

Russia: Human Rights in danger, defenders at risk

January 2010

The kidnapping and murder of Natalia Estemirova on July 15, 2009, in Chechnya provoked a strong and legitimate reaction from the international community, including top-level government officials of the European Union and the United States. Russian President Dmitri Medvedev also reacted immediately to the murder, recognizing that Estemirova's murder was connected to her work at the leading Russian human rights organization *Memorial* and promising an investigation. Six months later, Estemirova's killers are still unknown.

Estemirova's name is added to the already lengthy list of activists who have lost their live for speaking out against the injustices they have witnessed¹:

June 19, 2004: Nikolai Gurenko, minority rights defender and anthropologist killed in Saint-Petersburg;

October 7, 2006: Anna Politkovskaya, well know journalist from *Novaya Gazeta* murdered in Moscow;

August 31, 2008: Magomed Evloev, Ingushetia's opposition activist, assassinated in a police car at Nazran airport;

January 19, 2009: prominent human rights lawyer Stanislav Markelov and *Novaya Gazeta* journalist Anastasia Baburova shot and killed in broad daylight in central Moscow;

July 15, 2009: Natalia Estemirova abducted and murdered;

August 11, 2009: Zarema Sadulaeva and her husband Umar Dzhabrailov abducted from the offices of the organization "Save the Generation" where they worked. They were later found shot dead.

Though some steps were have been taken by the authorities to find the authors of those crimes², Russian officials continue to downplay the significance of the systematic murders of human rights defenders. Three days after the murder of Anna Politkovskaya, the then Russian President Vladimir Putin referred to Politkovskaya's work as "insignificant" for the Russian people. Almost three years later, a similar but hardened attitude was expressed by the President of the Chechen Republic Ramzan Kadyrov, who called Natalia Estemirova "a woman without honour or sense of shame" "whom nobody needed" in an interview to RFE/RL.³ Adam Delimkhanov, Chechen deputy of the Russian State Duma, accused human rights defenders on Chechen television of "help[ing] criminal-militants", on July 4, 2009, several days before Natalia Estemirova's murder.⁴

¹ See Observatory for protection of Human rights defenders (joint program of FIDH and OMCT) annual report and urgent appeals on www.fidh.org and www.omct.org

² On November 3 the suspects in Markelov and Baburova's murder were arrested and are facing charges of murder and illegal possession of weapons.

³ "Chechen Leader Denies Blame For Killings, Accuses West Of Violence," RFE/RL, August 10, 2009, http://www.rferl.org/content/Chechen_Leader_Kadyrov_Denies_Blame_For_Killings_Accuses_West_Of_Violence/1795686.html

⁴ "...There are people, who call themselves human rights activists, who help these *shaitans* (devils), these

The Kremlin did not take any official measures against these declarations, thus showing a clear lack of understanding of the specific dangers linked with the work of Human Rights defenders. During the meeting of the Presidential Council on the Development of the Institutes of Civil Society and Human Rights with President Dmitry Medvedev on November 23, 2009, the latter commented that all deaths occurring in the Russian Federation were of equal importance and it was wrong to highlight those of journalists and human rights defenders.⁵ This same attitude was demonstrated at the press conference of Russian Prime Minister Vladimir Putin in Paris in November 2009, where he underlined that any murder is a dramatic event, implying that the systematic killing of the representatives of the civil society should be seen only in this light?

Furthermore, many human rights defenders, trade unionists and journalists have tried to complain to the authorities about the physical or psychological threats they face, but in the overwhelming majority of cases, no investigation has been instigated or even if it was, has been quickly closed “for the lack of evidence”. FIDH would point out that, as stipulated in the European Union guidelines on human rights defenders, the progress made by human rights defenders in defending victims’ rights “has been achieved at a high price: the defenders themselves have increasingly become targets of attacks and their rights are violated in many countries. The EU believes it is important to ensure the safety and protect the rights of human rights defenders.” Consequently, the EU has undertaken “to influence third countries to carry out their obligations to respect the rights of human rights defenders and to protect them from attacks and threats”⁶. The UN Universal Periodic Review also recommended that Russia take measures to protect journalists and human rights defenders and adopt further measures aimed at improving the state of media freedom and protecting the working conditions of journalists and human rights defenders in the country; effectively investigate and prosecute crimes and violations against human right defenders and journalists, and punish those responsible. It was specially underlined that complaints of harassment of human rights defenders must receive a prompt response and adequate measures for their safety should be taken⁷. Thus, there seems to be a lack of willingness in Russia to end the persecution of human rights defenders and to ensure that they can carry out their legitimate work without fear of reprisals and, most importantly, without paying for it with their lives.

Despite this, Russia’s human rights defenders carry on with their work and continue to shed light on persistent problems in Russia.

criminal-rebels, work on them and pursue their deeds and their policy..., they have different conversations..., but I know the feeling in the militia, in our society; I know what ordinary people are saying..., they say that the statements of these people..., of Aushev in particular and others, in general, what they say and do, their crimes are no less than those of the militants in the forests.” Caucasian Knot, August 13, 2009, <http://www.eng.kavkaz-uzel.ru/articles/10907>.

⁵ <http://www.kremlin.ru/transcripts/6074>

⁶ www.consilium.europa.eu/uedocs.../GuidelinesDefenders.pdf

⁷ <http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CRUSession4.aspx>

Journalists were again the subject of repeated killings in Russia in 2009: Anastasia Baburova, a freelance working for *Novaya Gazeta*, killed in January 2009, Abdulmalik Akhmedilov, an editor from Dagestan, killed on August 11, 2009⁸, Vyacheslav Yaroshenko, an editor from Rostov, who died after a brutal assault in April 2009, and Natalia Estemirova, a regular contributor to *Novaya Gazeta*.⁹ This sharp increase since 2008 is an alarming and tragic statistic. These increased attacks on journalists in Russia in the last few years bring the number of journalists killed on account of their work to 20 since 2000.¹⁰ Flagrant impunity and the absence of an effective investigative process continue to threaten the lives and work of those journalists who report on issues of corruption and abuse of rights in Russia.

In 2009, FIDH documented cases of judicial political dependence and unfair, rigged regional elections, the continued suppression of the rights of association and assembly, and the manipulation by the authorities of anti-terrorist and anti-extremist legislation to control civic activity. The situation in the North Caucasus can hardly be deemed improved despite the official announcement of an end to the counterterrorist operation on April 16, 2009. For some years now, the conflict has spilled over into the other republics of the North Caucasus, in particular Dagestan and Ingushetia.

Use of judicial system to persecute human rights activists

In 2009, the three men accused of and standing trial for the murder of the prominent Russian journalist and human rights activist Anna Politkovskaya, were acquitted by the jury. On September 3, after several appeals by Ms. Politkovskaya's family, the Russian Supreme Court finally ordered another investigation. While this is a welcome decision coming from the highest judicial institution in Russia, especially in a case that has been marred by procedural violations and lack of transparency, the Russian judiciary remains under the control of the country's political elite and is often used to persecute opposition voices and those critical of the government.

In July 2009, Ramzan Kadyrov, President of the Chechen Republic, filed a complaint against the head of the Human Rights Centre *Memorial*, Oleg Orlov, for "slander" and prejudice to his "honour and dignity." This followed Mr. Orlov's statement that president Kadyrov was "guilty" of the July 15 murder of Natalia Estemirova, *Memorial*'s researcher in Chechnya, in that Kadyrov was responsible for establishing the repressive environment in Chechnya, which made the work of human rights defenders impossible¹¹.

The Tverskoy District Court fined the HRC *Memorial* 50,000 roubles (about 1,140 euros) and Mr. Orlov was given a 20,000 rouble fine (about 450 euros) after considering

⁸ <http://www.kavkaz-uzel.ru/articles/163774/>

⁹ <http://www.kavkaz-uzel.ru/articles/155967/>

¹⁰ 2010 World Report, Russia, http://www.rsf.org/en-rapport131-id_rubrique1007-Russia.html

¹¹ See the Observatory for the Protection of Human Rights Defenders judicial observation mission report on the trial against the Human Rights Centre "Memorial" and Mr. Orlov:
<http://www.fidh.org/Publication-of-a-judicial-observation-report-on>.

Kadyrov's complaint.¹² The Representative for the Organisation for Security and Cooperation in Europe (OSCE) on Freedom of the Media, Milklos Haraszti, pointed out that "statements like Orlov's are perfectly legitimate in a democracy and should be subject neither to civil law nor to criminal law sanctioning".

Even before the Moscow City court had been able to consider the appeal, Kadyrov lodged a criminal complaint against Oleg Orlov alleging the same accusations. On October 20, 2009, the Moscow Central Directorate for Internal Affairs (GUVD) accepted and registered it under parts 2 and 3 of Article 129 of the Russian Criminal Code ("slander"), which is punishable by fine and imprisonment.

Another human rights activist, Alexei Sokolov, is facing criminal charges in what seems to be an attempt to prevent him from continuing his work on behalf of victims of torture and ill-treatment in custody. Sokolov was arrested by plain clothed police officers on May 13, 2009 and accused of participating in a robbery in 2004 of equipment from the company "Uraltermosvar" in the Sverdlovsk district.¹³ Sokolov is the head of *Pravovaya Osnova* (Legal Basis), an anti-torture organization, and is a member of a civic supervisory committee on places of detention appointed by the Russian Parliament. Prior to his arrest, Sokolov had been working on the case of several law-enforcement officers implicated in torture in the Yekaterinburg prison IK-2.

His pre-trial detention has been extended twice - and the his trial was set to begin on January 19, 2010. The charges against him are based on the testimonies of detainees, who haved complained about being pressured into giving false accusations against other people, including against Sokolov.¹⁴

The results of the investigation into the murder on August 31, 2008 of Magomed Evloev, the owner of the opposition website www.ingushetia.org, and the official version that Evloev was killed "accidentally" during his arrest at Nazran airport are discouraging. Repeated appeals by the lawyer representing the victim's family to reclassify the case as "premeditated murder" have been refused by the court. Ibragim Evloev, the policeman, who shot and killed Magomed Evloev, was charged with the careless use of a weapon and sentenced to two years in a penal colony settlement.

At international level, FIDH has welcomed the news that Russia has ratified Protocol 14, which allows for reform thus facilitating the work of the European Court of Human Rights (ECHR) on January 15, 2010. Russia was the last of the 47 members of the Council of Europe to ratify the Protocol.

¹² See Observatory press release, October 7, 2009.

¹³ See Observatory press release, August 21, 2009.

¹⁴ PRIMA-News, Oct. 22, 2009, http://prima-news.ru/index.php?ptype=1&news_type=0&page=0&news_id=1900&exday=0&exmonth=0&exyear=0&country_id=0

This is a promising development coming from the Russian Parliament, which had previously judged that the Protocol went against the national interests of the Russian Federation. Although cases brought against the Russian government comprise a big part of the ECHR's caseload, the Russian government is failing to address the ECHR judgments, other than paying off monetary fines, and to investigate and prosecute such grave human rights violations as extra-judicial executions and torture, particularly in Chechnya. Russia is yet to hold anyone accountable for violations found in the ECHR rulings.

More generally, problems of the whole judicial and law enforcement systems remain a permanent matter of concern, and 2009 has witnessed an increasing number of gross violations of the rights of accused and convicted persons by the police.

Regional Parliamentary and Municipal Elections

On October 11, 2009, Russia held its regional parliamentary and municipal elections. The Russian election-monitoring organization *Golos* ("Voice") reported violations at all stages of the electoral process both in Moscow, where protest demonstrations were disbanded after the vote, and throughout the Russian Federation. The *Golos* report also emphasized new ploys, among them the demarche of political parties in the State Duma and lawsuits against the opposition party *Yabloko*. Additionally, *Golos* documented numerous instances of employers pressuring their employees to vote for "United Russia" and to convince their families and friends to do the same.¹⁵

Although, President Medvedev admitted that the October elections were not "squeaky clean", the results of the elections were accepted and the "United Russia" party won the vast majority of parliamentary seats in Russia's regions. Both the 7% passing barrier and the requirements of the complex structure for the candidates' list posed significant organizational and financial obstacles for political parties, limiting their ability to participate in the elections. At the beginning of October, 5,825 candidates were either refused registration or failed to produce all the documents required to obtain it.¹⁶ Political parties not represented in the Russian Parliament and independent candidates found it especially difficult to get registered. *Golos* reported that such facts as omitting to write in the region of a candidate's residency were deemed sufficient reason to refuse registration. There were also instances of intimidation of candidates to pressure them not to participate in the election. For example, Pavel Zabrodin, an opposition candidate from the Kurgan region, was registered as a candidate, but two hours later he withdrew his candidacy, allegedly because his wife was threatened.

Golos also reported an growing number of falsifications at the time of the count, including giving votes for the opposition parties *Yabloko*, the Communist Party of the Russian Federation, or the LDPR (a right-wing party) to "United Russia". In Astrakhan, there were numerous violations and incidents of harassment against opposition candidates, the

¹⁵ Buzin, A. and Kynev A., Association "Golos" report, "Elections in Russia: October 11 2009".

¹⁶ Kornya A., Kholmogorova V., Selection from the start. // «Vedmosti», Oct. 2, 2009, No186 (2456)

members of *Fair Russia* were expelled from the polling stations by official and unofficial law enforcement officers just before their closure and were denied the access to the vote count, thus putting serious doubt over the election result. The *Fair Russia* candidate who was also a serious challenger is set to complain further to the ECHR¹⁷.

Freedom of association¹⁸

In April 2009, President Medvedev began a dialogue with Russia's civil society representatives concerning the problematic 2006 NGO law and its implementation. He agreed that it included certain restrictions "without sufficient justification" and that many government officials viewed NGOs as a threat. Several months later, a new draft law on NGOs in Russia was prepared by the Ministry of Economic Development and supported by the presidential administration. It was introduced in the State Duma on November 23, 2009. While the draft law proposes financial and informational support for many Russian NGOs working in the sphere of social rights, critics fear that this law will significantly restrict access to international support for NGOs working on politically sensitive issues such as electoral monitoring or prisoners' rights. Additionally, on August 1, 2009, President Medvedev personally proposed amendments to the NGO law. These amendments, prepared with the help of the Civil Society Working Group, were intended to put forward improvements to the law's provisions on the registration, control and accountability of Russian NGOs. While this is a commendable step taken by the government, more improvements are needed to the NGO legislation to avoid its manipulation for political or other reasons.

The Russian authorities continue to restrict the right to assembly and are more blatant than ever in their refusal to allow peaceful public protests and demonstrations, particularly those organized by opposition groups or human rights activists. For example, the Moscow authorities justify their refusal to allow demonstrations for reasons of obstruction to traffic or of submitting requests too late or too early, while consenting to demonstrations by pro-Kremlin groups in Moscow's central locations.

On December 31, 2009, a group of opposition and human rights activists tried to organize a peaceful demonstration to call on the government to respect Article 31 of the Russian Constitution guaranteeing the freedom of assembly. The Moscow authorities refused the group's request for a demonstration on December 25, explaining that it had been sent in too early. Dozens of people were arrested during the gathering, among them 82-year old Ludmila Alexeeva, a prominent Russian human rights defender and a recent laureate of the European Parliament's Andrei Sakharov award, who was dressed in a *Snegourotchka* (allusion to the Russian fairytale granddaughter of Father Frost, the Russian Santa Claus) costume in the holiday spirit. They were later released after spending several hours at a police station.

¹⁷ <http://www.kavkaz-uzel.ru/articles/164019/>

¹⁸ See Observatory for protection of Human rights defenders (joint program of FIDH and OMCT) annual report and urgent appeals on www.fidh.org and www.omct.org

After several refusals, the Moscow authorities, on January 15, 2010, finally allowed a demonstration to mark the first anniversary of the murder of Markelov and Baburova. While the organizers had no political objectives but simply wished to call for justice for the murders of the several human rights defenders and journalists assassinated in 2009, the demonstration, which attracted over 800 people, was heavily policed by the special police forces. Over 30 demonstrators were arrested, and although they were released shortly thereafter, some of them are facing administrative charges “for education purposes” according to one of the police chiefs.¹⁹ Earlier in 2009, demonstrations commemorating the death of Natalia Estemirova, Stanislav Markelov and Anastasia Baburova were violently dispersed by the special police services in Moscow.

Misuse of Anti-Terrorism Legislation

For the last decade, many human rights violations have been committed in Russia within the framework of legislation intended to fight terrorism and extremism²⁰. While a threat from terrorism does exist in some regions of Russia, particularly in the North Caucasus, FIDH has documented many cases where anti-terrorism legislation is used to fabricate charges and persecute arbitrarily religious, specifically Muslim, communities in different regions of Russia. Taking advantage of the atmosphere of widespread distrust of Islam, and playing on prejudices, the law-enforcement agencies persecute religious groups that are deemed to be suspicious and thus contribute to the spread of radicalization within society which in turn leads to an intensification of the terrorist threat.²¹

The anti-extremism law, passed in 2002 and amended in 2007, significantly widens the definition of extremism, defining it as “incitement to racial, religious, social or political hatred or enmity”. The definition of a hate crime in the criminal law was also changed (Article 63 of the Criminal Code). By relying on imprecise definitions that can be interpreted in an arbitrary fashion, the mechanisms in the fight against extremism are leading to numerous abuses against various representatives of civil society such as NGOs, political organizations, religious groups, journalists and bloggers. In January 2009, Amiran Butaev was illegally detained, brutally beaten and threatened with sexual violence to pressure him into testifying against two members of an anarchist group in the Tyumen region, Andrei Kutuzov and Rustam Fakhretdinov. The latter were suspected of extremism for spraying “anti-army” graffiti on the walls of the Tyumen army recruitment offices, including “I love people,” “Don’t serve,” “Down with slavery in the Army!”²²

A very recent development in the anti-terrorism legislation is a draft law presented to the State Duma by the Minister of Transportation and the Vice Prime-Minister, Sergei Ivanov, at the beginning of January 2010. According to the draft law, anyone convicted of

¹⁹ Caucasian Knot, <http://www.kavkaz-uzel.ru/articles/164434/> (accessed Jan. 21, 2010).

²⁰ FIDH/Civic Assistance report, “Russian Society under Control,” July 2009. http://fidh.org/Russian-society-under-control-Abuses-in-the-fight?var_mode=calcul

²¹ FIDH/Civic Assistance report, “Russian Society under Control,” July 2009. http://fidh.org/Russian-society-under-control-Abuses-in-the-fight?var_mode=calcul

²² September 21, 2009, <http://www.hro.org/node/6355> (accessed Jan. 17, 2010).

blocking major roads, highways and railways can be sentenced to up to two years imprisonment and fined an equivalent of 2,300 euros. While the official reason given by the authors of the draft law is the increased number of terrorist attacks on highways and railways (the most recent being the explosion on the Moscow-Saint-Petersburg train on November 27, 2009), it is more likely to target participants of public demonstrations for social rights and benefits, such as that in the industrial town of Pikalevo, whose residents protested against the withholding of wages and the high rate of unemployment.

Situation in the North Caucasus

Chechnya

The number of terrorist attacks and casualties in Chechnya remains high according to *Memorial*. Arbitrary detentions, disappearances and torture committed by the Chechen law-enforcement authorities contribute to the atmosphere of lawlessness and chaos in the Chechen Republic.

While *Memorial* points out the decreasing number of special services officers killed and wounded in 2009 (52 killed and 121 wounded), the special forces of the Chechen Republic continue to lose a lot of men. According to official sources, the insurgents suffered big losses in 2009 as well: in October 2009, 35 insurgents were killed and 42 wounded.²³

The Chechen authorities' use of violent and uncompromising methods to fight the insurgency in the republic puts the lives of Chechnya's civilian population at risk. On July 7, 2009, Rizvan Albekov and his son were allegedly abducted by the officers of the Akhkinchu-Borzoi police department. Several hours after the abduction, unidentified men publicly executed Rizvan Albekov in the centre of Akhkinchu-Borzoi.²⁴ His case was one of the last ones that Natalia Estemirova worked on before her own murder. Disappearances and arbitrary detentions are also widespread.

In 2009, *Memorial* reported numerous cases of the Chechen law-enforcement and special services burning the houses of insurgent families as a means of punishment. One of the recent cases happened on June 18, 2009 when two houses belonging to the Baisuev family were burned by special security servicemen. The Baisuevs' son is an insurgent. The special services officials forced the family to leave their houses, spread some hay inside the houses and set fire to them. They stayed long enough to make sure the houses were beyond saving.²⁵

Ingushetia

Situation in Ingushetia remains extremely unstable. In June 2009, the President of Ingushetia, Yunus-Bek Evkurov, became the target of an assassination attempt during which he was seriously injured and had to spent two months in hospital. Meanwhile,

²³ Ibid.

²⁴ Human Rights Center Memorial, Bulletin on situation in the Northern Caucasus, Summer 2009.

²⁵ Ibid.

disappearances, arbitrary detentions and ill treatment of detainees by law-enforcement and special forces officials have continued within the framework of numerous counter-insurgency operations. For instance, Maskhud Chibiev was abducted by unidentified special forces officials on September 4, 2009 in Nazran. Only after his mother appealed to the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, and the Russian Ombudsman, Vladimir Lukin, who were visiting Ingushetia, did Chibiev's whereabouts become known. He remains in custody facing charges of participation in the August 17 terrorist attack on the Nazran District police station, in which dozens of police officers were killed. Chibiev confessed to have taken part in the attack, but later claimed that he was tortured and pressured into accepting the accusations against him.²⁶ There are many others. Here is a brief list of recent cases:

- September 5, 2009: Magomed Oziev was abducted and transported across the border between Ingushetia and Chechnya. His whereabouts are unknown;
- October 29, 2009: Maskhud Makhloev abducted by unidentified special servicemen. His whereabouts are unknown;
- November 4, 2009: Aliskhan Pliev was taken from his home by 25 masked men in uniform. He has not yet been found.

A well-known public figure and human rights activist in Ingushetia, Maksharip Aushev, was shot and killed in Kabardino-Balkaria on October 25, 2009. Several weeks before that, on September 15, unidentified security forces officials made an attempt to abduct him as he was returning home from a meeting with Yunus-Bek Evkurov, President of the Republic of Ingushetia. He managed to escape with the help of friends. Maksharip Aushev's family had to flee Ingushetia to Saint-Petersburg after his wife Fatima Dzhanieva survived what appears to be an assassination attempt. Fatima's two uncles and two nephews were abducted on December 28, 2009 in Saint-Petersburg and there is still no news as to their whereabouts.²⁷

Dagestan

The situation in the Republic of Dagestan is similar to that of Ingushetia, mirroring the pattern of the increased number of arbitrary detentions and disappearances carried out by special forces servicemen. Among the most recent are the abductions of Mirza Kasimov, Sirazhudin Umarov and Nariman Mamedyarov in September 2009. Whilst these three men were abducted under different circumstances and on different dates, the official sources reported at the end of September that, on September 11, they were killed during a counterterrorist operation against a group of insurgents. Murad Salikhov, abducted on October 29 and subsequently killed, Sirazhudin Shafiev and Rashid Gasanov, abducted on September 8, and Eldar Meteев, handcuffed and abducted by several men in plain clothes on October 22, are several other cases reported by *Memorial*.

As a result of these unlawful killings and disappearances of civilians, the political and social situation in Dagestan has deteriorated significantly and the violent counter-insurgency tactics employed by the government forces threaten the lives of Dagestan's civilians and go unpunished. Many families of the abducted (or killed) men use public

²⁶ Human Rights Center Memorial, Bulletin on situation in the Northern Caucasus, Fall 2009.

²⁷ Caucasian Knot, <http://www.kavkaz-uzel.ru/articles/164118/>

protest as a way to draw the attention of the authorities to these crimes and to demand redress. These demonstrations are usually violently dispersed.

Socio-economic rights in Russia: Labour migrants even more vulnerable during the economic recession

The Russian Federation is the second host country in the world, after the United States, to several million migrants who arrive each year from Caucasus, Central Asia or other neighbouring countries²⁸.

Though there had been some changes in the legislation in 2006-2007, the practice of denying migrants a written employment contract by most Russian companies puts them at the mercy of their employers, resulting in excessively long working hours, the withholding of wages, confiscation of passports, threats, forced labour and often abhorrent working and living conditions. Just a month ago, on December 28, 2009, 15 Kyrgyz minors were found in an underground clothes factory in a town outside Moscow where they were used as slave workers.²⁹

Migrants have to meet various administrative restrictions, in particular a medical examination, to be able to work and reside legally in the Russian Federation. The complexities of the legal system provide opportunities for fake registration firms to trick migrants with offers to take care of their residency registration and work permits. But the main restriction is the labour quota system. In 2007, the quota allowed for six million migrants to be employed by Russian companies. In 2008, the migrant quota was sharply reduced to 1.8 million, and was reached in many Russian regions, including Moscow, within a few months³⁰. As a result, migrants end up staying and working in Russia illegally and are often subjected to administrative expulsions and deportations.

In December 2008, Prime Minister Putin officially announced a slashing of the 2009 quota (reduced by almost a half), and supported the idea that Russian citizens should be hired instead of migrants as an answer to the economic crisis. Indeed 2009 proved to be especially difficult for labour migrants working in the Russian Federation: unemployment among them is higher than among the domestic labour force³¹, and their mistreatment, forced labour and trafficking have simply become worse.³²

The official 2010 quota for work permits is set at 1.9 million, based on requests from Russia's regions, with a further 600,000 in reserve.³³ Certain occupations remain unavailable to migrants, such as trading at markets and selling alcoholic drinks and pharmaceutical products. The economic crisis has further threatened migrants' rights and security, as they are threatened both by tougher federal and regional policies and by public statements or actions from nationalist or pro-governmental political groups.

²⁸ Oct. 6, 2009, Vedomosti, <http://www.vedomosti.ru/newspaper/article/2009/10/06/215550>

²⁹ "15 Kyrgyz child slave laborers freed from factory near Moscow," RIANovosti, Dec. 28, 2009, <http://en.rian.ru/russia/20091228/157403486.html>

³⁰ Human Rights Watch report, "Are You Happy to Cheat US?", Feb. 10, 2009.

³¹ Oct. 6, 2009, Newru.ru, <http://www.newsru.ru/finance/06oct2009/emigrantes.html>

³² Human Rights Watch report, "Slow Movement: Protection of Migrants' Rights in 2009", Dec. 16, 2009.

³³ Newsru.ru, Dec. 8, 2009, <http://www.newsru.ru/russia/08dec2009/migrants.html>

Since 2003, the United Nations Committee on the Elimination of Racial Discrimination (CERD) has become increasingly concerned with the treatment of migrants from Central Asia and the Caucasus who have often fallen victim to police and migration administration officials. In October 2008, in its Concluding Observations, CERD stated that it was “concerned about reports that, in practice, the enjoyment of many rights and benefits depends on registration, and that the police are often reluctant to grant residence registration to Chechens and other persons originating from the Caucasus, Roma, Meshketian Turks, Yezidis, Kurds and Hemshils in Krasnodar Krai, Tajiks, non-citizens from Africa and Asia, as well as asylum-seekers and refugees.” The Committee was “concerned about reports that non-citizens and ethnic minority workers are often subject to exploitative conditions of work as well as discrimination in job recruitment.” The Committee recommended “that the State party intensify its efforts to protect non-citizens and ethnic minority workers against exploitative work conditions and discrimination in job recruitment, e.g. by providing effective remedies for victims and by training judges and labour inspectors on the application of articles 2 and 3 of the Labour Code.”³⁴

RECOMMENDATIONS

FIDH calls upon Russian authorities to:

- Guarantee freedom of association under all circumstances, as well as the physical and psychological integrity of human rights defenders in Russia. Put an immediate and unconditional end to their harassment, and conduct independent investigations into the threats and attacks mentioned above, in order to identify all those responsible, bring them before an ordinary, competent and impartial tribunal and impose on them penal sanctions in accordance with Russian law and international human rights standards;
- Comply with the measures contained in the Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on December 9, 1998, in particular Article 1 which stipulates that “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and Article 12.2, which requires states to “take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;
- Guarantee freedom of expression and the physical and psychological integrity of journalists in Russia under all circumstances, in accordance with applicable regional and international instruments. Allow independent investigations of cases of murder and harassment, to ensure that those who carry out and order such acts are duly identified and prosecuted;

³⁴ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/441/78/PDF/G0844178.pdf?OpenElement>

- Guarantee freedom of peaceful assembly and the physical integrity of protesters, in accordance with Article 21 of the International Covenant on Civil and Political Rights;
- Guarantee the independence of the judiciary and the right to a defence, in accordance with Article 14 of the International Covenant on Civil and Political Rights;
- Ensure that anti-terrorism legislation and methods comply with regional and international human rights standards ratified by the Russian Federation;
- Amend current anti-terrorist and anti-extremist legislation to better define their field of application and ensure compliance with Russia's international human rights obligations, in particular respecting the principle of legality and freedom from arbitrary detention provided under Article 9 of the International Covenant on Civil and Political Rights, and finally the right to appeal detention through a legal authority;
- Release, after modification of procedure, all persons held and sentenced arbitrarily on trumped up anti-terrorism charges, or in case of tangible evidence against them, try them in a free and fair court with assurance of the right to a defence;
- Provide a more precise definition of torture in the Russian Criminal Code and explicitly ban its use, as stipulated in Article 4 of the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment; consequently amend Article 117 of the Criminal Code;
- Investigate in a free and impartial manner accusations against law enforcement officials of torture, forced disappearance, and summary executions;
- Develop effective anti-corruption programmes for government administration and the police;
- Guarantee that confessions obtained through physical and psychological pressure are not admitted as evidence in court, as provided by Article 15 of the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;
- Guarantee that persons persecuted in their home country are given access to the refugee application procedure, and guarantee the principle of nonrefoulement, in accordance with the 1951 Convention Relating to the Status of Refugees and its Protocol Relating to the Status of Refugees, as well as Article 3 of the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms;
- Ratify the International Convention for the Protection of All Persons from Enforced

Disappearance and transpose it into national legislation, including making forced disappearance an offence, as required by Article 4;

- Ensure effective enforcement of labour legislation and social protections for migrant workers; prosecute employers who use forced labour or servitude;
- Ratify the statute of the International Criminal Court
- Sign and ratify the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the European Convention on the Legal Status of Migrant Workers;
- Implement without delay the recommendations of the United Nations Committee on the Elimination of Racial Discrimination (CERD) made to the Russian Federation in 2003, especially those regarding access to citizenship for persons from former Soviet Republics, and regarding inspections and identity checks that target specific minorities;
- Implement without delay the recommendations of the United Nations Human Rights Committee regarding the xenophobic rhetoric and racial profiling practised by Russian officials;
- Implement the CERD's general observation n. 30 regarding discrimination against non-citizens, especially measures IV, V, and VI regarding access to citizenship, the administration of justice, and deportation and expulsion of non-citizens;
- Permanently invite representatives of United Nations special mechanisms, in particular the United Nations Special Rapporteur on Torture, the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the United Nations Working Group on Enforced or Involuntary Disappearances, the United Nations Working Group on Arbitrary Detention, and the Special Rapporteur on violence against women;
- Comply in all circumstances with the principles and measures comprised in international and regional human rights protection measures ratified by the Russian Federation.