Migration Service cooperated well with international organizations to provide training for its officers throughout the country to insure 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, located in Ocher, in Perm Region, far from major cities where asylum seekers concentrated. There were no reception centers at border points. The Federal Migration Service and its territorial branches are obliged by law to cover travel expenses to centers for holders and seekers of refugee or temporary asylum status. However, the law was not respected in practice, and the trip to the center was usually funded by the UNHCR or the individual involved.

While federal law provides for education for all children, regional authorities occasionally denied access to schools to children of asylum seekers if they 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.

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

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investigated the nature of the warrants. Human rights groups asserted that these arrangements were employed to detain, and possibly repatriate, opponents of the governments of other former Soviet republics without legal grounds.

In June the "Ivanovo Uzbeks," a group of 13 persons arrested in 2005, received permission to depart the country to take up offers of asylum in Sweden. In 2008 the ECHR had ordered authorities not to return the 13 to Uzbekistan and to pay each 15,000 euros (\$20,100) in restitution for two years spent in detention for alleged involvement in violent unrest in Andijan, Uzbekistan. According to the UNHCR, six men and their families have departed for Sweden, and seven men and their family members, altogether consisting of 26 persons, were expected to depart in early 2011. Two other Uzbek families included in the departure list to third countries were resettled in Sweden in September and November.

### Stateless Persons

Citizenship is derived both by birth within the country's territory within 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 country and there is concern the child might become stateless. At year's end the UNHCR preliminarily estimated that there were 44,000 stateless persons, based on data from local authorities and NGOs. Federal Migration Service statistics indicated at the end of 2008 that 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 Yezidis, both political and environmental refugees, and their descendants, remained without Russian passports and were denied the right to register as residents, which deprived them of all rights of citizenship and prevented 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

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

On March 14, regional and local elections were held in 76 of the federation's 83 regions and were marked by irregularities, including the misuse of absentee ballots, vote buying, and busing in of voters, according to the election monitoring NGO, GOLOS. The Communist Party also claimed that in the Krasnodar Region, United Russia based police cadets to vote for their candidate in the mayoral elections where they were not registered.

In the October 10 regional and municipal elections, opposition parties continued to complain of a variety of electoral violations, including denial of candidate registration and ballot box manipulation. Regional and municipal elections held in March and October 2009 were also marred by violations, including interference with election monitors, intimidation of voters, and ballot box stuffing.

In 2008 the country held presidential elections in which Dmitriy 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. GOLOS reported massive, widespread violations, as with the Duma elections held in 2007. The Organization for Security and Cooperation in Europe (OSCE) representative on freedom of the media reported numerous media freedom violations during the parliamentary and presidential elections. Electoral violations and problems observed by GOLOS included an "unprecedented" number of absentee ballots, collective voting under pressure, multiple voting, and vote-counting irregularities. GOLOS observers, however, reported that voting procedures were well-organized and that the secrecy of voting was mostly respected. In both the presidential and parliamentary elections, official delays in issuing visas and restrictions on the activities of the mission led the OSCE's Office for Democratic Institutions and Human Rights to decline to send observation missions.

The law gives the president significant indirect influence over the Federation Council, since regional leaders selected by the president in turn appoint half of its

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members. Political parties that win elections to regional parliaments may propose candidates for the head of a region, but the selection is still subject to the president's and the regional legislature's approval.

Since 2004 the president has had the authority to nominate regional governors, subject to confirmation by regional legislatures. If a regional legislature fails to confirm the president's nominee three times, the president may dissolve the legislature. The federal president also has the power to remove regional leaders in whom he loses confidence, including those who were popularly elected. In September President Medvedev exercised this power in removing Yury Luzhkov, the long-serving and three times popularly elected mayor of Moscow (the positions of mayor in Moscow and St. Petersburg have a status similar to that of governor). On October 21, the Moscow City Duma confirmed Medvedev's pick, Sergey Sobyenin, as the new mayor.

In 2009 legislation was enacted to allow city legislatures and governors to remove popularly elected mayors (as of 2006 approximately one-third of the country's municipalities were headed by elected mayors, according to a government Web site). In June the Murmansk City Council removed Mayor Sergey Subbotin from office, and mayors of several small cities have been removed in similar fashion. Smolensk Mayor Eduard Kachanovskiy was removed from office due to charges of extortion, and possibly influenced by his refusal to obey an earlier United Russia request to withdraw from elections for the party's preferred candidate. In February Smolensk Governor Sergey Antufyev called for the abolishment of the Smolensk direct mayoral elections, stating that "popular elections are a risk."

A March 2009 law requires that to obtain legal status, a political party must have at least 45,000 members with at least 450 in each of half of the country's regions and 250 members in each of the remaining regions. This is proven by gathering signatures. The law slightly relaxed earlier minimum membership requirements that made it difficult for smaller parties to register. The law envisions a further reduction in the requirement (to 40,000 members overall and 400 in each of half of the regions) by 2012. An additional law passed in June allows a political party to avoid the requirement for signatures altogether if it enjoyed political support in at least one-third of the country's regions.

While parties represented in the Duma may nominate a presidential candidate without having to collect and submit signatures, prospective presidential candidates from political parties without Duma representation must collect two

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million signatures from supporters throughout the country to register to run for president. 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.

Political parties receiving 5 percent of the national vote are entitled to representation in the Duma. The election law provides for a party list system and prohibits electoral blocs. There is no minimum voter turnout requirement. The election law prohibits the observation of federal elections by nonpartisan domestic groups, making it difficult for NGOs to observe elections. In April 2009 the Duma passed a law described as giving equal broadcast time on electronic media to all political parties represented in the Duma. Observers noted that the law would limit broadcast time for the United Russia Party's leaders when they spoke in their party capacity, not as government officials, and that the broadcast time in question related to discussion of party affairs rather than policy issues.

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.

There were 63 women in the 450-member State Duma and nine women in the 166-member Federation Council. There were three female ministers. Two of the 83 regional leaders were women. Three of the 19 judges on the Constitutional Court were women. None of the political parties 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 constitute 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; however, the government acknowledged that it had not enforced the law effectively, and many officials continued to engage in corrupt practices. Corruption was widespread

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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. The NGO Information Science for Democracy (INDEM) continued to assert that corruption was also widespread in other official institutions, such as the higher education system, health care, the military draft system, and the municipal apartment distribution system. INDEM also estimated in a 2009 report, and asserted during the year, that bribes and corruption cost the country the equivalent of 33 percent of the country's gross domestic product.

Legislation enacted in December 2008 defined corruption and set forth key principles for combating it. It 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. Implementation of the legislation, however, was still incomplete. Although some agencies, such as the Ministry of Justice, issued implementing regulations defining conflict of interest in certain situations, not all agencies issued implementing regulations. On February 26, the Office of the Prosecutor General established principles and procedures for evaluating the anticorruption aspects of draft laws and regulations in order to avoid inconsistencies and eliminate loopholes. Beginning on April 30, judges were required to submit income and asset declarations to their courts. During the year the government instituted mandatory anticorruption training for public officials through the Academy of State Service. Russia has been a state party to the UN Convention against Corruption (UNCAC) since 2006 and is a member of the Group of Countries against Corruption. Due to its UNCAC obligations, the government has altered domestic legislation.

The law makes giving and receiving bribes punishable by up to 12 years of incarceration; a person who pays a bribe is relieved of criminal liability if the bribe was extorted or if the individual voluntarily informs law enforcement authorities about it. While there were prosecutions for bribery, a general lack of enforcement remained a problem. Investigations of bribery and other corrupt practices are conducted by the Ministry of Interior and the FSB, both of which were themselves widely perceived as corrupt.

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

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Perception Index worsened. The country scored poorly on other measurements of transparency and corruption as well, including judicial independence, fairness in the decisions of government officials, the transparency of government policymaking, and the influence of organized crime.

In a statement issued on October 27, the Interior Ministry reported that bribery increased by 17.5 percent from January to September, compared with the same period of 2009 and the average bribe increased 1.5 times to more than 42,500 rubles (\$1,400). The statement cited alleged corruption by many officials at the federal, regional, and local level, including four serving and former deputy governors and five regional ministers.

Prosecutors charged some 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 Investigative Committee head Alexander Bastrykin, corruption charges were brought against 120 investigators and 12 prosecutors during the year. Corruption charges were also 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. Ten department heads and 26 deputy department heads reportedly faced administrative charges for unacceptable investigative work, and three were dismissed for violation of authority.

On July 1, a new federal law came into force requiring courts of general jurisdiction to disclose information on the activity of judges. In August the Institute for the Development of Freedom of Information released the results of a survey on preliminary implementation of the law, based on several types of basic information about court operations and the availability of such information on court Internet sites or by telephone. According to the survey results, which were reported widely in the press, basic data such as the working hours of court offices, names and contact information of court officials and staff, and court addresses were still in many cases unavailable or difficult to obtain.

In November 2009 Sergey Magnitsky, who was a lawyer for the firm that represented Hermitage Capital, died in a Moscow prison, where he was being held on tax evasion charges. It was widely believed that the charges were fabricated and



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that his imprisonment was a result of his testimony that Interior Ministry officials Artyom Kuznetsov and Pavel Karpov stole 5.50 billion rubles (\$179 million) in a tax fraud scheme (see section 1.a.). In October Oleg Silchenko, the Interior Ministry investigator who was responsible for the investigation, was promoted to lieutenant colonel. In November the Interior Ministry presented an award to officers connected to the initial investigation of the tax evasion charges against Magnitskiy. Police officials also leveled new accusations--that Magnitskiy himself had been guilty of the tax fraud.

In June Interior Ministry investigator Oleg Silchenko, who reportedly played a key role in the jailing of lawyer Sergey Magnitskiy, sought to disbar Alexander Antipov, a lawyer who replaced Magnitskiy at Hermitage Capital. According to a 2009 report in *Bloomberg BusinessWeek*, lawyers at three separate firms hired by Hermitage Capital were subject to criminal investigations in 2009, and their offices were raided by police.

Corruption also exacerbated illegal logging and hunting, further complicating the country's efforts to enforce environmental standards. On May 27, Pyotr Diyuk, the Vladivostok-based director of the Primorye Regional Forestry Department, was placed on temporary administrative leave after a nationally televised investigative report showed him discussing rampant corruption in his region's forestry sector with an undercover journalist on a hidden camera. In the interview, Diyuk corroborated independent reports of widespread illegal logging facilitated by bribes to forestry and customs officials. The televised report showed video footage of what presenters claimed to be customs and forestry officers accepting bribes in exchange for falsified export permits. First Deputy Prime Minister Viktor Zubkov announced in June that the government planned to send a special investigative commission to the Primorye Region to examine the substance of Diyuk's allegations. By year's end the government had not released the results.

There were reports that corrupt officials largely controlled illegal hunting and trafficking in endangered and protected species through the issuance of licenses and other permits in return for bribes and other illegal benefits. On June 22, the Prosecutor General's Office announced charges in an investigation that followed the January 2009 crash of an Mi-171 helicopter in the Altai. Evidence at the crash site revealed the involvement of senior officials in hunting endangered argali sheep. Three passengers who participated in the illegal hunting expedition were charged with illegal hunting. However, authorities did not announce corruption charges in the case.

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According to the press, a June report by the Audit Chamber found evidence of corruption in the preparations for the country's participation in the 2010 Winter Olympics in Vancouver, which cost more than 6.2 billion rubles (\$200 million). In a statement introducing its report, the Audit Chamber indicated that Olympic preparations were "inefficient, imperfect, and involved corruption."

Police corruption was pervasive. There were credible reports that police imposed fines on, and demanded bribes from unregistered persons (see section 2.d.). It was widely believed that they received bribes from persons involved in prostitution.

In November 2009 Novorossiysk Ministry of Interior Major Aleksey Dymovskiy made a video request to Prime Minister Putin to address widespread corruption among law enforcement officers. Although the video attracted nationwide attention, authorities did not investigate Dymovskiy's allegations. Instead, in January they charged him with abuse of office and fraud. His wife alleged that investigators tried to plant drugs in his home during a raid. He was subsequently released but lost a suit for slander filed by the chief of police of Novorossiysk and was ordered to pay 108,000 rubles (\$3,500) in damages. In an interview with the *New York Times*, Dymovskiy acknowledged taking bribes himself. He asserted that authorities were aware that police had to augment their low salaries from other sources. He described a practice considered common: at the end of a shift officers must turn over a portion of their bribes, 700-3,000 rubles (\$25 to \$100) a day to the "cashier," a senior member of the department. Dymovskiy asserted that if officers did not pay up, they were disciplined.

In February Vadim Karastelyov, a Novorossiysk human rights activist who assisted in Dymovskiy's defense, was arrested as he was distributing pamphlets asking residents to attend a rally for Dymovskiy and was jailed for a week for promoting an unauthorized demonstration. Immediately after his release, two strangers beat him, causing a skull fracture, but did not try to rob him. Although after his apprehension one of Karastelyov's attackers stated that he acted out of personal animosity, many human rights observers believed that Karastelyov was attacked because of his support for Dymovskiy.

The law authorizes public access to all government information unless it is confidential or classified as a state secret. Refusal by authorities to provide access to open information, or to classify information as a state secret without cause, has been successfully contested in court in a few cases. However, access to

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information often remained difficult and subject to prolonged bureaucratic procedures. Under a law signed in February 2009, officials are required to disclose within 30 days of a citizen's request any information controlled by the government that is not considered a state secret. Those seeking information must file their requests via the Internet. Officials who do not comply may be fined or imprisoned for up to five years if the withholding of information causes serious bodily harm, as was the case in the Chernobyl disaster. Although the law was billed as comparable to freedom of information laws in other countries, observers expressed concern that officials would use the "state secrets" provision to deny citizens access to information arbitrarily. There were no reports of court cases implementing this law during the year. INDEM reported that journalists were generally granted access to such information upon request.

Bloggers, such as Aleksey Navalniy, have increasingly become sources for revealing corruption. Navalniy published a series of detailed reports and materials outlining corruption in the construction of major energy pipelines in Russia. As a result of his efforts, authorities opened an investigation into the allegations.

### 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, and the operating environment for these groups remains restricted. Authorities increasingly harassed NGOs that focused on politically sensitive areas. Other official actions and statements indicated a lack of tolerance for unfettered NGO activity, particularly by those NGOs that received foreign funding or reported on human rights violations. NGOs operating in the Northern Caucasus were severely restricted. However, at times government and legislative officials recognized and consulted with some NGOs, primarily those focused on social issues, and some NGOs participated, with varying degrees of success, in drafting legislation and decrees. Some officials, including Human Rights Ombudsman Vladimir Lukin and the former and current chairs of the Presidential Council for Promoting the Development of Institutions of Civil Society and Human Rights (Human Rights Council), Ella Pamfilova and Mikhail Fedotov, regularly interacted and cooperated with NGOs.

According to the NGO Agora, there has been a five-fold increase in the cases of harassment of civil activists between 2006 and 2010. During the year 603 cases of

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persecution of activists were counted in 50 regions of the country, up from 308 in 2009. In 2006 there were 118 such cases.

During the year some senior officials made critical statements that contributed to, and reflected, increased suspicion of NGO activity. In July Chechen President Ramzan Kadyrov referred to human rights activists and NGO Memorial as "enemies of the people, enemies of the law, enemies of the state." The president's first deputy chief of staff, Vladislav Surkov, has questioned the loyalty of some human rights NGOs that covered human rights issues or received foreign funding.

On May 19, President Medvedev met with human rights activists, and listened to their criticisms of Kadyrov's government. On June 23, a Russian delegation to the Council of Europe's Parliamentary Assembly approved a draft resolution on Russia's actions in the North Caucasus, which stated that "human rights violations and the climate of complete impunity were bound to foster the rise of extremist movements."

There were several dozen large NGO umbrella organizations, as well as thousands of small grassroots NGOs. In the regions, NGO coalitions continued to focus their advocacy on such causes as the rights of the disabled and entrepreneurs, environmental degradation, violations by law enforcement authorities, local corruption, and the conflict in the North Caucasus.

The law regulating NGOs requires them to register with the Ministry of Justice. They are required to submit periodic reports to the government that disclose potentially sensitive information, including sources of foreign funding and detailed information as to how they used their funds. Since foreign funding remained a sensitive issue for the security services, NGOs indicated that they were increasingly cautious about accepting this support, and in many cases those that continued to do so either restricted their activities to less sensitive issues or suffered harassment by the FSB. Many NGOs rely on foreign funding due to insufficient financial support from within the country. In June 2009 the measures recommended by a working group convened by President Medvedev resulted in a decrease in the registration requirements for NGOs.

Observers believed that the government selectively applied the NGO law to target certain NGOs, such as human rights organizations, whose activities they regarded as hostile to the authorities. The law on extremism was also employed to restrict the activities of NGOs and criticism of the government. The law defines extremist

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activity to include public libel of a government official or his family, as well as public statements that could be construed as justifying or excusing terrorism. During the year officials applied the libel law against NGOs and individuals. Since 2008, amendments to this law have enabled authorities to act upon an accusation of extremism without evidence or a court order; however, in practice, outside of the North Caucasus, this generally did not lead to detention without court proceedings.

The local affiliates of foreign NGOs faced more stringent registration requirements than purely domestic ones. Most NGOs with foreign ties that met the requirements for continuing operation in the country were subject to a 2009 prime ministerial decree that removed their tax-exempt status, making their grants taxable.

Officials are authorized to scrutinize NGOs intrusively, and the law gives NGOs only limited procedural protections. Under the law the Ministry of Justice has discretion to deny registration or to request that the courts close organizations, based on vague and subjective criteria.

Authorities continued to apply a number of indirect tactics to suppress or close domestic NGOs, including creative application of various laws and harassment in the form of investigations and raids. One tactic was selective investigations of alleged use of pirated software as a pretext for confiscating computers and pressuring NGOs and media (see section 2.a.). For example, on January 7, according to media reports, four plainclothes police officers raided the offices of Baikal Environmental Wave, an NGO opposing the government's decision to reopen an old paper mill on Lake Baikal. Stating that they had received a complaint about unlicensed software on its computers, police seized all 12 of the group's computers and its Web server, making it difficult for them to operate for a period of time. Baikal Wave's leaders told one newspaper that they had known that the authorities used such raids to pressure advocacy groups, so they had made certain that all their software was legal. They showed the raiding officers receipts and other evidence that the software was not pirated. However, a supervising police officer issued a report on the spot, stating that illegal software had been uncovered. According to the environmentalists, they had attached certificates of authenticity onto their machines, but noticed, as the machines were being removed, that the stickers were gone. In July the equipment was returned.

Between September 13 and 16, the Moscow prosecutor's offices carried out a series of coordinated inspections of approximately 40 NGOs. Many NGOs received faxes demanding that documents be submitted in an unrealistically short period of time.

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These documents included registration papers, minutes of meetings, accounting information, and tax and reporting documents. In some cases the NGOs were given until the following morning to supply the required documents. However, following foreign and domestic criticism, the government appeared to call off its inquiry.

At times authorities refused to cooperate with NGOs that were critical of their activities. Chechen Human Rights Ombudsman Nurdi Nukhazhiyev continued his predecessor's practice of not cooperating with the area's leading human rights NGO, Memorial. He and Chechen President Kadyrov spoke out publicly against the NGO. Smaller Memorial centers throughout the country reported that city administration officials frequently instructed landlords not to rent them office space.

Official pressure continued against the Novorossiisk local human rights organization Committee for Human Rights. In March Amnesty International reported an attack on one of its members, Vadim Karastelev, who was beaten and suffered a concussion, reportedly for supporting a police officer, who had spoken out against police corruption (see sections 1.c. and 4).

As of year's end, the ECHR had not ruled on Stanislav Dmitriyevskiy's appeal of his 2006 conviction in a domestic court for inciting racial and ethnic hatred. At the time of his conviction, Dmitriyevskiy was head of the Russian-Chechen Friendship Society, which advocated negotiations between the government and Chechen rebels to settle the Chechen conflict. The incitement charge was based on Dmitriyevskiy's publishing statements by Chechen rebel leaders.

In the Jewish Autonomous Republic and some areas in Primorskiy Krai, local governments worked with NGOs to encourage citizen participation in local self-governance. In Astrakhan government officials worked closely with local NGOs devoted to building civil society.

Some international NGOs maintained small branch offices within Chechnya staffed by local employees. Following the 2009 killing of Natalya Estemirova (see section 1.a.), almost all NGOs left Chechnya or temporarily closed their operations there due to fear for their safety and ability to operate.

Government human rights institutions continued to promote the concept of human rights, to challenge the activities of some local governments that violated human rights, and to intervene in selected abuse complaints. Ombudsman Lukin

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commented on a range of human rights problems, such as police violence, prison conditions, the treatment of children, and hazing in the military. During the year Lukin criticized intolerance and the growing wave of ethnic and religious hatred.

In his 2009 annual report, Ombudsman Lukin stated that his effectiveness was limited because he was not empowered to propose human rights legislation. He also noted the difficulty of getting some government officials to respond to inquiries from his office. Lukin's office has used its influence to draw attention to human rights problems in prisons. 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 legal constraints on his position.

The Ombudsman's Office includes several specialized sections responsible for investigating complaints. As of September 2009, 47 of the country's 83 regions had regional human rights ombudsmen with responsibilities similar to Lukin's; their effectiveness varied significantly.

The Human Rights Council continued to include prominent human rights advocates strongly critical of the government's human rights record. In May the council met with President Medvedev, Federal District Representatives for the North Caucasus Aleksandr Khloponin, and Deputy Chief of Staff Vladislav Surkov to discuss human rights in the Northern Caucasus. Medvedev urged the region's leaders to work closely with civil society. Mikhail Fedotov succeeded Ella Pamfilova as head of the council in October.

Despite a 2008 law apparently intended to increase its authority, many observers did not consider the 126-member Public Chamber of the Russian Federation to be an effective check on the government. Some prominent human rights groups declined to participate in the chamber from the beginning due to concern that the government would use it to increase control over civil society.

In January the State Duma ratified Protocol 14 to the European Convention on Human Rights, permitting the ECHR to streamline the pace of its work in the face of a seven-year backlog of cases. The government had previously blocked passage of this protocol due to the ECHR's numerous rulings criticizing violations of basic human rights in the country. The government had ignored more than 100 court rulings that found the government responsible for killings, abductions, and torture in Chechnya, according to Human Rights Watch.

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In April 2009 Interior Minister Rashid Nurgaliyev signed a decree allowing rights groups to monitor conditions of arrest and detention for those being held in pretrial detention. According to some observers, there has been some success associated with the decree. In Moscow a committee comprising civil society members has generally been permitted to observe some detentions. However, increasingly members of such committees consisted of police personnel rather than human rights activists, reducing its usefulness as an accountability tool. According to other activists, there has not been as much compliance with this decree outside of Moscow, and there has been a level of unsatisfactory compliance for those not yet serving a criminal sentence. The decree also lacked firm instructions on a mechanism to implement the plan, effectively giving law enforcement authorities discretion as to whether to cooperate. The decree also required that law enforcement authorities be present during any discussions of conditions with detainees (see section 1.c.).

### 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 effectively enforce these prohibitions.

#### Women

Rape is illegal, and the law makes no distinctions based on the relationship between the rapist and the victim. Spousal or acquaintance rape was not widely perceived as a problem by society or law enforcement authorities. Women were unlikely to report cases of rape by persons they knew. According to NGOs, many women did not report rape or other violence due to social stigma and lack of government support. 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 MVD, 4,624 rapes or attempted rapes were committed in the first 11 months of the year, a 6.1percent decrease from 2009.

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 years if a victim is underage, and 12 to 20 years if a victim



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died or was under 14 years of age. According to NGOs, 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. As of March 2009, the Ministry of Interior maintained records on more than four million perpetrators of domestic violence. The Duma's Committee on Social Defense reported that there were 21,400 murders during the year, two-thirds of which were of women who died in domestic disputes, up 50 percent since 2002. The Interior Ministry reported that at least 34,000 women were domestic violence victims each year, meaning a woman died every 40 minutes at the hands of a husband, boyfriend, or other family member. However, the reluctance of victims to report domestic violence meant that reliable statistical information on its scope was impossible to obtain. Official telephone directories contained no information on crisis centers or shelters. There are only about 25 women's shelters across Russia, with beds for a total of about 200 women, according to Moscow's Anna National Center for the Prevention of Violence.

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 a March 2009 study by the Smolensk-based Center for Women's Support, police often provided lackluster and inadequate responses to calls reporting domestic violence, at times suggesting that cases wait until morning. According to NGOs, police were often unwilling to register complaints of domestic violence and frequently discouraged victims from submitting them. 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. The Center for Women's Support asserted that many perpetrators of domestic violence themselves belonged to law enforcement agencies.

Female inmates in the prison system faced particular challenges. According to the NGO Penal Reform International (PRI), as of April there were approximately 864,000 female inmates in 45 special prison colonies and detention centers. Although these inmates faced the same poor living conditions as male prisoners,

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the PRI reported that in prison women had much less access to health care programs for tuberculosis or substance abuse treatment.

Human Rights Watch reports that "honor killings" were a continuing problem in some areas, such as the Caucasus, although it was difficult to estimate an exact number of victims.

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.

The law does not prohibit sexual harassment, which remained a widespread problem. NGOs operating hotlines reported that women routinely sought advice on the problem. The lack of legal remedies and limited economic opportunities caused many women to tolerate harassment. Authorities have successfully prosecuted only two sexual harassment cases since 1992.

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, some reproductive rights advocates reported that the atmosphere for their work was difficult. International family planning organizations were unable to operate in the face of opposition from the government and from the Orthodox Church, making access to family planning limited, especially outside of big cities. The government explicitly encourages women to have as many children as possible to counteract the country's demographic problems (the country's population has declined by six million since the end of the Soviet Union). 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, including HIV.

Although the constitution states that men and women have equal rights and opportunities to pursue those rights, women encountered discrimination in employment. Job advertisements often specified gender and age groups. 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

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training, hiring and dismissal, and career promotion. However, such discrimination was often very difficult to prove. According to both RosStat, the federal state statistics service, and the Center for Labor Studies (of the Higher School of Economics), in 2007 women earned 35 percent less than men, although some more recent studies have provided a lower estimate. There is no government office devoted to women's legal rights. The women's rights NGO Peterburgskaya Egida reported that instances of pregnant women or those with children under three years of age being fired by their employers and denied social allowances increased in recent years.

The 2002 census indicated that 62 percent of women in the country had higher education, compared to 50 percent of men, and that women made up more than 50 percent of university tutors and professors. Women ran approximately 30 percent of medium-sized businesses and 10 percent of big businesses in the country. A March 2009 study by Price-Waterhouse-Coopers (PWC) found that the number of women taking managerial positions had grown from 30 to 40 percent since the onset of the economic crisis. Another PWC poll revealed that 90 percent of chief accountants, 70 percent of human resources senior managers, and 50 percent of chief financial officers were women. In May 2009 the Supreme Court rejected a St. Petersburg woman's appeal to drive metro trains; she had filed a discrimination suit after being turned down for the job because of her gender. Article 253 of 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 article had resulted in a list of 456 professions that legally exclude women, including diver, gas rescue worker, paratrooper, and firefighter. Women made up approximately 10 percent of the workforce of the federal and regional governments.

Although polygamy is illegal, the Chechen government has encouraged men to take more than one wife, has encouraged women and girls to wear headscarves when in public (schools, universities, and government offices), and threatened the jobs of some unmarried women, should they choose to stay single. According to NGOs, bride kidnapping was another prevalent practice in the North Caucasus. Backed by local ancient tradition, it had reportedly grown as an acceptable reason to abduct and rape young women, whether they were returned to their families married or not. Often in these cases, the young women are forever "sullied" as they are no longer virgins and cannot enter a legitimate marriage.

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In June HRW received credible reports of individuals, including law enforcement agents, pelting uncovered women on the streets of Grozny with paintball guns and threatening future brutality should they not cover themselves. At least one of the women had to be hospitalized as a result. In an interview with the television station Grozny on July 3, Chechen President Kadyrov expressed unambiguous approval of this practice by professing his readiness to "award a commendation" to the men who engaged in these activities. In August HRW reported receiving numerous accounts of the harassment of women in the streets of the capital by groups of men claiming to represent the Islamic High Council (muftiat) of the republic. They reportedly were joined by young men who pulled on the women's sleeves, skirts, and hair and accused them of being dressed like harlots. In two instances reported to HRW, members of Chechen law enforcement bodies were among the perpetrators.

### Children

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 newly born babies are registered at the local civil registry office where parents live. One of the parents must apply for registration within a month of the birth date, and on the basis of the medical certificate of the hospital where the baby was born, a birth certificate is issued.

Although education was free to 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 was a widespread problem. In June 2009 the Duma passed a law that increased the maximum sentence for rape of a minor to 20 years. It also increased the penalties for child molestation and the distribution of child pornography. The law specifies that the maximum penalty for child molestation, if certain aggravating factors are present, is 20 years and for the distribution of child pornography, up to 10 years if aggravating factors are present.

Children, particularly the homeless and orphans, were exploited for child pornography. While authorities working on the issue viewed child pornography as a serious problem, the law prohibiting it lacked important details, and authorities seldom invoked it. The law does not define child pornography, criminalize its

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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 2008, the latest year for which figures were available, authorities registered 356 cases of the distribution of child pornography, opened preliminary investigations into 159 (an increase of 17.6 percent over the previous year), and brought indictments in 157. In 2009 the number of investigations increased to 259. However, an MVD official noted that, while the performance of MVD officers investigating pornography had improved, the trade in child pornography remained strong. In March an MVD spokesman stated that a hotline for reporting instances of child pornography received 10,000 calls in 2009, leading to the shutdown of 3,000 distribution channels, including 300 shut down outside the country by cooperating foreign law enforcement agencies.

The government has created two federal resources to respond to the threat of child pornography through the Internet: the Russian Safer Internet Center, established in 2008 with a hotline to receive information on illegal content sources, and the Friendly Runet Foundation created in 2009 with the direct participation of the Interior Ministry, which also has a hotline for reporting Internet sources with illegal content.

In 2009 NGOs began a project entitled, Prevention of Sexual Exploitation of Children in the Russian Federation, with support from the European Commission. The three-year project is a joint initiative led by the Syostry call center in Moscow, the Perm Center for Violence Prevention, and the Far Eastern Center in Support of Social Initiatives in the Russian Far East, which intended to put in place a system for training social workers, police, and educators in their regions on the prevention of violence against children, the provision of support for victims, and the early identification of sexual violence.

Citing MVD statistics, a Public Chamber representative said in May that each year nearly 120,000 children were orphaned, and each day, 200-220 were taken away from neglectful parents. The representative estimated that 600,000 children were located in different types of institutional and foster care. In a 2008 report, the NGO Children's Rights estimated that approximately 40,000 children ran away from

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home annually to escape abuse and neglect and that 20,000 orphans fled similar conditions in orphanages. The report, as updated in February 2009, corroborated the MVD statistics of approximately 120,000 new orphans every year.

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 of 2009. According to Investigative Committee head Alexander Bastrykin, during the year 100,000 children were the victims of serious crimes, a decrease from 126,000 child victims in 2008. An estimated 20,000 minors were missing at the end of the year, including 5,000 small children.

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 in 2009 committed 94,700 crimes, a decrease from 116,100 committed in 2008.

Although there was no nationwide telephone hotline for reporting child abuse, the Presidential Administration, in conjunction with foreign governments, provided grants through the National Charity Foundation to local NGOs, such as the National Foundation for the Prevention of Cruelty to Children, to train staff on and strengthen local hotlines for child abuse across the country.

In March 2007 the government implemented its flagship child welfare program, Children of Russia. During the year this program continued the construction and renovation of orphanages and centers for disabled children and detention centers for juvenile offenders. The program also focused on the comprehensive rehabilitation and social integration of disabled children in a family environment and supplied children's rehabilitation centers with equipment.

The Foundation for Assistance to Children in Difficult Life Situations was established in 2008 by presidential order. The program has provided more than 1.7 billion rubles (\$56.3 million) to cofinance 109 programs in 50 regions and to finance 307 projects in 63 regions.

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In September 2009 President Medvedev established the post of Ombudsman for the Rights of Children and appointed Aleksey Golovan, a well-known human rights activist, to the post. In December the president replaced Golovan with lawyer and Public Chamber member Pavel Astakhov. According to the *Moscow Times*, authorities dismissed Golovan at the behest of Russian Orthodox groups who objected to his support for a juvenile justice system separate from the one for adults. The responsibilities of the children's ombudsman include following the activities of state agencies at the federal level, ensuring the observance of the rights of children, and writing an annual report similar to that of Ombudsman Lukin.

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.

According to 2007 data from the Moscow Department of Social Security, 12 percent of street children in shelters had run away from orphanages or residential facilities. Law enforcement officials reportedly abused street children, blamed them for unsolved crimes, and committed illegal acts against them, including extortion, illegal detention, and psychological and sexual violence.

Then children's ombudsman noted in a September 2009 interview with *Vremya Novosti* that approximately 160,000 of the country's orphans lived in orphanages and suffered from "psychological and emotional neglect."

Russia is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.htm](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.htm) 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

An estimated 250,000 Jews lived in the country, constituting less than 0.25 percent of the population, according to government sources and various Jewish groups.

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Some researchers believed that the number was underreported due to the hesitation of some Jews to publicly identify their background.

Although Jewish leaders reported improvements in official attitudes towards Jews, anti-Semitism remained a problem at the societal level. Violent attacks against Jews were infrequent, with only a few episodes occurring during the year.

According to a May 24 report from Jewish.ru, soccer fans from St. Petersburg angry about their team's loss in a game held in Rostov-on-Don beat up Roman Kosarev, a Jew, and shouted anti-Semitic epithets. Authorities began an investigation and promised to bring those responsible to justice. There were no further developments by year's end.

There continued to be reports across the country of vandals desecrating Jewish synagogues and cemeteries and defacing Jewish religious and cultural facilities, sometimes combined with threats to the Jewish community, although the amount of vandalism is generally decreasing. The SOVA Center, an NGO that seeks to combat extremism and nationalism, registered six acts of anti-Semitic vandalism. There has been a reduction in vandalism due to a decrease in the activities of nationalist groups Russian Way and Resistance, which had been very active in these crimes.

On March 12, anti-Semitic slogans were written in graffiti on the walls of a synagogue in Izhevsk. Two minors were charged in the incident. On April 20, Adolf Hitler's birthday, anti-Semitic graffiti appeared in several parts of Ulyanovsk, according to the Federation of Jewish Communities of Russia. Anti-Semitic graffiti and leaflets appeared frequently in many regions, including at a Communist Party meeting in Ulyanovsk on May 1.

The SOVA Center also reported desecrations of graves in Jewish cemeteries in Nizhny Novgorod, Makhachkala, and Kaliningrad in 2009. Officials often classified these crimes as "hooliganism." In many cases in which local authorities prosecuted cases, courts imposed suspended sentences. In some cases, however, the hate crime motive was taken into consideration. According to the Moscow Bureau for Human Rights, law enforcement officials were investigating vandalism in Voronezh, where 20 gravestones in a local Jewish cemetery were knocked down on July 27. On October 7, anti-Semitic inscriptions appeared on a Jewish synagogue in Barnaul. At year's end the local police were investigating the incident.



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On June 22, an explosion next to a synagogue in Tver took place in the middle of the night, damaging the exterior of the building but causing no casualties. The governor of the Tver Region announced that he would take the investigation of the attack under his personal control. As of the end of the reporting period, there was no further information on the attack.

On October 28, a Moscow Court sentenced a 22-year old neo-fascist with links to the Nationalist Socialist Society to life imprisonment for killing 15 persons, some of whom were Jewish. According to the head of the Ministry of Interior' Scientific Research Institute, there are more than 150 neo-Nazi groups in Russia, and the number was rising.

In September 2009 skinheads in Khabarovsk threw Molotov cocktails into a synagogue and into the house of a policeman who had been investigating cases of extremism. Khabarovsk Anti-extremist Department police detained the group, and criminal proceedings were opened against two of the suspects. They faced up to five years' imprisonment for the synagogue attack and up to life imprisonment for the attack on the police officer.

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.

There were several instances in which the government successfully prosecuted individuals for anti-Semitic statements or publications. On March 12, a court in Izhevsk gave a one-year suspended sentence to neo-Nazi Russian National Unity member Andrey Mokrushin for painting swastikas and anti-Semitic threats on the walls of a local Jewish community center, according to the Union of Councils for Jews in the Former Soviet Union. On February 3, a court sentenced the editor of the anti-Semitic newspaper *Orthodox Rus* to three years in a prison colony for inciting ethnic and religious hatred for distributing an anti-Semitic film, *Russia with a Knife in the Back*.

On May 27, a court fined a Novosibirsk man 1,000 rubles (\$33) for distributing the Nazi propaganda film *Eternal Jew*. On July 9, a Tyumen court dismissed incitement charges against college professor Svetlana Shestakova for a series of lectures in which she claimed that Jews ritually kill Christian children. The court

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dropped the charges due to the expiration of a statute of limitation, according to the Union of Councils of Former Soviet Jews.

On June 30, the editor of the newspaper *Russian Truth* was fined 450,000 rubles (\$14,720) for inciting ethnic hatred in a 2006 publication entitled *Why don't people like the Jewish mafia?*

The government has publicly criticized nationalist ideology and expressed support for legal action in response to anti-Semitic acts. However, the Liberal Democratic Party organized a July 10 Duma roundtable called "On the Question of Recognizing the Genocide of the Russian People," which resulted in a declaration blaming the "international Zionist financial mafia for genocide against the Russian people."

Federal authorities, and in many cases regional and local authorities, facilitated the establishment of new Jewish institutions. Vladimir Putin, both as president in 2008 and subsequently as prime minister, publicly criticized anti-Semitism and supported the establishment of the Museum of Tolerance by the Federation of Jewish Communities of Russia. Work continued on a 2.7 billion ruble (\$89 million) complex on land donated by the Moscow city government to house the museum as well as Jewish community institutions, including a school and a hospital.

### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/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. The situation for persons with disabilities reportedly worsened following the replacement of government in-kind subsidies for such items as transportation and medicine with cash payments in 2004. Some affluent regions, such as Moscow, preserved benefits for persons with disabilities at preexisting levels, while most other regions provided a limited number of benefits, such as free transportation. According to information provided

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by a leading NGO working on disability rights, 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.

In May 2009, the daily *Moskovskiy Komsomolets* reported that there were 13 million persons with disabilities. In 2006 the human rights ombudsman stated that in the previous 10 years more than 120,000 persons have become disabled as a result of military actions and war injuries, and according to the NGO Perspektiva, the number continued to grow as a result of new conflicts. Persons with disabilities generally were excluded from the social and political life of their communities and isolated from mainstream society. However, there were several Duma deputies with disabilities, and lobbying in favor of persons with disabilities to improve legislation occurred. A joint study released in May 2009 by the Public Chamber and EU representatives found that 20 percent of respondents considered persons with disabilities to be burdens on society. Forty percent of the disabled surveyed reported that they experienced social problems, in particular insults and hostility. At the same time, disability rights activists believe that some attitudes were changing for the better. An August 27 rally in Moscow, in which many wheelchair users and celebrities participated, attracted three times as many participants as the same rally did in 2009; the rally was supported by many officials and was covered by all major television and radio stations, newspapers, and blogs.

Conditions in institutions for adults with disabilities were often poor, with unqualified staff and overcrowding. The residents were mainly "graduates" of similar institutions for children. 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 most buildings were not accessible. A reporter for *Noviye Izvestiye* estimated in a September 2009 article that 10 to 30 percent of Moscow's buildings were inaccessible to persons with disabilities. Likewise, only 8 percent of the city's 36,000 street crossings were completely equipped for the disabled. Although accessibility requirements were imposed in 1995, efforts to realize them have been undertaken in earnest only in the last three to five years.

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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. Human rights NGOs made some progress in persuading foreign companies in larger cities, including Moscow, to consider persons with disabilities as potential employees, and the Moscow city government reportedly encouraged employers to hire persons with disabilities. In September the NGO Perspektiva reported that the onset of the economic crisis had worsened employment prospects for persons with disabilities; however, Perspektiva had no statistics on the scope of the problem.

In 2008 the ombudsman's office reported that approximately 640,000 of the country's persons with disabilities were children. 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. According to a 2006 report by the Prosecutor General's Office, half of the more than 600,000 children with disabilities in state care lacked medicines, hearing aids, and wheelchairs. The NGO Children's Rights confirmed in September 2009 that this situation had not changed. There appeared to be no legal mechanism by which individuals could contest their commitment to a facility for persons with disabilities. The assignment 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 signifies 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.

Youths with disabilities not in institutions faced significant barriers to education, including a lack of access to schools. According to the May 2009 Public Chamber study, only 3 percent of children studied under conditions analogous to mainstream students, and 87 percent of higher education institutions did not accept students

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with disabilities. Education authorities often tried to keep youths with disabilities out of school due to lack of special programs. Parents of children without disabilities often were averse to their children studying with children with disabilities. Rights activists stated, however, that attitudes toward including disabled children in mainstream schools were changing, with such children being admitted to schools in many places around the country, although the numbers are still small.

There have been mixed results in attempts to accommodate children with disabilities in educational facilities. According to Perspektiva, part of the problem is due to the absence of a formal federal-level definition of inclusive education for persons with disabilities and the fact that the law does not contain a clear mechanism to ensure inclusiveness in education. On April 28, the Moscow City Duma passed a law on The Education of Persons with Disabilities in Moscow, which observers contended created some improvements in education for persons with disabilities.

Perspektiva noted that rather than provide special equipment that would allow a visually impaired child to attend class, the school administration in Stavropol recommended that the child receive education at home. In response to a complaint filed by lawyers on behalf of the student's family, the school revoked its initial recommendation and provided the needed equipment as well as a staff member to escort the child to classes.

The mother of a student wheelchair user appealed to the education department in Nizhny Novgorod to provide a wheelchair-accessible environment at the State University. After being denied her request, during the following two years, the parent unsuccessfully petitioned the governor, the Nizhny Novgorod Department of Education, and the regional ministry of education for wheel-chair access at the university before abandoning her efforts, reportedly for fear of attracting harm to her son.

The mother of an 11-year-old wheelchair user was initially unsuccessful in her campaign in Butovo to have the student's new school accommodate his special mobility needs for his classes on the third and fourth floor of the school. It was primarily due to the public appeal and rally organized by the NGO Perspektiva and coverage by the media that authorities eventually built a chair lift in the school.

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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 education schools. Because special education schools constituted 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.

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, the law provides for mobile ballot boxes to be brought to the homes of the disabled.

The mandates of government bodies charged with protecting human rights included 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. According to the Moscow Department of Education, there are approximately 26,000 children with disabilities in Moscow, but only the special needs of 100 children with disabilities in secondary level education have been accommodated. According to Perspektiva, federal funding for social support of the disabled from 2006-10 was 310 million rubles (\$10 million), and a subprogram for rehabilitation of those disabled due to violent conflict was 9.58 million rubles (\$333,000). Federal grants to non-governmental organizations serving the disabled in 2010 alone totaled 800 million rubles (\$27.8 million), and the Moscow government reportedly spent 36.5 billion rubles (\$1.27 billion) between 2007 and 2009 on its Social Integration of Disabled Persons and Other Persons with Disabilities program. The federal government plans to spend 46 billion rubles (\$1.6 billion) over five years through its Accessible Environment program to improve access for the disabled.

### National/Racial/Ethnic Minorities

The law prohibits discrimination based on nationality; however, government officials at times subjected minorities to discrimination. Recent years saw a steady rise in societal violence and discrimination against minorities, particularly Roma, persons from the Caucasus and Central Asia, dark-skinned persons, and foreigners.

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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 during the year, although courts continued to convict individuals of inciting ethnic hatred by means of propaganda. In December, in the wake of the death of an ethnic Russian after a street brawl involving ethnic Russians and persons of Caucasus origin, Moscow experienced widespread racial rioting by thousands of participants that the authorities were often unable to control. Several dozen individuals of Central Asian and Caucasus appearance were attacked and severely beaten in the capital. President Medvedev condemned the nationalist violence. Some high-level government officials initially failed to do so, and some appeared to give legitimacy to the demands of the nationalists, placing the blame on foreign migrants.

A number of studies released in March 2009 by independent NGOs and advocacy groups, such as the Tajik Migrant Workers Union, found widespread problems of unpaid laborers with no legal recourse.

Persons of color complained of unequal treatment at the hands of authorities. In Moscow authorities subjected persons of color, especially those of Central Asian and Caucasus appearance, to far more frequent document checks than others and frequently demanded bribes from those lacking documents.

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, and did not charge the alleged attackers with any crime or issue copies of police reports to the alleged victims. In one case this year, a policeman refused to record an attack on a Congolese student in Moscow because the event took place on a Friday, the day in question was a holiday and "this is Russia." On another occasion, the police allegedly told a Cameroonian victim that it was too late in the evening to make a police report and to come back the next day. When the victim returned the following day, the police attempted to twist the events and claim that the victim was actually the attacker.

Twenty-four racially motivated attacks on Africans were reported this year in Moscow, according to the SOVA Center. In one March attack, two unknown men attacked a man from Cameroon with knives, hospitalizing him for three weeks.

In Bashkortostan, authorities required applicants for new identity documents to state their ethnic origins, contrary to the constitution, which states that "no one

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shall be forced to identify and state their ethnicity." Some officials appeared to stoke societal antipathy toward migrant workers from Central Asia by making statements imputing greater criminality to migrants than to citizens. In May 2009 Federal Investigative Committee head Aleksandr Bastrykin commented to an interviewer that migrants were to blame for the majority of crimes in society. In December hundreds of members of the Young Guard, a youth wing of the United Russia Party, rallied in Moscow to demand the expulsion of millions of nonethnic Russian labor migrants.

Skinhead violence continued to be a serious problem. Skinheads primarily targeted foreigners, particularly Asians and individuals from the Northern Caucasus, although they also expressed anti-Muslim and anti-Semitic sentiments. According to the Ministry of Interior, neo-fascist 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 were expanded to include "extremist youth groups" in general, the number was closer to 200,000 countrywide. In February 2009 the MBHR estimated that 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 groups--the Great Russia Party, the Slavic Union Movement, and the Movement against Illegal Immigration --claimed, respectively, 80,000, 10,000, and 20,000 members. However, membership claims by these underground organizations were difficult to verify.

Police investigation of cases that appeared to be racially or ethnically motivated was frequently ineffective. Authorities were at times reluctant to acknowledge the racial or nationalist element in the crimes, often calling attacks "hooliganism." Many victims met with police indifference, and immigrants and asylum seekers who lacked residence documents recognized by police often chose not to report attacks. According to the SOVA Center, willingness to recognize crimes as hate crimes varied widely depending on the personal views of the local prosecutor; the center noted that the number of hate crimes prosecuted in Moscow increased significantly after a new prosecutor took office in 2008.

The SOVA Center reported a general increase in the amount of racially motivated violence. According to SOVA data, there were 400 racially motivated attacks during the year, resulting in 37 deaths and 363 injuries, an increase from 19 persons killed and 167 injured in 2009. The SOVA Center stated that during the



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year, 273 persons were convicted for crimes motivated by "aggressive xenophobia," of whom 154 were imprisoned. In most cases the attackers wore skinhead attire or proclaimed nationalist slogans.

According to the SOVA Center, on February 3, Konstantin Dushenov, editor of an ultranationalist newspaper, *Rus Pravoslavnyaya*, was found guilty of inflaming racial hatred and sentenced to three years in jail.

A June 2009 report by SOVA noted that, in addition to their more traditional targets, neo-Nazis were increasing their attacks on law-enforcement personnel. For example, on April 12, Moscow judge Eduard Chuvashov was shot to death in his central Moscow apartment complex. He had presided over high-profile trials of fascists, including the ultranationalist White Wolves gang and the Ryno-Skachevsky group. The White Wolves had been charged with killing non-white victims and the Ryno group with killing 20 persons and targeting migrants.

On April 30, a Moscow city court outlawed the neo-Nazi Slavic Union group, declaring it extremist.

On May 14, a grenade was thrown into a Muslim-owned store in St. Petersburg. It is suspected that the crime was racially motivated. On May 17, a popular ethnically Brazilian Soviet-era actor, Tito Romalio, was attacked and later died. It was suspected that the crime was racially motivated as well.

On July 27, the Tver city court sentenced neo-Nazi Russian National Unity group member Dmitry Orlov to life in jail for four killings and multiple assaults stemming from hate crimes committed between 2005 and 2006.

On July 29, four teenagers in St. Petersburg were found guilty by the Vyborgskiy District Court of St. Petersburg of inflaming ethnic hatred and attacking a group of Asians. One victim died from the attack, and the killer was sentenced to a seven and one-half years in prison. The other three perpetrators received suspended sentences of three to four years.

In August 2009 FSB officers arrested Anton Mukhachev, one of the suspected cofounders of the extreme nationalist organization Northern Brotherhood and its Internet-based game *Bolshaya Igra*, and charged him with incitement to ethnic hatred. Mukhachev remained in detention at year's end. An investigation into his alleged crimes was completed in the summer, but a trial has not yet been

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scheduled. The group's Internet-based game is no longer online. Many online nationalists expressed support for Mukhachev, with some threatening revenge against authorities.

On June 17, 10 members of an extremist youth group were arrested in connection with the December 2009 killing of a Ghanaian citizen.

There were no reports of further developments in several 2009 attacks that appeared to be racially motivated, including: the February attack by three youths in St. Petersburg on an African student at the Bonch-Bruyevich Telecommunications University, the May skinhead attack on an Indian restaurant in Moscow, and the October killing of a young Kyrgyz man on Bolshoy Cherkizovsky Street in Moscow.

There were no reports of arrests or prosecutions related to the following 2008 cases: the skinhead attack on Kyrgyz and Vietnamese students at a Ufa university, the incendiary attacks by masked perpetrators on a group of Tajik guest workers in Moscow, the attack on a Turkmen embassy official by 10 neo-Nazis, and the attack near Moscow against two Tajik workers, one of whom was beheaded.

There were developments in some ethnically motivated killings from previous years. In February 2009 the trial began of the Borovikov gang, whose members were charged with seven killings motivated by ethnic hatred between 2003 and 2006. Fourteen skinheads were involved, and nine were arrested. Of the two leaders of the gang, only Aleksey Voevodin is on trial; the other, Dmitriy Borovikov, was shot and killed by militiamen while resisting arrest in 2006. The case consists of 13 episodes of criminal activities of the gang. Due to extensive delays in the investigation and trial, the government was forced to release several of the accused. The trial for the remaining accused continued at year's end; several witnesses and victims have been threatened according to SOVA.

Six persons of North Caucasus origin were convicted and sentenced in connection with the 2006 ethnic rioting in Kondopoga, Karelia. Their sentences ranged from three to 22 years' imprisonment.

There were indications that the government took ultranationalism seriously as a potential threat to the social order. However, in a March 20 interview with *Interfax*, Federal Migration Service deputy head of the International and Public Relations Directorate Konstantin Poltoranin dismissed the idea that xenophobia

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and ethnic intolerance had reached a dangerous level. According to Poltoranin, "To say that in Russia foreign citizens are being victimized en masse is stupid. These are isolated incidents." During the Manezh square riots, on multiple occasions, police effectively protected members of ethnic minorities who had been targeted for attack by neo-nationalist groups.

Human rights organizations expressed concern that Romani children in the education system experienced discrimination. According to the NGO Anti-Discrimination Center 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

Homosexuality was decriminalized in 1993; however, the gay and lesbian communities continued to suffer from societal stigma and discrimination. Gay rights activists asserted that the majority of gays hide their orientation due to fear of losing their jobs or their homes, as well as the threat of violence. However, there are active gay communities in Moscow and St. Petersburg. Medical practitioners reportedly continued to limit or deny gay and lesbian persons health services due to intolerance and prejudice. According to recent studies, gay men faced discrimination in workplace hiring practices. Openly gay men were targets for skinhead aggression; police often failed to respond out of indifference. A few gay rights organizations operated but did so out of public view.

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In Moscow authorities banned permits for a gay pride parade for the fifth year. Moscow's then mayor Yury Luzhkov, described gay pride marches as "satanic." However, on May 29, rights activists in Moscow, employing stealth tactics, managed to hold a rally in the center of Moscow despite a ban imposed by the city's authorities. The protesters walked for approximately six-tenths of a mile and left when they saw police. There were no reports of attempts to stop the activists. A few hours later another march took place in northwest Moscow. On the same day, representatives of the Russian Orthodox, Protestant, Muslim, and Buddhist communities made statements in support of then mayor Luzhkov's position and against public actions by sexual minorities.

Five participants in a gay rights rally at the Hermitage Museum in St. Petersburg were arrested for taking part in an unauthorized event on June 26. The police also arrested 20 men who reportedly planned to attack the demonstrators. All were released the next day.

According to Nikolay Alekseyev, a leader of Moscow's gay community, in September he was kidnapped from an airport by persons he believed to be security personnel and held for two days outside Moscow where he was threatened and verbally abused by plainclothes officers. Alekseyev expressed the belief that this was an effort to get him to drop lawsuits against Russia filed with the ECHR (see section 1.b.).

Societal animosity toward gays remained strong. In 2008 two youths killed a man they perceived to be gay. Police arrested both individuals, and at year's end they remained under investigation. On October 30, an estimated 1,000 protesters staged a rally in Moscow against gay parades, the legalization of same-sex marriages, and immorality. According to press reports, the rally was organized by a number of Orthodox organizations; many participants carried signs, among them ones that read: "A gay parade will never be held in Moscow." The protest followed a ruling earlier in the month by the ECHR that found the city's ban on gay pride parades to be in violation of the European Convention on Human Rights.

The city of St. Petersburg gave permission to hold a gay rights parade/demonstration on November 20. According to the human rights Web site GayRussia.ru, this was the first legally sanctioned gay demonstration in the country's history. There was a large turnout by antigay demonstrators, who threw eggs and shouted insults, and the demonstration was broken off after 40 minutes due to violence.

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### Other Societal Violence or Discrimination

Persons with HIV/AIDS often encountered discrimination. A federal AIDS law includes antidiscrimination provisions but frequently was not enforced. HRW 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 the NGO GayRussia.ru, the government no longer requires HIV tests for visitors who apply for short term tourist visas or business visas for one year or longer, so long as the total stay in Russia is not greater than three months per year.

### Section 7 Worker Rights

#### a. The Right of Association

The law provides workers the right to form and join unions, but government policy limited its exercise in practice. For example, by law, the Federal Registration Service should consider a union officially registered once it has submitted the requisite documents. In practice, however, 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.

The Federation of Independent Trade Unions of Russia (FNPR)--the largest union organization in the country--reported that approximately 45 percent of the workforce was unionized, a decline from approximately 55 percent in 2006. As of June, its membership of 24.7 million (35 percent of the workforce), constituted a majority of unionized workers.

By law labor unions are independent of government bodies, employers, political parties, and NGOs. Interference by government authorities in union activities is prohibited. However, 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.

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On July 13, Ministry of Interior Senior Police Lieutenant Mikhailova met with Denis Litvin, the chair of the Interregional Union of Autoworkers' affiliate, at his workplace, Tagro, which produces food processing equipment. During the meeting Mikhailova accused Litvin of falsifying union documents and demanded a list of union members and information on his friends and labor activists, which he refused to supply. On July 30, Tagro security staff detained Litvin and threatened him with physical violence if he did not stop distributing union information and "stirring up people." In September, after Litvin won a court case against management for antiunion discrimination, management fired him instead of implementing the court ruling.

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, documents 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.

In February 2009 unidentified assailants attacked Yevgeniy Ivanov, chair of the independent Interregional Union of Autoworkers' General Motors (GM), near his home in a suburb of St. Petersburg. In November 2009 GM terminated Ivanov. In December 2009 Ivanov filed a request with the district court for the restoration of his position and monetary compensation. In March the court ruled in favor of Ivanov, restored him to his position, and ordered GM authorities to pay him 106,000 rubles (\$3,500) in compensation.

The National Union of Mineworkers (NUM) continued to seek the release of Valentin Urusov, a miner allegedly framed and imprisoned in 2008 after recruiting employees of the Alrosa Diamond Mining Company to join a union. According to NUM, Urusov was sentenced to six years of hard labor on a fabricated charge of drug possession. In May 2009 the Yakut Supreme Court initially released Urusov and ordered another investigation; but the court subsequently upheld the conviction with a reduced sentence of five years. Despite a continuing review of the case by

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the prosecutor general at the request of the Public Chamber, Urusov's status remained unchanged at year's end.

The law establishes the right to strike, but that right was difficult to exercise. The majority of strikes were considered technically illegal because they violated one or more of a complex set of procedures governing disputes. 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. According to the FNPR, the legal preparation for a strike takes at least 40 days.

As of November the State Statistics Service had not registered any strikes. Independent commentators, on the other hand, noted a significant number of protest actions. The Center for Social and Labor Rights (Moscow) registered 102 protests in the first half of the year, which included 44 protest actions that involved the complete or partial cessation of work. The majority of labor disputes occurred in the manufacturing sector, particularly in machine-building enterprises. In 2009 the primary causes of labor disputes were wage arrears (more than 50 percent), layoffs (21 percent), and company reorganization or closure (18 percent).

The law prohibits reprisals against strikers; however, employers frequently engaged in reprisals, including threats of night shifts, denial of benefits, blacklisting, and termination. Courts may confiscate union property to cover employers' losses in the event that a declared strike continued after it was ruled illegal. Solidarity strikes and strikes on issues related to state policies also are prohibited. The courts have upheld most employers' requests to declare a strike illegal.

In June 2009 approximately 700 employees of the Bogdanovich Porcelain Factory in Sverdlovsk Oblast participated in a spontaneous demonstration in protest of the termination of plant operations resulting from a cutoff of gas supplies. The two leaders of the factory's trade union, who were elected after the demonstration, initiated a counterclaim in the Bogdanovich District Court to combat administrative cases that had been filed against them for the "illegal initiation of a strike." Although the demonstration did not disrupt public order, regional law enforcement forces were brought in just in case. The 99,000 ruble (\$3,200) cost of

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the militia forces was billed to the trade union leaders. The case was not resolved by year's end.

### b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining but favors larger, established unions over newer, smaller unions or professional "craft" unions. 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. In 2009 the FNPR reported that 87 percent of its enterprises had collective bargaining agreements. Some companies tried to use the excuse of financial difficulties to avoid concluding new agreements or disregarded the existing ones in violation of labor legislation norms.

The law prohibits antiunion discrimination, but management continued to harass union leaders and employees at the local level. State agencies with responsibility for overseeing the observance of labor legislation frequently failed to fulfill their responsibilities. Although unions were occasionally successful in courts, in most cases the management of companies that engaged in antiunion activities was not penalized.

On June 15, workers at St. Petersburg Faurecia, a French producer of plastic parts for Ford, Renault, Volkswagen, and other auto manufacturers, formed a union. On the morning of June 18, they notified the management that the union had been established; by the evening of the same day, the union leader, Alexei Lyaushko, was fired. The local union filed a court case for Lyaushko's reinstatement.

Union members at the Progress aircraft plant in Arsenyev complained to the plant's administration that salary levels had not been reviewed in three years. Wages at the plant were lower than the regional average and approximately half that of workers in similar companies. When negotiations with the administration were unsuccessful, the union appealed to the Arsenyev City Court, which denied the trade union's appeal in February. The Primorskiy Kray Court, however, ruled in July that the union was justified in its demand for higher wages in accordance with labor code salary regulations. As a result, the plant's administration had to increase wages according to the appropriate indexation level. According to the union, the raise had to be more than 60 percent. On August 17, the union issued a statement, asserting that its members were "under pressure and discrimination in wage payment, organized by the plant's administration." One worker stated that those



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who complained about wages no longer received bonus payments, as had been the case prior to the court case, and that the administration did not allow them to work overtime.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that such practices occurred. Men, women, and children from Russia are subjected to conditions of forced labor in Russia, including work in the construction industry, in textile shops, and in agriculture, according to the National Foundation for the Prevention of Cruelty to Children and UNICEF's Russia Office.

For additional information, see the Department of State's annual Trafficking in Persons Report at <http://www.state.gov/g/tip>.

Military personnel have been investigated in the past for the labor exploitation of military conscripts under their command. Men from 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, including 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.

According to different estimates from BBC News and the Vneshmarket Web site, between 1,500 and 21,000 men and women from North Korea were subjected to conditions of forced labor, specifically in the construction, agriculture, and logging sectors.

The law prohibits forced or bonded labor by children; however, such practices reportedly occurred.

### d. 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, nor did the government appear to consider child labor to be a problem. In urban areas the employment of children

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

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 (FLES) 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. FLES reported 10,000 violations of child labor laws in 2008 (the latest statistics available), noting that the victims often received little pay and suffered from unsafe working conditions. FLES noted that most of the abuses it discovered occurred in the industrial, trade, and agricultural sectors. According to FLES, employers paid 1.5 million rubles (\$49,600) in fines for violating child labor laws in 2008.

### e. Acceptable Conditions of Work

The legal minimum wage was 4,330 rubles (\$143) per month. The minimum wage was not sufficient to provide a decent standard of living for a worker and family.

According to official statistics (Federal Statistics Service), in the first three quarters of the year, 13.5 percent of the population (18.9 million persons) had incomes below the minimum subsistence level. This was a decrease from the first three quarters of 2009, when the figure was 14.0 percent of the population or 19.7 million people. The subsistence level set by the government is 5,707 rubles (\$195) a month.

In March and April, employees of the Kushva Mechanical Shop Ltd. and Amur Machine Building Plant in Sverdlovsk Oblast filed criminal cases against their employers. Under pressure due to economic instability and significant wage arrears, the management of both enterprises had demanded that employees take out personal loans and lend the borrowed money to their employers "for factory needs." Threatened with dismissal, the employees had complied. To date, the borrowers (employers) have not paid the employees back. Challenged with increasing salary debts and growing bank interest, the employees appealed to the

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ombudsman and the general prosecutor of Sverdlovsk Oblast. The conflicts have proven difficult to resolve, however, due to scant factual evidence of employer pressure other than employees' testimony.

In March construction workers on projects related to the 2014 Olympic Games in Sochi began a hunger strike to protest unsanitary living conditions and months of unpaid wages. The back wages were paid within two weeks.

In August a group of workers in Kirov conducted a hunger strike to protest poor living conditions in a workers' dormitory run by a tire factory.

In November hundreds of autoworkers in Taganrog went on unregistered strike to protest two months of unpaid wages.

The law provides for a standard workweek of 40 hours with at least one 24-hour rest period and requires premium pay for overtime or work on holidays. Information was insufficient to determine the extent to which employers observed these standards in practice.

The law establishes minimum conditions for workplace safety and worker health. The FLES is responsible for enforcement. However, the government did not allocate sufficient resources to enforce these standards effectively. 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. The FLES reported that occupational incidents caused more than 3,190 deaths, including those of 278 women and two minors in 2009, and that unsatisfactory working conditions directly or indirectly caused up to 40 percent of all diseases among workers. In 2008 the Health Ministry initiated a two-year program to improve working conditions and worker safety in an attempt to transition from a reactive policy to one of proactive management of hazards to workers' health.

The law gives workers the right to remove themselves from hazardous or life-threatening work situations without jeopardizing their continued employment; however, the government did not effectively enforce this right. Many companies employing workers in hazardous conditions awarded bonuses based on worker productivity, which could encourage workers to jeopardize their safety for higher salaries.

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In May two explosions caused by the accumulation of methane gas and a concealed underground fire at the Rapsadskaya coal mine in Kemerovo Oblast claimed the lives of 68 miners and rescue workers. Poor compliance with safety regulations reportedly led to the explosions. Following the incident, government officials blamed Rapsadskaya management for basing wages on output and offering productivity bonuses that encouraged the suppression of methane detection systems. Prosecutors initiated a criminal case against the mine's director on the grounds that he violated safety regulations.

The law entitles foreigners working legally in the country to the same rights and protections as citizens. However, Human Rights Watch noted in a May 2009 report that many employers in the construction sector, in which migrant laborers often worked, did not enforce safety standards, nor did they provide migrant workers with mandatory insurance or medical treatment. For example, press reports during the year cited multiple claims by workers of poor housing and nutrition, as well as long, 13-hour workdays on construction sites associated with the 2012 Asia-Pacific Economic Cooperation Forum in Vladivostok.