

Human Rights In Russia's Regions

By Dr. Leonid Stonov

Director of UCSJ's Bureaus on Human Rights and Rule of Law in the former Soviet Union.

The following essay is a summary of key points in the 1998 report "The Human Rights Situation in the Russian Federation," a project of the Moscow Helsinki Group (MHG) and the Union of Councils for Soviet Jews (UCSJ), sponsored by a major grant from the United States Agency for International Development (USAID), and an initial grant from the National Endowment for Democracy (NED). The goal of this project is to institute systematic monitoring of human rights abuses in every Russian region. Copies of the annual report can be obtained by contacting UCSJ. While most of the information covered by the MHG/UCSJ report deals with issues other than antisemitism, xenophobia and religious persecution, this brief summary is intended to give the reader an idea of the perilous state of rule of law in Russia, an issue which affects everybody, especially vulnerable minority groups like Jews.

Participating human rights activists from 30 regions monitored human rights and wrote separate reports that are summarized in the annual report. In 1999-2000 the number of regions will be extended to 60, and in 2000-2001 - to all 89 regions of the Russian Federation. In 1998-1999, monitoring took place in the Arkhangelsk, Bryansk, Ivanovo, Irkutsk, Obninsk (Kaluga region), Kaliningrad, Kemerovo, Krasnodar, Krasnoyarsk, Kursk, Lipetsk, Murmansk, Nizhny Novgorod, Novgorod, Novosibirsk, Perm, Pskov, Rostov, Ryazan, Saratov, Sakhalin, Sverdlovsk, Tomsk, Yaroslavl, and Voronezh regions and in the republics of Bashkortostan, Komi, Mari-El, Mordovia, and Tatarstan.

Respect for the Inviolability of the Person

Reports from all regions are full of complaints and citizens' appeals protesting police abuse during arrests, detention and investigations. Even the very rare cases when charges are brought against abusive police officers usually yield no results. (Ryazan, Voronezh, Yaroslavl, and Tomsk.) One of the reasons for this situation is that the prosecutor's office has two mutually exclusive functions. One is the investigation itself and the other is monitoring the legality of the actions of investigative agencies.

The so-called SORM-1 (System of the Operative Research Actions) established in 1994-1995 allowed the special services to tap phone conversations at will. In 1998, a similar system, SORM-2, was introduced. The new system is designed to intercept electronic communications. The Lipetsk report mentioned that the local Federal Security Service (FSB) taped telephone conversations of the head of the Lipetsk Department of Penal Execution without a court warrant. There are also many cases of unauthorized invasions of homes, sometimes accompanied by breaking down doors (Kaluga) or bodily injuries to owners who resist (Pskov). Unwarranted searches were used to pressure and harass independent journalists, representatives of public groups and movements or persons who reveal abuses by authorities. (Ryazan, Rostov, and Tomsk.)

Observance of Fundamental Civil and Political Rights

Many regional reports testify to a deteriorating situation regarding freedom of speech and access to information, as well as attempts by local authorities “to put the press in its place.” This problem is especially acute in Sverdlovsk, Lipetsk, Tatarstan and Krasnodar. All reports mention the widespread problem of financial leverage being used against local media by the authorities. For example, an independent information agency in Kemerovo lost business partners who refused to sign contracts with the agency out of fear of losing the support of the authorities. In several regions, the distribution of printed media is interfered with. (Kaliningrad, Kemerovo, Kaluga, and Bashkortostan.) Authorities also try to restrict the proliferation of outside information coming into the region. (Krasnodar and Bashkortostan.) In Novosibirsk, an official of the press-center of the city hall refused to let a journalist attend a meeting of the Commission on Industry, stating that, “it is of no interest to the media.” Sometimes journalists are not admitted to courts. (Rostov, Nizhny Novgorod, and Krasnoyarsk.) More often, judges prevent journalists from making audio recordings or even written records of court proceedings. (Nizhny Novgorod, and Ryazan.) Eleven Russian journalists were killed in 1998, some of them after receiving telephoned death threats. (Tomsk, Ivanovo, Bryansk, and Kaliningrad.)

Twenty six regions now have local religion laws that are more discriminatory than the highly discriminatory 1997 federal law “On the Freedom of Conscience and Religious Associations.” The Russian Orthodox Church, Moscow Patriarchate (ROC) has a privileged position in many regions. One report stated that the ROC has “levers to directly influence the officials of local governments structures.” Access to schools, military detachments and prisons is the exclusive prerogative of the ROC, at the same time the Catholic and Protestant communities are denied even the right to provide humanitarian aid to prisoners (Saratov). Many reports note a massive dissemination of Russian Orthodoxy through the government controlled media. For all other confessions, access to television, radio and newspapers is extremely difficult, if not blocked completely. Quite often, aggressive actions towards “non-traditional” confessions take place, stimulating negative public opinion and an atmosphere of religious intolerance. The authorities prefer to wink at this practice. In return, local authorities try to use the prestige of the ROC and other “traditional” confessions to legitimize their authority. (Perm and Bashkortostan.) In Tatarstan, the local mufti, who refused to support President Shaymiev during the elections, was replaced by a more amenable cleric.

The overt support of “traditional” religious tendencies by regional authorities is combined with discrimination against other confessions, especially those that are considered to be competing with the local ROC diocese. These tend to be Protestant congregations, though sometimes, for example in Perm, it includes communities of the Russian Orthodox Church Abroad (which is under overseas jurisdiction) or Old Believers (a group which split from the ROC centuries ago). “Non-traditional” religious communities are often denied registration, without which many of their religious activities become illegal. Most often, such refusals are justified by a reference to the discriminatory article of the law that requires a certificate to be provided to confirm that the respective religious organization has existed for at least 15 years on the territory in question, i.e. during the Soviet period when religious freedom was severely repressed, in order to be registered. Very often registration and re-registration requirements are blatantly illegal. (Kaluga, Sverdlovsk, Lipetsk, Yaroslavl and some other regions.) Authorities in Bashkortostan, Rostov, Mari-El, Krasnodar, Bryansk, Kaliningrad and some other regions impede the activities of religious communities and activists by refusing to allocate premises to them for religious services and meetings. In some regions, official persecutions of

“sects” is blatant. The term “sect” is used to lump together genuinely dangerous cults like Aum Shiriko (which released nerve gas into the Tokyo subway) and non-violent faiths like Mormons, Jehovah’s Witnesses and Baptists. In some cases, officials refer to a book issued by the ROC entitled “New Religious Organizations in Russia of a Destructive and Occult Nature” as a justification for their action. This document contains “a black list” of 63 religious and public organizations and is used by officials as an aid for expert examinations of suspect religions. Quite often, the publication of a negative article in the local media or statements by officials lead to persecution. There are cases reported of physical violence and other persecution on religious grounds. (Krasnodar and Bashkortostan.)

Although the Constitution and the Law “On Military Service and Service in the Army” (adopted by the Duma on March 28, 1998) affirm the right to avoid military service by volunteering for alternative civil service, there are still no guidelines regulating how this right should be implemented, thanks in large part to efforts by the Ministry of Defense to block the passage of relevant legislation. Regional practice regarding this right greatly depends on the whims of local authorities and the religious affiliation of the draftees insisting on their right. There were many trials on these issues in the local courts. In Rostov, out of 30 appeals against the rulings of drafting commissions, the courts approved only two. In Tomsk, eight draftees appealed to a court, and only two appeals against drafting commissions were approved. In addition, many draftees are either not fit or barely fit for military service due to their poor health. For example, in Sverdlovsk 18% of draftees were rejected on health grounds in 1998.

Human rights abuses in the Army are rampant, especially against new inductees. The Committee of Soldiers’ Mothers in Nizhny Novgorod received in 1998 complaints from 345 servicemen, including 166 who reported suffering from beatings, humiliation and extortion.

In many regions, freedom of assembly is respected, though in some regions, the authorities restrict the place where protests can take place. For example, in Rostov, by a special resolution of the Legislative Assembly, it is prohibited to organize rallies and pickets at a distance closer than 150 meters from the seat of government or local authorities. Similar restrictions on organizing rallies and marches are established in the Republic of Mari-El. A student demonstration in Yekaterinburg was brutally suppressed by mass beatings and the arrest of seven participants. During a winter protest of the Volgodonsk (Rostov region) Nuclear Power Station by local Cossacks, demonstrators were soaked by fire hoses. According to the report from Lipetsk, police interfered “brutally and without any reason” with a meeting near the Lipetsk Tractor Plant.

In a number of regions, the registration of NGOs is more difficult than on the federal level. For example, in Bashkortostan the regional law stipulates that public associations can be only founded on the initiative of at least 100 citizens of the republic, while according to the federal law, three individuals are sufficient to form a public association. In Mordovia, only associations with branches in more than half of the republic’s districts can receive republic-wide status. In Tatarstan, registration of association becomes possible only if the address is not somebody’s home address. The same illegal requirement is practiced in Kaluga and other regions. Incredibly, the Department of Justice of the Moscow city government refused three times to register the human rights coalition “Ecology and Human Rights” on the pretext that the obligation to defend human rights is the commitment of law

enforcement agencies, not public organizations.

The federal law on freedom of movement and residence annulled the permit residence registration system (*propiska*) and replaced it with notified registration, but many regions adopted laws and resolutions that de facto restored the Soviet era *propiska* system that greatly restricts movement. (Moscow city and Moscow region, Voronezh city and region, Stavropol, Mordovia, Mari-El, Saratov, Sverdlovsk, and Tomsk.) The Constitutional Court of Russia in 1998 ruled that these residency restrictions are unconstitutional, yet they remain in force.

Departments of Visas and Registration (OVIR) of the Ministry of Interior inform citizens on a daily basis that their right to go abroad is temporarily restricted (for a term of five or more years). This term can be extended to 10 years by the special Commission of Investigation of Appeals in Connection with Restrictions of the Rights of Citizens to Exit (MVK, also called Ivanov's Commission). The Ministry of Interior has a list of refuseniks, but refuses to make the list public. Many OVIRs (Yaroslavl, Kaluga, Kaliningrad) still refuse to issue passports to people who are not registered in the region under illegal local residency laws.

According to the Federal Migration Service, by the Summer of 1999 there were 1,100,000 forced migrants with official status in Russia (including 160,000 with refugee status), including Russians from Chechnya. Experts think that there are really 5,000,000 migrants, mostly without official status. According to the Human Rights Center "Memorial", Russia's migration policy is not based on the principal of protecting refugees and forced migrants, but on the basis of protecting "the interests of the state" from refugees and migrants. Today, no more than 10% of migrants obtain official status and enjoy governmental support. At least 30 regions set additional restrictions in respect to the admittance of refugees and forced migrants. Media campaigns seek to convince the population that migrants are parasites, economic competitors and potential criminals. It is particularly difficult to obtain refugee status in Sverdlovsk, Irkutsk, Perm and Krasnodar. In Irkutsk, for example, out of 5,000 people that applied for the status of forced migrants, only 999 persons were given this crucial status. In Perm it takes 18-36 months for an application for refugee status to be considered, instead of the three to six months prescribed by law. Getting refugee status is most difficult in Krasnodar, with its discriminatory regional legislation and special migration control commissions which have been established at all levels to consider applications. One of the decision-making criteria is the ethnicity of a migrant. Meskhetian Turks face the worst problems; they are not acknowledged as Russian citizens by Krasnodar and Kabardino-Balkaria regional authorities and are constant targets of various passport control actions.

The biggest public response to a violation of voting rights happened after election for the head of the local government in the city of Nizhny Novgorod. The commission on human rights of the Nizhny Novgorod administration concluded that mass violation of voting rights by the election commission took place. According to Human Rights Watch, the election results in Nizhny Novgorod were annulled because the federal government was not happy that a candidate like Mr. Klimentev, who has a prison record, was elected mayor of Nizhny Novgorod. In addition, legislation in several regions contain a number of norms that impede free expression of the people's will. For example, the charter of Ryazan prohibits submitting to referendum the issue of pre-term elections and termination of the powers of government authorities.

Hundreds of extremist nationalistic groups and organizations spread propaganda of national

supremacy and ethnic xenophobia against Jews, people from the Caucasus and Central Asia. Aggressive racist propaganda is typical of organizations like Russian National Unity (RNU), the Russia Party, the People's National Party, the National Republican Party, the National Republican Party of Russia and many others. Some organizations have created paramilitary formations. Even in those quite rare occasions when people who incite ethnic hatred are brought to court, legal procedures in Russia offers the defendants unlimited possibilities to drag out consideration of the case such as avoiding attendance or submitting far fetched appeals.

The Violation of Rights of the Most Vulnerable Groups of the Population

The established practice of passport control based on ethnicity characterizes the discriminatory convictions of many law enforcement authorities. The most radical nationalist rhetoric directed against ethnic minorities, especially Jews and people from the Caucasus and Central Asia, is used by the Krasnodar authorities. Groups whose citizenship remained unrecognized in Krasnodar and other regions, in violation of federal legislation, include: the Meskhetian Turks (over 14,000 people); Kurds from Armenia and Azerbaijan seeking shelter in Krasnodar and Adygea (around 4,000 people); Armenians who fled pogroms in Azerbaijan to Moscow, the Moscow region, Krasnodar, Stavropol, and Rostov (about 50,000 persons); and Ossetian refugees from Georgia who went to the Republic of the North Ossetia-Alania (30,000-40,000 people). When Russians, Abkhazians, Armenians and Georgians fled from Abkhazia in 1992, only Russians and Abkhazians were granted the status of the forced migrants. Between 17,000-21,000 ethnic Georgians from Abkhazia in Krasnodar have no legal status and registration; as a result, their social, economic and political rights are violated. In most cases, acts of violence against ethnic minorities are committed in the Southern parts of Russia by Cossacks organizations. (Krasnodar, Stavropol, Rostov, and Volgograd.) Law enforcement authorities either refuse to prosecute the perpetrators or bring certain individuals to the court. Police, for example, did not even try to stop mass attacks on trading pavilions owned by migrants from the Caucasus committed by an aggressive crowd of youths in the town of Udomlya, Tver region, on May 9-10, 1998. Local and regional authorities treated this incident as a "spontaneous ethnic conflict," and many deputies in the city's legislature openly supported the thugs. Nobody who participated in this pogrom was ever brought to trial.

Sexual and domestic abuse of women in Russia remains a huge problem that the state treats with great indifference. Almost 80,000 women in 1998 were victims of various crimes for reason of jealousy, quarrels and other petty everyday motives. Police and prosecutors often fail to take such cases seriously.

The major reasons why the rights of children in Russia are violated are not economic but institutional. These are the absence of a legislative basis that determines the mechanism to protect the rights of children guaranteed by the International Convention on Rights of Children, the absence of a realistic mechanism to prevent the abuse of children, primarily in families, the mainly repressive nature of government authorities' actions in respect to children and their families, the absence of control over observance of the rights of minors within the penitentiary system, and the failure to provide legal protection to minors who are exploited by the sex industry.

Transferring control over prisons from the jurisdiction of the Ministry of the Interior to the Ministry of Justice did not bring about much change in conditions for prisoners. The Council of Europe recently concluded that conditions in Russian prisons are inhumane and amount to torture, especially

in investigative isolation wards (SIZO). Chronic under-financing of the prison system has a huge negative impact on the conditions prisoners face. In many SIZOs, prisoners have no individual beds and have to sleep in shifts. (Lipetsk, Bryansk, Nizhny Novgorod, and Moscow.) In Tatarstan, penitentiary institutions are located in environmentally hazardous zones. Prisoners are 44 times more likely to be infected with tuberculosis than the general population. Out of 672 registered tuberculosis patients in Kazan, 256 are former prisoners. Many AIDS patients are kept in general confinement areas. The plight of minors infected with AIDS in the confinement zones is especially difficult.

The fragmentary information provided in the reports on conditions in psychiatric hospitals makes it possible to conclude that the situation of patients in many psychiatric medical institutions is extremely difficult. The report from Bryansk depicts the situation in the Mizirichi psychiatric and neurological dormitory. The patients are forced to work at a farm where they are paid 10-15 rubles a month, they wake up at 6 a.m., sometimes at 4 or 5 a.m. There is no daytime rest and unprovoked beatings take place. Some reports contain information on involuntary hospitalization in psychiatric clinics on the initiative of unscrupulous relatives or others trying to confiscate property. (Kaluga, Ivanovo, Nizhny Novgorod, and Bashkortostan.)