



Country of origin information report for the  
Russian Federation

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## Contents

Publication details.....	2
Contents .....	3
Introduction.....	4

## Introduction

This country of origin information report is based on the questions and points of focus in the Terms of Reference (ToR) drawn up by the Ministry of Justice and Security. The ToR for this report were adopted on 8 July 2020. An anonymised version of these ToR, together with the country of origin information report, is available on the website of the Dutch Government.

This country of origin information report describes the situation in the Russian Federation insofar as it is relevant for the assessment of asylum applications by persons originating from that country and for decisions related to the return of rejected Russian asylum seekers. This report is an update of the country of origin information report for the Russian Federation of December 2018. The reporting period covers the period from December 2018 up to and including March 2021. The main features of relevant developments that are important in answering the questions asked have been taken into account up to the date of publication. This report is a factual, neutral and objective representation of the findings that were made during the period under consideration and does not include any policy recommendations. The Russian Federation will also be referred to as Russia in this country of origin information report.

This official country of origin information report was created on the basis of public and confidential sources, using carefully selected, analysed and verified information. Information from non-governmental organisations (NGOs), specialist literature, media coverage and the relevant government agencies was used to create this official country of origin information report. Unless stated otherwise or when the facts are generally undisputed, the passages in this country of origin information report are based on multiple sources. The public sources that were consulted are listed in the appendices.

Some of the confidential information used was obtained through interviews with relevant and expert sources on location. Confidential information originating from the diplomatic missions of the Netherlands in the Russian Federation was also used. The information obtained on a confidential basis has chiefly been used to support and add to passages based on public information. The confidential sources are marked as a 'confidential source' in the footnotes and are provided with a date.

*Disclaimer: The Dutch version of this report is leading. The Ministry of Foreign Affairs of the Netherlands cannot be held accountable for misinterpretations based on the English version of the report.*

## 1 Political developments

The Russian Federation is a presidential republic in which the president, Vladimir Putin, plays a central role and has far-reaching powers. The position of the president was further strengthened by a constitutional amendment passed on 1 July 2020. For example, the president now determines domestic and foreign policy, heads the armed forces, can veto legislative processes, appoints the prime minister after confirmation by the State Duma<sup>1</sup>, dismisses the prime minister without consultation with parliament, independently appoints the heads of the state security departments such as Foreign Affairs, Defence and the investigation and intelligence service FSB (*Federal'naya sluzhba bezopasnosti Rossiyskoy Federatsii*) after consultation with the Federation Council. He also appoints and dismisses the highest prosecutors and federal judges, has a leading voice in citizenship matters and can pardon detainees. Following the recent constitutional amendment, the maximum term for the office of president remains two times six years. However, because earlier terms do not count after the amendment, the current president could theoretically stay on until 2036 and could serve a total of six terms. In addition, the new constitution changed the balance of power in favour of the central power – for example by involving regional and central authorities in the formation of local government.<sup>2</sup> See also section 1.3, which deals with the constitutional amendments.

The lower house, called the State Duma, and the upper house, called the Federation Council, together make up the national parliament and are under the control of the president. In the State Duma, President Putin's party, United Russia<sup>3</sup>, is the strongest party with three quarters of the seats. With this number of seats, United Russia can pass constitutional changes without the support of other parties. Besides United Russia, there are other parties sitting in the State Duma, the main players of which are the communist CPRF<sup>4</sup>, the ultra-nationalist LDPR<sup>5</sup> and the centre-left CR<sup>6</sup>. These parties are regarded by critics as systemic opposition that are loyal to President Putin's party line and are therefore tolerated by United Russia.<sup>7</sup> The non-systemic opposition is formed by parties and groups that are not part of the political system and are therefore not registered as parties or are registered as parties but have not reached the 5% electoral threshold.<sup>8</sup>

During the reporting period, the government continued to take increasingly repressive action against political opposition in society, such as during demonstrations, but displayed more flexibility in relation to apolitical protests about environmental issues, for example. For example, the authorities continued to crack down on protests in Khabarovsk against the arrest of Governor Sergei Furgal, the exclusion of political opposition members from local elections in Moscow in 2019-2020, and the prosecution of individual political opposition members, journalists and NGOs. During demonstrations following the arrest of Alexei Navalny in January

<sup>1</sup> If the State Duma refuses the nominated candidate three times, the president can also appoint the prime minister without the consent of the State Duma. See Article 111 of the Russian Constitution.

<sup>2</sup> US Department of State, Russia 2019 Human Rights Report, p. 1; Raam op Rusland, *Ruslands nieuwe constitutionele orde: een sterke staat gebouwd op het verleden*, 18 June 2020; Russian Politics 5 (2020), Elizabeth Teague, *Russia's Constitutional Reforms of 2020*, p. 301-328, 25 August 2020.

<sup>3</sup> *Jedinaja Rossija*

<sup>4</sup> CPRF stands for *Kommunisticheskaya Partiya Rossiyskoy Federatsii*, Communist Party of the Russian Federation.

<sup>5</sup> LDPR stands for *Liberalno-demokraticheskaya Partiya Rossii*, Liberal Democratic Party of Russia.

<sup>6</sup> CR stands for *Spravedlivaja Rossiya*, A Fair Russia.

<sup>7</sup> Meduza, *We don't need a show, What Vladimir Putin thinks about the Russian opposition and state-supported 'political competition'*, 17 March 2020; see also the interview with President Putin on YouTube: **Error! Hyperlink reference not valid.**

<sup>8</sup> Raam op Rusland, *Verenigd Rusland won via slimme sluiptwegen*, 26 September 2016.

2021, thousands of protesters were arrested. On the other hand, the government did respond to demands from protesters who spoke out on less political topics, such as protests against the building of a church in a popular park in Yekaterinburg, against a waste depot in Shiyes and against an industrial mine on Mount Kushtau.<sup>9</sup>

## 1.1 Change of government

After President Putin proposed a number of constitutional changes in January 2020, Prime Minister Dmitry Medvedev and his cabinet resigned. The head of the Russian tax authorities, Mikhail Mishustin, was appointed as the new prime minister and was approved unanimously by the State Duma. Ex-Prime Minister Medvedev was appointed deputy head of the Security Council, which is chaired by President Putin. The new cabinet, comprising nine deputy prime ministers and 21 ministers, was announced on 21 January 2020 and included new appointees to the posts of ministers for health, sports, education and the economy. Three veteran deputy prime ministers and twelve ministers were reappointed, including Minister of Foreign Affairs Sergey Lavrov and Minister of Defence Sergei Shoigu. Most of the members of this new cabinet come from federal monitoring services.<sup>10</sup>

## 1.2 Elections

Overall, President Putin's United Russia party remained the strongest party in the regional elections held in September 2019 and September 2020. For a description of opposition parties and activists, see section 5.4.

In Moscow and a number of other major cities, the exclusion of political candidates in the run-up to the local elections in September 2019 sparked widespread protests in which around 1,400 protesters were violently attacked by police and arrested and fined for unsubstantiated facts or for throwing plastic bottles.<sup>11</sup> The ruling United Russia party lost a third of its seats in the city parliament, but held on to its majority.<sup>12</sup> In St. Petersburg, United Russia held on to its overwhelming majority, but the Central Electoral Commission claimed that there had been electoral fraud. A local election observer was physically assaulted by an unknown person in St. Petersburg after reporting irregularities; an investigation by the authorities did not take place.<sup>13</sup>

On 31 July 2020, a new method for voting and observation was introduced for Russian elections. Elections may now be held for a maximum of three consecutive days, and ballot boxes may also be placed in public spaces in locations where no suitable polling station is available. While these legislative changes serve to allow more people to vote despite the measures taken to combat Covid-19, critics fear that the risk of ballot box manipulation will increase – for example at night. For each party, two election observers can be appointed who will be present at the polling

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<sup>9</sup> Raam op Rusland, *Putin, unlimited? Challenges to Russia's regime*, 14 December 2020.

<sup>10</sup> NRC, *Poetin gooit Russisch staatsbestel om, regering Medvedev stap op*, 15 January 2020; Confidential source, 23 January 2020 and 24 January 2020;

<sup>11</sup> Confidential source, 5 March 2021;

<sup>12</sup> BBC News, *Lyubov Sobol: The woman driving Russia's opposition protests*, 3 August 2019; The Guardian, *Pro-Putin candidates suffer losses in Moscow elections*, 9 September 2019; Freedom House, *Nations in Transit 2020 – Russia, electoral process*.

<sup>13</sup> The Moscow Times, *United Russia Officials Meddled in St. Petersburg Vote, Top Election Official Says*, 25 September 2019; RFERL, *Election Observer Sucker Punched In St. Petersburg*, 12 September 2019; Meduza, *An election monitor explains how chaos in St. Petersburg has led to mass fraud*, 13 September 2019; The Guardian, *Pro-Putin candidates suffer losses in Moscow elections*, 9 September 2019.

station during the day. In addition, the composition of the election committees of parties may not change around campaign time. This would ensure continuity, but critics are afraid that committee members will take an uncritical stance towards their party leadership in order to avoid jeopardising their own appointment.<sup>14</sup>

President Putin's United Russia party also won in most regions in the 2020 regional elections; it was only in the parliaments of the Siberian cities of Novosibirsk and Tomsk that a party regarded as systemic opposition and not United Russia emerged as the strongest party. Some colleagues or allies of Alexei Navalny were also elected as delegates.<sup>15</sup> Navalny himself was unable to participate in the elections due to his criminal record. According to Western media, independent election observers had concluded from the conduct and official results of the elections that there was increasing manipulation and electoral fraud compared to previous elections. For example, in the Jewish Autonomous Region,<sup>16</sup> 58% of those eligible to vote are said to have voted early, while the overall official turnout in the region's previous governorship election was only 31%. In addition, non-transparent agreements about political positions were allegedly made between United Russia and the systemic opposition.<sup>17</sup>

### 1.3 Constitutional amendments

President Putin's position was further strengthened by a number of constitutional amendments. The amendments – having already been confirmed by Parliament and the Constitutional Court<sup>18</sup> – received widespread popular support by means of a plebiscite<sup>19</sup> on 1 July 2020. According to state news agency TASS, 77.92% voted in favour of the changes, with a turnout of 65% of all eligible voters.<sup>20</sup> The amended constitution came into force on 4 July 2020. Independent observers such as Sergey Shpilkin and the *Golos* and *Levada* agencies, for example, reported much lower figures, and the independent newspaper *Novaya Gazeta* called the proceedings 'unusually dirty electoral fraud'.<sup>21</sup>

The new constitution was amended on approximately two hundred points. The most important of these amendments with regard to the president are the following:

- The president appoints ministers after ratification by the State Duma.
- The president nominates prosecutors and judges in federal courts for appointment. Local prosecutors are now centrally appointed by the Lawyer General.<sup>22</sup>

<sup>14</sup> Library of Congress, *Russia: New Election Law Creates More Flexibility in Setting Length and Place of Voting*, 10 August 2020; Federal Law No. 267-FZ with amendments to Federal Law No. 67-FZ of 12 June 2002 ("Federal law on basic guarantees of electoral rights and the rights of citizens to participate in a referendum").

<sup>15</sup> Politico, *Russia's regional elections bring rare win for Navalny*, 14 September 2020.

<sup>16</sup> The Jewish Autonomous Region (*Yevrejskaya avtonomnaya oblast*) is located in the Far East of Russia and borders on China.

<sup>17</sup> Raam op Rusland, *Verenigd Rusland won regionale verkiezingen met nog meer 'verdeel en heers'*, 17 September 2020; Die Zeit, *EU erkennt Wahlergebnisse teilweise nicht an*, 14 September 2020; Confidential source, 4 September 2020.

<sup>18</sup> De Groene Amsterdammer, *Een nieuwe epoeche*, 22 July 2020.

<sup>19</sup> Unlike a referendum, a plebiscite in Russia does not require a minimum turnout of 50%, and a simple majority is sufficient for an affirmative outcome. Confidential source, 17 July 2020.

<sup>20</sup> TASS, *Kremlin lauds constitutional vote as triumph and trust in Putin*, 2 July 2020.

<sup>21</sup> Raam op Rusland, *Plebisciet maakt geen einde aan opvolgingsstrijd van Poetin*, 7 July 2020; *Novaya Gazeta*, *Russia, Explained Extra*, 4 July 2020; Confidential source, 17 July 2020.

<sup>22</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 1; Raam op Rusland, *Ruslands nieuwe constitutionele orde: een sterke staat gebouwd op het verleden*, 18 June 2020; *Russian Politics 5* (2020), Elizabeth Teague, *Russia's Constitutional Reforms of 2020*, p. 301-328, 25 August 2020.

- From now on, the Constitutional Court will determine which judgements of international bodies, such as the European Court of Human Rights (ECtHR), apply in Russia.<sup>23</sup> For more information about the ECtHR, see also section 4.4.1.
- Central power is being strengthened compared to local power. For example, central or regional governments can participate in the formation of local governments and the appointment and dismissal of local government officials.<sup>24</sup>
- The maximum presidential term of office is twice six years, with the counter starting again with the introduction of the new constitution; President Putin can therefore again stand for election for two terms. From a technical point of view, this change had already been incorporated into the new constitution and not just with the constitutional amendment. President Putin had advocated stability and continuity in a speech on 10 March 2020. Within half an hour, the State Duma passed by 382 to 43 votes a proposal to cancel the previous presidential terms of office with a new election.<sup>25</sup>
- Presidential immunity is enshrined in the initially unnoticed section 92.1 in the new constitution, which grants immunity for life after the end of the presidential term. In November 2020, this article was confirmed in the State Duma, which means that former presidents and their relatives cannot be subjected to police questioning or searches and their property cannot be seized unless parliament waives this immunity. On 31 October 2020, President Putin himself also submitted a bill that allows former presidents to become lifelong members of the Federation Council, thereby also acquiring immunity as a senator. The bill was ratified at the end of December 2020.<sup>26</sup>

Furthermore, the amendments introduce a number of abstract values in the hitherto purely legal constitution:<sup>27</sup>

- The state provides protection for traditional family values by, for example, reserving marriage for a man and a woman.
- The Russian language is the language of the people who formed the state.
- The state is the patron of a millennial history that revolves around ideals and a belief in the Russian Orthodox God. It oversees the ban on trivialising the past, especially an interpretation of the history of the Second World War that differs from the official prevailing interpretation in Russia.
- It is not permitted to discuss changes to Russian territory – for example the return of annexed areas such as the Kuril Islands (Japan) or the Crimea (Ukraine).

In addition, the president, ministers and representatives of the people are henceforth not permitted to hold foreign bank accounts or a second nationality other than the Russian nationality.<sup>28</sup>

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<sup>23</sup> Raam op Rusland, *Ruslands nieuwe constitutionele orde: een sterke staat gebouwd op het verleden*, 18 June 2020.

<sup>24</sup> Russian Politics 5 (2020), Elizabeth Teague, *Russia's Constitutional Reforms of 2020*, p. 314, 25 August 2020.

<sup>25</sup> Raam op Rusland, *Ruslands nieuwe constitutionele orde: een sterke staat gebouwd op het verleden*, 18 June 2020.

<sup>26</sup> This latter type of immunity alone does not guarantee complete impunity because a majority of senators can waive the immunity. This happened to a senator in 2019, who was immediately arrested behind the scenes at the Federation Council while attempting to escape. See confidential source, 13 November 2020; BBC News, *Russia moves to protect Putin from prosecution*, 17 November 2020; Nederlands Dagblad, *Poetin kan na vertrek voor het leven senator worden*, 22 December 2020.

<sup>27</sup> Raam op Rusland, *Ruslands nieuwe constitutionele orde: een sterke staat gebouwd op het verleden*, 18 June 2020.

<sup>28</sup> Raam op Rusland, *Ruslands nieuwe constitutionele orde: een sterke staat gebouwd op het verleden*, 18 June 2020.



## 2 Identity, documents and nationality

### 2.1 Identification obligation and identifying documents

Without a valid identity document, in Russia it is not possible to perform legal or official administrative acts or make use of government services. An identity document is also required when taking out a telephone plan in a shop, or when purchasing a train ticket, boat ticket or plane ticket for travel inside the Russian Federation.<sup>29</sup> The registration of children at schools also requires the parents to produce their identity documents in addition to the birth certificates of the children, for example.<sup>30</sup> Furthermore, patients must produce their identity documents in order to receive medical care.<sup>31</sup>

#### *Identification requirement*

In the Russian Federation, there is a duty of identification for everyone from the age of fourteen. People must be able to produce a valid identity document at all times. Failure to do so is an administrative offence and is punishable with a fine of between two thousand and five thousand roubles.<sup>32</sup> The police can ask citizens on the street to produce their identity documents. According to the Police Act, this is only possible if there is reasonable suspicion that the person in question is committing an offence or crime. In practice, however, the police have a significant margin of interpretation and they can ask citizens for an identity card on an arbitrary basis. According to researchers, this also happens in practice, especially among ethnic minorities from the Northern Caucasus, for example.<sup>33</sup>

### 2.2 Documents

#### 2.2.1 Identity and travel documents

Russia has a dual passport system: a domestic and an international or foreign passport. Generally, the domestic passport is used for identification purposes and for movement inside the country and the international passport is used for travel outside Russia. The international passport has a biometric and a non-biometric variant.

#### *Domestic passport*

The original domestic passport is the most important identification document in Russia, because in addition to personal data, it also contains data about the holder's address registration (the *propiska*; for the address registration requirement, see section 6.2 on the freedom of movement). The original domestic passport is used for identification purposes and only an original copy is accepted. Besides the name, gender, date and place of birth, the domestic passport contains information about the holder's marital status, number of children, address, whether or not military service has been completed and whether or not the holder has an international

<sup>29</sup> Ministry of Foreign Affairs, Country of origin information report for the Russian Federation 2018, p. 11.

<sup>30</sup> IOM: *Länderinformationsblatt Russische Föderation 2019*, p. 4 and 11.

<sup>31</sup> IOM: *Länderinformationsblatt Russische Föderation 2019*, p. 4 and 11.

<sup>32</sup> On 13 October 2020, two thousand to five thousand roubles was equivalent to between EUR 22 and EUR 55; see [xe.com](https://www.xe.com).

<sup>33</sup> Freedom House, *Freedom in the World, Russia*, para. G1; US Department of State, Russia 2019 Human Rights Report, p. 41; Article 19 Russian Administrative Offences Act; website Norwegian Identity Centre (NIDS), consulted on 13 October 2020; Expert Opinion Mark Galeotti, *License to Kill? The Risk to Chechens inside Russia*, June 2019; Trouw, *De leider van Tsjetsjenië foltert nu ook de elite*, 2 November 2019; Ministry of Foreign Affairs, Country of origin information report for the Russian Federation 2018, p. 11.

passport. Information about ethnicity is no longer included in the domestic passport. Russians living in Russia must apply for the domestic passport when they reach the age of fourteen.<sup>34</sup>

The domestic passport must be renewed at the age of 20 and at the age of 45. After the holder has reached the age of 45, the domestic passport remains valid indefinitely. Both the initial application and subsequent applications are submitted to the local representation of the Ministry of the Interior (*Ministerstvo Vnutrennikh Del, MVD*), where the applicant is registered as a resident or temporary resident, or where the applicant actually resides. The appointment can be made and prepared electronically using an online portal for government services (*Jedinij Portal Gosusloegi*), where the applicant already provides copies and data. But also in case of the online preparation of the application, the actual application takes place in person, during which the original documents and passport photographs are submitted and the application is signed.<sup>35</sup>

In order to apply for a domestic passport, the following documents must be submitted:<sup>36</sup>

- a completed application form
- a birth certificate
- two recent passport photographs measuring 3.5 x 4.5 cm
- a payment receipt
- documents that confirm a particular status specified in the passport, such as proof of military service, a marriage certificate and the birth certificates of children under the age of fourteen.

#### *Other identity documents*

If the address registration is not relevant for a legal act, other documents may be used to establish a person's identity: a foreign passport, a military book<sup>37</sup>, a seaman's identity document ('seaman's book'), a diplomatic passport, a service passport, a driving licence and any other document issued by official authorities, which includes a photograph as well as the name of the holder (for example a work or school pass). However, these documents cannot be used for (administrative) acts that require the address registration to be shown and are therefore not automatically accepted by the authorities as identity documents. In fact, this is why the domestic passport almost always serves as an identity document and Russians usually always carry this passport with them. For domestic travel, Russian citizens must always carry their domestic passport with them.<sup>38</sup>

#### *International passport*

The most important proof of Russian nationality is the international passport, which must be produced on exiting the country. In addition, according to Russian law<sup>39</sup> Russian nationals can prove their nationality on entry and exit using a diplomatic passport, a service passport or a seaman's book. The old Russian international passport is valid for five years and contains no biometric data. Biometric

<sup>34</sup> <https://мвд.рф/Deljatelnost/emvd/guvm/выдача-паспорта-гражданина-рф>; Confidential source, 6 October 2020; website Norwegian Identity Centre (NIDS), consulted on 13 October 2020.

<sup>35</sup> See Ministry of Foreign Affairs, Country of origin information report for the Russian Federation 2018, p. 11 and Article 71 *Administrative rules of the MVD RF for issuing and replacing passports for citizens of the Russian Federation in the Russian Federation* nr 773, 16 November 2020; Website Norwegian Identity Centre (NIDS), consulted on 13 October 2020; Confidential source, 6 October 2020.

<sup>36</sup> Confidential source, 6 October 2020.

<sup>37</sup> See also section 5.3 for more information about military identity documents.

<sup>38</sup> Ministry of Foreign Affairs, Country of origin information report for the Russian Federation 2018, p. 11. Freedom House, *Freedom in the World, Russia*, para. G1; US Department of State, *Russia 2019 Human Rights Report*, p. 41.

<sup>39</sup> Federal Law of 1996 on the Procedures for Exiting and Entering the Russian Federation.

international passports have been issued since 2007. On 1 March 2010, the period of validity for biometric international passports was extended to ten years (previously five year). The applicant can choose between a biometric passport (valid for ten years) – also called a ‘new-generation passport’ – and a non-biometric passport (‘old style’) that is valid for five years.<sup>40</sup>

When applying for a Russian international non-biometric passport that is valid for five years, the following documents must be submitted:<sup>41</sup>

- a completed application form, a photocopy of this request and the appendix to the application form
- the applicant's domestic passport
- a payment receipt
- three passport photographs
- the old international passport, if still valid
- additional documents confirming, for example, that the applicant has completed his military service.

When applying for a Russian international biometric passport that is valid for ten years, the following documents must be submitted:<sup>42</sup>

- a completed application form, submitted electronically or in person at an office of the Ministry of the Interior.
- a document with which the identity of the applicant can be established
- a digital photograph, which must be submitted with the application
- for men between the ages of 18 and 27: a military service book
- a previously issued passport, if still valid
- additional documents such as a marriage certificate and birth certificate.

When applying for a biometric international passport, the fingerprints of applicants aged twelve and older are taken in accordance with the law. On 1 July 2013, the taking and storage of fingerprints was introduced in Moscow, the Moscow region, Saint Petersburg and the Saint Petersburg region, and rolled out across Russia from 1 January 2015. When the biometric international passport is being picked up, the identity of the holder must be re-verified using the fingerprints. The passport photograph and fingerprints are stored on a chip on the passport. Fingerprints are also taken when an application is being submitted for an international biometric passport at a Russian embassy abroad.<sup>43</sup>

In order to apply for an international passport outside Russia at a Russian embassy or consulate, the applicant must produce a valid international passport or a valid domestic passport. In the absence of any of these documents, the applicant must first submit a request for confirmation of Russian citizenship to the head of the consular section. To do this, the applicant must provide an application form with a photograph and photocopies of the expired national and foreign passports. Russian

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<sup>40</sup> Ministry of Foreign Affairs, Country of origin information report for the Russian Federation 2014 and 2018.

<sup>41</sup> Confidential source, 6 October 2020; Administrative regulations of the Ministry of the Interior of the Russian Federation for the provision of state services for registering and issuing passports of a citizen of the Russian Federation, which proves the identity of a citizen of the Russian Federation outside the territory of the Russian Federation, containing an electronic data carrier dated 31 December 2019 (<https://www.garant.ru/products/ipo/prime/doc/73580659>, Russian); Administrative regulations of the Ministry of the Interior of the Russian Federation for the provision of state services for registering and issuing passports of a citizen of the Russian Federation, which proves the identity of a citizen of the Russian Federation outside the territory of the Russian Federation, of 16 November 2017, Article 37 (**Error! Hyperlink reference not valid.**, in Russian)

<sup>42</sup> Confidential source, 6 October 2020

<sup>43</sup> Ministry of Foreign Affairs, Country of origin information report for the Russian Federation 2018, p. 13; Confidential source, 22 February 2021; Confidential source, 1 March 2021.

consulates only issue international passports, not domestic passports.<sup>44</sup> Russian passports for under-age children can be applied for by one parent without the consent of the other parent, according to the website of the Russian representation in The Hague; however, in case of a disagreement between the parents of an under-age applicant, the passport will not be issued by law.<sup>45</sup> For travel for under-age children, see also section 5.8 on (unaccompanied) minors.

*Birth certificate as identity document for children under the age of fourteen and other certificates*

Inside Russia, the birth certificate can serve as an identification document for children under the age of fourteen. The birth certificate is issued by the Civil Registry Office (ZAGS) and is valid indefinitely. One parent or guardian can apply for the birth certificate and it will be issued at the ZAGS. In addition to the birth certificate, the following certificates are issued by the ZAGS: marriage certificate, divorce certificate, certificate of parental authority, death certificate, certificate of name change. These certificates are also issued at the office of the ZAGS and are valid for an indefinite period.<sup>46</sup>

2.2.2

*Biometric data*

The Russian Ministry of the Interior is planning to build a central biometric database with facial scans, fingerprints, iris scans and voice recognition, which should be operational by the end of 2021.<sup>47</sup> In preparation for the launch of the system, biometric data projects in Moscow and projects related to the biometric data of migrants and stateless persons were launched during the reporting period; see below.

Current Russian law<sup>48</sup> stipulates that all forms of biometric data<sup>49</sup> may only be processed with the consent of the person concerned. The requirement of consent may be waived if this is necessary for the following purposes: for the implementation of international agreements on re-admission, for administration and implementation of the legal system, for mandatory dactyloscopic registration, and also on the basis of legal provisions of various types. These legal provisions are mainly in the area of security, such as defence, public order and security, anti-terrorism, transport security, anti-corruption, operational investigation activities, public services, criminal laws, legal provisions regarding entry into and exit from the Russian Federation and nationality provisions.<sup>50</sup>

*Collection of biometric data in Moscow*

During the Covid-19 pandemic, the camera surveillance system with facial recognition was expanded in Moscow. With two hundred thousand cameras, the system will be one of the largest surveillance systems in the world and should enable the government to keep track of whether people meet their quarantine obligation – for example after returning from abroad. In addition, suspects of a crime can be traced through facial recognition.<sup>51</sup> The facial recognition system met with protests from activists who said that it threatened basic privacy rights. In addition, the system turned out not to be foolproof. According to the NGO *Human*

<sup>44</sup> Ministry of Foreign Affairs, Country of origin information report for the Russian Federation 2018, p. 13.

<sup>45</sup> **Error! Hyperlink reference not valid.** consulted on 4 September 2020; OFPRA, *Délivrance des papier d'identité aux enfants mineurs et autorisations parentales pour leur sortie du territoire*, 21 July 2020.

<sup>46</sup> Confidential source, 6 October 2020.

<sup>47</sup> The Moscow Times, *Russia Plans Biometric Database for Citizens, Foreigners* – TASS, 23 November 2020; The Moscow Times, *Russia to Expand Surveillance to Tattoo, Iris, Voice Recognition* – RBC, 25 February 2020.

<sup>48</sup> Article 11 Federal law No. 152-FZ of 27.07.2006 (as amended on 24.04.2020) "On personal data".

<sup>49</sup> Biometric data includes information about height, weight, fingerprints, hand shape, iris scan, voice recordings, handwriting, facial scans and DNA.

<sup>50</sup> Confidential source, 6 October 2020.

<sup>51</sup> The Moscow Times, *Russia to Expand Surveillance to Tattoo, Iris, Voice Recognition* – RBC, 25 February 2020.

*Rights Watch* (HRW), a large number of unjustified fines were handed out to people for violating Covid-19 measures.<sup>52</sup>

In addition to the facial recognition system, the installation of so-called *sniffers* with accompanying software has begun at public transport stops and at strategic pedestrian intersections in Moscow. These sniffers identify individual mobile phones on the basis of Bluetooth features or Wi-Fi MAC addresses, and they map individual movements across the city by day, month and year. The aim of the system is to map traffic flows and anonymise data, but it also uses facial recognition using video cameras in the city.<sup>53</sup> Municipal and federal officials and investigating officers have access to the system.<sup>54</sup> In May 2019, experiments were carried out with speech recognition technology in Moscow.<sup>55</sup>

#### *Biometric data of naturalised Russians*

From October 2020, migrants and stateless persons who acquire the Russian nationality can be required by the Ministry of the Interior to provide fingerprints for registration in a central database.<sup>56</sup> HRW also reported on plans to make an app mandatory for migrants in Russia that would link their biometric data, such as height, weight, hair colour, fingerprints, DNA, iris scans, facial features, health status information and criminal record. Furthermore, a social score would reportedly be assigned on the basis of 'reliability'.<sup>57</sup>

#### 2.2.3 *Document fraud*

No new information has emerged about document fraud involving Russian documents since the previous country of origin information report. In some cases, forged European visas in genuine Russian passports were used, and there was one forged seaman's book. Prior to this reporting period, fraud also occurred with entry stamps in real Russian passports or real Russian passports were used by people other than the holder.<sup>58</sup>

### 2.3 **Russian citizenship**

In the Russian language, a distinction is made between *natsionalnost* (ethnic origin) on the one hand and *grazhdanstvo* (citizenship) on the other to indicate the legal relationship between a person and the state. To avoid confusion between the Russian term *natsionalnost* and the English term 'nationality', the term 'citizenship' will be used in this report.

Russian citizenship can be obtained by birth to Russian parents, after admission to Russian territory, by reacquisition after previous loss and on other grounds based on Russian law, including the powers of the president, or an international treaty. An explanation of the different ways of acquisition and loss is included below.

<sup>52</sup> HRW, *Russia's latest app will track migrant workers – But who's next?*, 9 June 2020.

<sup>53</sup> Confidential source, 30 October 2020.

<sup>54</sup> TASS, *Moscow to create large-scale facial recognition system, mayor says*, 30 May 2019; Moscow Times, *Moscow Activists Protest Widespread Facial Recognition With Face Paint*, 7 February 2020; HRW, *Moscow Silently Expands Surveillance of Citizens*, 25 March 2020; Moscow Times, *Russia Is Building One of the World's Largest Facial Recognition Networks*, 12 November 2019; HRW, *Russia's latest app will track migrant workers – But who's next?*, 9 June 2020.

<sup>55</sup> TASS: *Moscow to create large-scale facial recognition system, mayor says*, 30 May 2019.

<sup>56</sup> <http://en.kremlin.ru/acts/news/63645>; Rapsi, *Foreigners acquiring Russian citizenship to be subject to obligatory dactyloscopy*, 23 June 2020.

<sup>57</sup> HRW, *Russia's Latest App Will Track Migrant Workers – But Who's Next?*, 9 June 2020.

<sup>58</sup> Norwegian Identity Centre (NIDS) website, accessed 13 October 2020, document fraud in 2018; Country of origin information report for the Russian Federation 2018, p. 14.

## 2.3.1

*Simplified naturalisation and acquisition by operation of law for Ukrainians*

Since December 2018, the Russian president can decide to naturalise foreigners or stateless persons<sup>59</sup> for humanitarian reasons using a simplified procedure; see section 2.3.3.3.<sup>60</sup> President Putin made use of that power for Ukrainians and stateless persons from Ukraine, citing humanitarian reasons. In addition to more favourable conditions for naturalisation – i.e. obtaining citizenship upon application – residents of certain parts of Ukraine (see below) are automatically granted Russian citizenship without having to apply for it. Kiev does not recognise these automatically issued passports, and their validity is controversial internationally.<sup>61</sup>

*Crimea and Sevastopol – acquisition by law or simplified naturalisation*

Since 18 March 2014, Ukrainian or stateless permanent residents of Crimea and Sevastopol are considered by Russia to be Russian citizens unless they indicated within one month of the annexation of Crimea on 18 March 2014 that they do not wish to become Russian citizens and therefore only want to keep Ukrainian citizenship. Other Ukrainians with only Ukrainian citizenship and stateless persons who lived permanently in Crimea or Sevastopol prior to 18 March 2014 have been able to naturalise in a simplified way since April 2019, as have foreign residents of Crimea and stateless persons who themselves or whose family members were expelled from this region.<sup>62</sup> See also section 2.3.3.3 for more information about the simplified naturalisation procedure.

In April 2019, Russia indicated that it had already issued two million Russian passports in Crimea. According to Russia, people in this group who wish to give up Russian citizenship again and want only Ukrainian citizenship at a later date are free to do so. Russia also indicated that up to April 2019, 2,519 residents of Crimea had made use of the option not to obtain Russian citizenship but to remain exclusively Ukrainian.<sup>63</sup> Critics argue that Ukrainians were severely threatened or discouraged from not obtaining Russian citizenship. People in closed institutions such as psychiatric clinics, detention centres or orphanages would have had no opportunity whatsoever to avoid the acquisition of Russian citizenship by law. Russia was reportedly using the imposition of Russian citizenship to gain jurisdiction over people and try them against their will in Russia for offences such as separatism. At least 4,700 Ukrainian detainees are said to have been relocated to detention centres in Russia. Notable examples of people being prosecuted in Russia include the Ukrainians filmmaker Oleg Sentsov and activist Aleksandr Kolchenko, who were sentenced by a Russian court to twenty and ten years' imprisonment for terrorism, respectively. Both were released in a prisoner exchange with Ukraine in September 2019.<sup>64</sup>

*Donets Basin (Luhansk and Donetsk Oblasts) – simplified naturalisation*

Residents of certain non-Ukrainian controlled districts in the East Ukrainian Donets Basin – in the Luhansk and Donetsk oblasts – have been able to naturalise as Russian in a simplified manner under Russian law since 24 April 2019. They are exempted from the required length of stay, the minimum means of subsistence and

<sup>59</sup> Many people became stateless after the collapse of the Soviet Union.

<sup>60</sup> Federal Law No. 544-FZ introduced this power in the nationality law.

<sup>61</sup> Olga Chudinovskikh and Oxana Kharaeva, *Admission to citizenship of person living abroad: Russian policy and international experience*, March 2020; The Moscow Times, *Kyiv Post: Moscow Says it Issued Nearly 200,000 Russian Passports in Ukraine's Donbass*, 3 January 2020; TASS, *Kiev expands list of unrecognized Russian passports issued to residents of Crimea, Donbass*, 25 November 2020.

<sup>62</sup> OFPRA, *L'acquisition de la citoyenneté russe par naturalisation*, 27 October 2020, p. 15.

<sup>63</sup> UN Human Rights Committee, Eighth report submitted by the Russian Federation under article 40 of the Covenant, due in 2019, CCPR/C/RUS/8, 17 May 2019, point 23;

<sup>64</sup> Open Society Justice Initiative, *Sentsov and Kolchenko v. Russia*, consulted on 6 February 2021; The New York Times, *Russia and Ukraine Swap Dozens of Prisoners, in a 'First Step to Stop the War'*, 7 September 2019; Confidential source, 22 June 2020.

Russian language skills. They do not need to produce a Russian residence permit when submitting the application. According to media outlets, around two hundred thousand Russian passports were issued in the Donetsk basin up to the start of 2020.<sup>65</sup> Ukrainians and stateless persons who were living in the Luhansk and Donetsk oblasts after 27 April 2014 and 7 April 2014, respectively, and are legally resident in Russia at the time of application can also naturalise in a simplified way.<sup>66</sup> For more details, see section 2.3.3.3.

### 2.3.2 *Obtaining Russian citizenship by law*

Under Russian law, a child automatically obtains Russian citizenship when born outside Russia if it has two Russian parents or a single parent who is Russian. When born inside the territory of Russia, Russian citizenship is granted by law if one parent is Russian, if the parents are unknown, and if the child cannot obtain the citizenship of the foreign parents or is otherwise threatened with statelessness<sup>67</sup>. During the reporting period, failure to register the birth of the child resulted in the refusal of public services and confirmation of Russian citizenship.<sup>68</sup>

### 2.3.3 *Acquisition of Russian citizenship through naturalisation*

Russian citizenship can be obtained through naturalisation at the request of adult legally competent stateless or foreign persons, or at the request of the parent or guardian of under-age or incapacitated stateless persons or foreign persons.

#### 2.3.3.1 Requirements for naturalisation

The requirements for naturalisation by adult and legally competent foreign and stateless applicants are stipulated in Article 13 of the Citizenship Act of the Russian Federation<sup>69</sup>. Minors can naturalise at the request of an adult parent or guardian. In general, the following four conditions apply to naturalisation:

- uninterrupted<sup>70</sup> legal residence of at least five years prior to naturalisation; this includes being able to produce a valid residence permit
- sufficient income
- knowledge of the Russian language
- a declaration of solidarity with the Russian constitution and other Russian legislation.

A number of individuals are deemed not to meet the latter requirement and are therefore excluded from naturalisation. This relates to terrorists, separatists, extremists, as well as people with an entry ban, people who have used forged documents for the naturalisation application; people who are in the military service of a foreign power at the time of the naturalisation application or people who are employed by foreign security services; and people who, at the time of naturalisation, have a suspended or unserved sentence for a crime, are suspected of a crime, or are in detention for a crime.<sup>71</sup>

#### *Required documents*

The following documents are required for naturalisation:

- completed application form

<sup>65</sup> The Moscow Times, *Kyiv Post: Moscow Says it Issued Nearly 200,000 Russian Passports in Ukraine's Donbass*, 3 January 2020; TASS, *Donbass residents start receiving Russian passports under fast-track procedure*, 14 June 2019;

<sup>66</sup> OFPRA, *L'acquisition de la citoyenneté russe par naturalisation*, 27 October 2020, p. 16; Stiftung Wissenschaft und Politik, *Russia's "Passportization" of the Donbass*, August 2020;

<sup>67</sup> See Article 12 Federal Law on Citizenship of the Russian Federation, 31 May 2002.

<sup>68</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 57.

<sup>69</sup> Federal Law of 31.05.2002 N 62-FZ 'On Citizenship of the Russian Federation'

<sup>70</sup> Continuous residence means that the person in question has not left Russia for more than three months within one year. See Art. 13, paragraph 1, subsection a, Federal Law of 31.05.2002 N 62-FZ.

<sup>71</sup> Article 16 Federal Law of 31.05.2002 N 62-FZ "On Citizenship of the Russian Federation";

- valid residence permit
- passport or other identity document
- birth certificate
- marriage and birth certificates of children, where applicable
- proof of address registration
- proof of proficiency in the Russian language
- proof of payment of state tax
- passport photographs.

The following categories of applicants who are exempt from one or more requirements are described below. For this information, the sources specified in this following footnote were used.<sup>72</sup>

All categories of exempted persons must be able to prove their identity. This often poses major problems for undocumented stateless persons.<sup>73</sup>

#### 2.3.3.2 *Exemption from one requirement*

##### *Exemption from the requirement of five years of uninterrupted legal residence*

The initial requirement of five years of uninterrupted legal residence in the Russian Federation has been revised to one year of legal residence in the Russian Federation for the following categories of applicants:

- people who have made special contributions to the Russian Federation in areas such as technology, culture or other sectors
- people with a temporary asylum permit for political reasons
- people who are recognised as refugees under Russian law and therefore have a permanent refugee permit

The following categories of applicants are completely exempt from the requirement of five years of uninterrupted legal residence in the Russian Federation:

- former Soviet citizens who served three years in military service in the Russian Federation. They are also exempt from the requirement to produce a valid residence permit
- Foreigners or stateless persons from former Soviet states with disabilities who were officially resident in the Russian Federation prior to 1 July 2002
- Foreign parents of adult Russian children<sup>74</sup>
- Stateless applicants permanently residing in Estonia or Latvia<sup>75</sup>

##### *Exemption from knowledge of the Russian language*

The following categories are exempt from the requirement to be proficient in Russian:

- Persons in possession of a secondary education diploma dating from before 1 September 1991, issued in a then Soviet state, or issued after that date by an educational institution in the Russian Federation
- Persons with a secondary education diploma issued by a state in which the official language is Russian
- Women over 60 years old and men over 65 years old
- Native speakers of Russian.

<sup>72</sup> Article 13 Federal Law of 31.05.2002 N 62-FZ "On Citizenship of the Russian Federation"; Confidential source, 15 December 2020; OFPRA, *L'acquisition de la citoyenneté russe par naturalization*, 27 October 2020; Library of US Congress, *New Law Eliminates Requirement to Renounce Foreign Citizenship*, 1 May 2020; Federal Law No. 124-FZ of 24 April 2020.

<sup>73</sup> Confidential source, 15 December 2020;

<sup>74</sup> The Moscow Times, *Russia Simplifies Citizenship for Foreigners With Russian Children*, 12 October 2020;

<sup>75</sup> Meduza, *Russia's State Duma passes law allowing dual citizenship for new applicants*, 17 April 2020; RUSI, *Russia's Policy of Passport Proliferation*, 1 May 2020; Confidential source, 15 December 2020.



2.3.3.3 *Exemption from multiple requirements – the simplified application procedure*  
People who are exempt from multiple requirements are eligible for the so-called simplified application procedure. These people must also prove their identity, but this can pose problems in particular for stateless people if they do not have an identity document.<sup>76</sup>

*Exemption from the minimum stay and the income requirement*

The minimum stay and the income requirement are not applied to the following categories of applicants:

- Adult and legally competent stateless persons who held the nationality of the Soviet Union and who resided and reside in a former Soviet state but have not been granted the nationality of that state
- Persons who were born in the territory of the former Russian Soviet Federative Socialist Republic (RSFSR) and who had the nationality of a former Soviet state
- Persons who have been married for at least three years to a citizen of the Russian Federation residing in the territory of the Russian Federation
- Persons who are married to a citizen of the Russian Federation – regardless of the length of the marriage – and who reside in the territory of the Russian Federation, and with whom they have children in common.
- Persons with a disability who have an adult legally competent son or daughter who is a citizen of the Russian Federation
- Foreign parents of a minor Russian child, if the other (Russian) parent is dead, missing, legally incapacitated or disabled and deprived of parental authority
- Foreign parents of an adult Russian child who has been declared legally incapacitated or has a disability, if the other (Russian) parent is dead, missing, legally incapacitated or disabled and his/her parental authority has been removed
- Children of at least one Russian parent residing in the territory of the Russian Federation
- Citizens of Belarus<sup>77</sup>, Kazakhstan, Moldova and Ukraine; (for Ukrainians see also section 2.3.1 on obtaining Russian nationality by law).
- Native speakers of Russian
- People with particular training, entrepreneurs and investors, and people working in certain professions; for a further definition, see Article 14, paragraphs 1 and 2 of the Federal Law 62-FZ.

*Exemption from the minimum stay, the income requirement and the language requirement*

The minimum period of residence, the income requirement and the requirement of knowledge of the Russian language are not applied to the following categories of foreigners and stateless persons, who:

- were citizens of the Soviet Union, were registered as a resident of the Russian Federation or obtained a Russian residence permit before 1 July 2002 and declared their intention to obtain Russian citizenship before 1 July 2009
- are veterans of the Second World War, who had citizenship of the Soviet Union and who live in the territory of the Russian Federation. These persons do not need to produce a valid residence permit.
- belong to a category of applicants designated in a presidential decree

<sup>76</sup> Confidential source, 15 December 2020;

<sup>77</sup> Belarus can also be referred to as the Republic of Belarus.

- participate in the National Assistance Program for the Voluntary Resettlement in the Russian Federation of 'compatriots'<sup>78</sup> and their family members, who lived abroad, obtained a temporary or non-temporary residence permit in the Russian Federation and are registered as resident in the Russian Federation.

#### *Exemption from all four requirements*

The minimum length of stay, the income requirement, the requirement of knowledge of the Russian language, the requirement of a declaration of solidarity and therefore a criminal record or service for other powers (see explanation of the general requirements) are not invoked against the following foreigners and stateless persons:

- children with one Russian parent, where the Russian parent submits the request and the other parent must grant permission for naturalisation<sup>79</sup>
- Children whose only parent is Russian
- Children who have been placed under the supervision of orphans or foster children by a Russian institution and whose parents do not have parental authority
- a mentally incapacitated person who is under the supervision of an educational institute, a medical institution, a social institution or another Russian institution.

#### 2.3.4 *Dual nationality after naturalisation*

Russian law allows dual citizenship. Until July 2020, people who naturalised through the normal procedure, so who were exempt from one requirement at most, were required to renounce their other nationality. The introduction of a legislative amendment means that this is no longer necessary from 24 July 2020. Conversely, under Russian law, Russians who naturalise to another nationality are not obliged to give up their Russian nationality, unless, of course, the law of the other country stipulates otherwise. Russians living in Russia with dual nationality must notify the Russian government of this.<sup>80</sup>

For Russian government officials, including diplomats, it may become more difficult in the future to hold dual nationality. According to a legislative proposal, they must be prohibited from taking or having a second nationality or from having a regular residence permit in another country.<sup>81</sup>

#### 2.3.5 *Loss of Russian citizenship*

Grounds for losing Russian citizenship are laid down in Russian law. A Russian can give up Russian citizenship by renouncing it, because it has been revoked, or because a decision to naturalise has been revoked.<sup>82</sup> In practice, the threat of statelessness as a result of the loss of Russian citizenship does not preclude the revocation of Russian citizenship or of a previous naturalisation decision.<sup>83</sup>

<sup>78</sup> See also the website of the agency *Rossotrudnichestvo* (Federal Agency for the Commonwealth of Independent States Affairs, Compatriots Living Abroad, and International Humanitarian Cooperation) **Error! Hyperlink reference not valid.**

<sup>79</sup> Article 14.6 makes the consent of the other parent mandatory; this permission is not required if the child resides in Russia. OFPRA, *L'acquisition de la citoyenneté russe par naturalisation*, 27 October 2020, p. 13;

<sup>80</sup> The renouncement of Russian nationality can be made a condition for naturalisation by the other state. See OFPRA, *L'acquisition de la citoyenneté russe par naturalisation*, 27 October 2020, p. 16; Library of US Congress, *New Law Eliminates Requirement to Renounce Foreign Citizenship*, 1 May 2020; Federal Law No. 124-FZ of 24 April 2020; The Moscow Times, *Russia Passes Dual Citizenship Law, Hoping to Add 10M Citizens*, 17 April 2020.

<sup>81</sup> Library of US Congress, *New Law Eliminates Requirement to Renounce Foreign Citizenship*, 1 May 2020; <https://perma.cc/HR5U-K5JY>.

<sup>82</sup> Articles 18-23 of the Federal Law of 31.05.2002 N 62-FZ "On Citizenship of the Russian Federation";

<sup>83</sup> Confidential source, 15 December 2020; Forum 18, *Russia: Three prisoners of conscience stripped of citizenship*, 9 July 2020;

For example, Russian citizenship is revoked if it has been obtained on the basis of fraudulent documents; citizenship is revoked by the court. There is no statute of limitations in case of fraud. In addition, the Russian government can revoke citizenship if the person concerned is guilty of preparing, attempting or actually committing certain crimes.<sup>84</sup> In most cases, the Russian government will interpret the commission of certain crimes – or preparations or attempts to do so – as fraud, since the person seeking naturalisation has falsely indicated that he/she is committed to the Russian constitution and legislation. This relates to terrorist, separatist and extremist crimes, for example<sup>85</sup>.

In addition to the option to revoke citizenship, according to a confidential source the Russian government uses<sup>86</sup> its authority more often to invalidate a Russian passport without the intervention of a judge because citizenship was reportedly never issued in the first place. In this case, according to the Russian government there was never any question of obtaining Russian citizenship and the passport was therefore issued incorrectly. Citizenship is therefore revoked de facto, but this is not followed by a judicial revocation procedure under nationality law. According to the same confidential source, the invalidation of a Russian passport is also common practice when other states request the extradition of a Russian citizen.<sup>87</sup> The fact that these people have generally developed a strong bond with Russia is not taken into account by the authorities and courts, according to the confidential source.<sup>88</sup>

In practice, Russian nationality was revoked, where appropriate, without statelessness being an obstacle. For example, Russian nationality acquired in 2005 by an originally Uzbek detainee was revoked in 2019 after he had served almost four years in prison for alleged extremism due to studying the writings of Said Nursi (see also section 5.2.2). The Russian NGO *Memorial* had classified this man as a political prisoner because it claimed the charge was fabricated. The authorities withdrew the man's Russian citizenship without notifying him and placed him in immigration detention after his release pending his deportation to Uzbekistan. He had never held Uzbek citizenship and was still in immigration detention in December 2020, eighteen months later.<sup>89</sup>

Blogger Elvin Isayev was arrested in 2019. His passport was invalidated and he was placed in immigration detention pending deportation to Azerbaijan for immigration violations. Isayev had been naturalised as a Russian almost twenty years earlier and had criticised the government in Azerbaijan in a blog from Russia.<sup>90</sup>

Two Jehovah's Witnesses arrested in 2018 also had their Russian citizenship revoked, after which they became stateless. In their case, belonging to an

<sup>84</sup> See Article 22 of the Federal Law of 31.05.2002 N 62-FZ "On Citizenship of the Russian Federation"; confidential source, 15 December 2020.

<sup>85</sup> Articles 205, 205.1, second part of article 205.2, Articles 205.3 - 205.5, 206, 208, part four of article 211, Articles 281, 282.1-282.3 and 361 of the Criminal Code of the Russian Federation, or at least one of the crimes (planning a crime or attempted crime) stipulated in Articles 277-279 and 360 of the Criminal Code of the Russian Federation if the offences committed are related to terrorist activities.

<sup>86</sup> The source was unable to quantify this information but reported it on the basis of her work experience.

<sup>87</sup> Russian citizenship prevents extradition to other states.

<sup>88</sup> Confidential source, 15 December 2020.

<sup>89</sup> US Department of State, Russia 2019 Human Rights Report, p. 42; Website Memorial: Kim Evgeniy Lvovich placed on political prisoner list consulted on 31 January 2021 (**Error! Hyperlink reference not valid., Russian**); Forum 18, *Russia: Three prisoners of conscience stripped of citizenship*, 9 July 2020; SOVA Center, *Misuse of Anti-Extremism in November 2020*, 15 December 2020.

<sup>90</sup> Reuters, *Russia strips Azeri blogger of citizenship and moves to deport him*, 30 August 2019; Confidential source, 15 December 2020.

organisation labelled as extremist was a reason for revoking their citizenship; see Article 22 of the Russian Nationality Act.<sup>91</sup>

#### 2.3.6 *Re-acquisition of Russian citizenship*

In some cases, it is possible to re-acquire Russian citizenship by means of renewed naturalisation; see above and Articles 13 and 14 of the Russian Nationality Act. Depending on the applicant's situation, he can take advantage of one or more exemptions from the requirements. Re-acquisition of citizenship is again subject to the requirement of solidarity with the Russian constitution and other laws. As a result, people whose citizenship had been revoked on the basis of a crime related to separatism, terrorism or extremism and other crimes (see section 2.3.2) are excluded from re-acquisition.<sup>92</sup>

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<sup>91</sup> Forum 18, *Russia: Three prisoners of conscience stripped of citizenship*, 9 July 2020;

<sup>92</sup> Article 13 Federal Law of 31.05.2002 N 62-FZ "On Citizenship of the Russian Federation"; Confidential source, 15 December 2020.

## 3 Legislation

### 3.1 Anti-extremism legislation

Russia tries to counter extremism and terrorism by means of strict legislation and vigorous action by the authorities in the event of a suspicion of extremism and/or terrorism. In 2016, a package of legal measures against extremism and terrorism came into effect with a multitude of legislative amendments: the 'Yarovaya' laws. Up to the present day, Russian regulations still lack a clear definition of extremism and terrorism. According to NGOs and scientists, the broad wording of anti-extremism and terrorism laws encourages arbitrary application and this can jeopardise people's rights to freedom of expression, privacy and freedom of religion or belief.<sup>93</sup> Anti-extremism legislation was therefore used in several thousand cases during this reporting period to restrict freedom of expression, freedom of religion and political activism.<sup>94</sup> Although a legislative amendment was passed in 2019 to limit the excessive use of anti-extremism legislation for harmless remarks – for example by teenagers online<sup>95</sup> – this attempt was offset by an increase in the use of other repressive articles of law and a significant increase in administrative fines; see the description below. The application of the legislation to certain groups is described in the sections in this report that deal with freedom of expression (section 7), freedom of religion (section 5.2) and activists (section 5.5).

Federal law makes violent and non-violent extremism a criminal offence. The legal framework for this consists of the overarching Anti-Extremism Act<sup>96</sup>, the Criminal Code of the Russian Federation<sup>97</sup>, the Code of Administrative Offences<sup>98</sup> and approximately twenty other laws with anti-extremist regulations in the areas of associations, religion, freedom of assembly, freedom of the media and procedural regulations for investigating law enforcement agencies. Both individuals and organisations can be held responsible for extremism, where individuals are primarily prosecuted under the Criminal Code and the Administrative Violations Act, and media and organisations are primarily prosecuted under the Anti-Extremism Act.<sup>99</sup>

The most frequently used articles against (online) statements by individuals are included in the Criminal Code and the Administrative Offences Act. The calls to extremism that are often objected to are regarded as an administrative violation in the case of a first violation, while a second violation within one year falls under the Criminal Code (Article 282, see also the legislative amendment described below). The Criminal Code also criminalises terrorist acts (205.2), separatism (280.1), misrepresentation of history (354.1) and insult to religious feelings (148.1 and 148.2). 'Group participation' includes participation in extremist (282.1) or terrorist

<sup>93</sup> Freedom House, *Freedom in the World, 2019 – Russia*. Amnesty International, Human Rights in Eastern Europe en Central Asia, Review of 2019, p. 24; Stockholm Faculty of Law Research Paper Series no. 77, Dmitriy Serheevich Dyadkin, Anisimov Glukhovska Schaefer, *Punishability of acts of extremist orientation stipulated by Article 282 of the Criminal Code of Russia Federation*, p. 4.

<sup>94</sup> Amnesty International, Russian Federation in 2019; SOVA Center, *Inappropriate Enforcement of Anti-Extremist Legislation in Russia in 2019*, 21 April 2020.

<sup>95</sup> This excessive use may have been facilitated by the so-called 'stick system', which involves targets set by the police for the number of new administrative and criminal investigations.

<sup>96</sup> Federal Law to Combat Extremist Activities (*Federal'nyi Zakon RF o Protivodeistvii Ekstremistskoi Deiatel'nosti*) 25 July 2002.

<sup>97</sup> The Russian Criminal Code (*Ugolovnyi Kodeks Rossiiskoi Federatsii*), 25 June 1996.

<sup>98</sup> Russian Administrative Offences Act (*Kodeks Rossiiskoi Federatsii ob Administrativnykh Pravonarusheniakh*) 31 December 2001.

<sup>99</sup> Library of Congress, *Legal Provisions on Fighting Extremism: Russia*, ([https://www.loc.gov/law/help/fighting-extremism/russia.php#\\_ftn7](https://www.loc.gov/law/help/fighting-extremism/russia.php#_ftn7)) consulted on 7 September 2020.

(205.4) groups and continuation of the activities of a banned extremist (282.2) or terrorist (205.5) organisation. In the case of a criminal conviction for other crimes, an extremist motive can be taken into account as an aggravating circumstance in the sentence. Violations of the Administrative Offences Act include, for example, displaying fascist or extremist attributes and symbols (Article 20.3), incitement to hatred or division (Article 20.3.1), organising an activity for an organisation whose registration has been suspended (Article 13.15) and the production of extremist statements (Article 20.29).<sup>100</sup>

*New legislation - first violation is administrative law*

One important change was the prosecution – proposed in 2018 – of first offenders for disseminating information about extremism under administrative law, whereas this offence was previously covered by Article 282 of the Criminal Code in relation to ‘incitement to hatred and intolerance’. In January 2019, article 282 of the Criminal Code was amended. From now on, suspects can only be criminally prosecuted under this article if there has already been a violation of the new Article 20.3.1 of the Administrative Offences Act in the previous twelve months. Incitement to extremism, hatred, insult and separatism is also punishable (for the first time) in this administrative law article, but then as an administrative offence<sup>101</sup> with more lenient penalties than in Article 282 of the Criminal Code. In case of repeated violation under administrative law, an individual can still be prosecuted under criminal law – that is, Article 282 of the Criminal Code. During the first half of 2019, 158 people were prosecuted under Section 20.3.1 of the Administrative Offences Act and handed down a wide range of penalties from fines to community service orders.<sup>102</sup>

For example, liking or sharing material on *Vkontakte* that is regarded as extremist has been punishable by an administrative fine, community service or administrative detention of up to thirty days since the law was amended, while a conviction for a second offence, based on the Criminal Code, could result in a longer prison sentence. Since October 2018, refusal to delete online content that has been declared illegal by the court has also been punished with heavy fines and a maximum of fifteen days of administrative detention.<sup>103</sup>

In December 2019, the amounts of fines in the Administrative Violations Act were significantly increased. As a result, a conviction for repeated calls for extremism can lead to a fine of up to five million roubles, for example.<sup>104</sup>

*Not less severe prosecution, but different*

The aforementioned transfer from criminal to administrative law was hailed as an important step in combating disproportionate punishment for minor crimes, but also has another consequence: because administrative law has fewer procedural safeguards, the police can easily prosecute these crimes.<sup>105</sup> For example, under the Administrative Offences Act, proof of intent is not required, unlike under criminal law. In the past, the criticism of courts by NGOs focused on the lack of

<sup>100</sup> Library of Congress, *Legal Provisions on Fighting Extremism: Russia*, ([https://www.loc.gov/law/help/fighting-extremism/russia.php#\\_ftn7](https://www.loc.gov/law/help/fighting-extremism/russia.php#_ftn7)) consulted on 7 September 2020; SOVA Center for Information and Analysis, *A New Turn of the Kremlin's Anti-Extremist Policy*, 30 April 2019.

<sup>101</sup> See Article 20.3.1 CoAO, introduced in January 2020.

<sup>102</sup> Article 19, *Rights in extremism: Russia's anti-extremism practices from an international perspective*, 23 September 2019, p. 23.

<sup>103</sup> RFERL, *Putin Proposes Softening Punishment For First-Time Hate-Crime Offenders*, 3 October 2018.

<sup>104</sup> Agora International Human Rights Group, *Internet Freedom 2019: The 'Fortress' Plan*, p. 16; Federal Law of 02.12.2019 No. 405-FZ 'On Amendments to Certain Legislative Acts of the Russian Federation'. On 11 September 2020, five million roubles was equivalent to EUR 56,272.03, according to [www.xe.com](http://www.xe.com).

<sup>105</sup> Confidential source, 9 November 2020.

substantiation for precisely this element of intent.<sup>106</sup> In addition, an administrative procedure can be initiated by lower-ranking police officers, while a criminal procedure is launched by the FSB.<sup>107</sup> Due to this lower threshold for authorities to prosecute under administrative law, according to a confidential source there was a noticeable shift in the field of counter-extremism during the reporting period from criminal prosecution under the Criminal Code to prosecution under the Administrative Offences Act.<sup>108</sup> It is not known whether the number of prosecutions also increased.

#### *Increase in prosecutions based on other criminal-law articles*

Another development puts the milder punishment into perspective. During the reporting period, dissenters were still prosecuted for violating other articles of the Criminal Code that do not require a previous administrative violation, such as inciting extremism, for example (Article 280).<sup>109</sup> The charges for Articles 205.2 (acts of terrorism) and 282.2 (continuation of banned extremist organisation) also increased, according to SOVA Center. According to their analysis, it is possible that the investigating authorities converted charges pending under Article 282 of the Criminal Code into charges in another article in view of the imminent transfer of first offences from Article 282 to administrative law.<sup>110</sup>

#### *Consequences for previous convictions, ongoing criminal cases and ongoing investigations*

The introduction of a requisite previous administrative violation also meant that previous convictions under Article 282 could be reviewed, ongoing criminal cases could end in acquittal or ongoing criminal investigations could be discontinued or converted into administrative prosecution under Article 20.3.1 of the Administrative Offences Act.<sup>111</sup> However, it is not known whether these measures were implemented in all cases. Research centre SOVA Center does refer to lists with examples of this. For example, SOVA Center cites eighteen examples of overturned previous convictions across Russia<sup>112</sup>, and seventeen criminal charges that ended in acquittal at the moment the law was amended.<sup>113</sup> There are also no exhaustive figures available for ongoing criminal investigations that were halted at the time of the amendment to the law; SOVA Center also cites sixteen examples of this throughout Russia.<sup>114</sup> The news platform *Meduza* estimated that the amendment would affect around two thousand people.<sup>115</sup>

#### *Lists: organisations and publications*

Domestic and foreign organisations and religious communities can be classified as terrorist or extremist, as happened with the Jehovah's Witnesses; see section 5.2.1.

<sup>106</sup> Article 19, *Rights in extremis: Russia's anti-extremism practices from an international perspective*, 23 September 2019, p. 36.

<sup>107</sup> Confidential source, 9 November 2020.

<sup>108</sup> Confidential source, 9 November 2020.

<sup>109</sup> Amnesty International, *Human Rights in Eastern Europe and Central Asia, Review of 2019*, p. 26;

<sup>110</sup> SOVA Center for Information and Analysis, *A New Turn of the Kremlin's Anti-Extremist Policy*, 30 April 2019.

<sup>111</sup> Charges under Art. 282.1 of the Criminal Code that were brought before the new Article 20.3.1 of the Administrative Offences Act came into effect could not be transferred to this article as it did not exist at the time the proceedings were filed. However, the sentences could be reversed on the basis of decriminalisation.

<sup>112</sup> SOVA Center, *Sentences canceled by the court in connection with the partial decriminalization of Art. 282 CC*, 1 January 2019, updated 20 September 2019, consulted on 8 January 2021 (**Error! Hyperlink reference not valid.** in Russian).

<sup>113</sup> SOVA Center, *Criminal cases terminated by the court due to the partial decriminalization of Art. 282 CC*, 1 March 2019, updated 30 October 2019, consulted on 8 January 2021 (**Error! Hyperlink reference not valid.**, in Russian)

<sup>114</sup> SOVA Center, *Criminal cases terminated by the investigation due to the partial decriminalization of Art. 282 CC*, 1 March 2019, updated 7 July 2020, consulted 8 January 2019 (**Error! Hyperlink reference not valid.**, in Russian)

<sup>115</sup> *Meduza*, *Russia has 'decriminalized' one of its most controversial anti-extremism charges*, 20 December 2018; *Meduza*, *Online is three times as dangerous as offline*, 21 March 2019.

It is the task of the Supreme Court to place organisations and publications on a federal list. An up-to-date Russian-language version of both lists is available on the internet.<sup>116</sup> Membership of an organisation designated as terrorist or extremist is sufficient for criminal prosecution; proof of attempting, preparing or commissioning an extremist act is not required to do this. This federal list does not include organisations that have been banned by local courts, such as the *Falun Gong* movement banned in Siberia. In that region, two *Falun Gong* members were prosecuted for extremism because they were members of that movement. At the time of publication of this country of origin information report, it was not yet clear whether the ban will come into effect throughout Russia.<sup>117</sup> Since July 2020, a number of international *Falun Gong* organisations have been registered as undesirable foreign organisations<sup>118</sup>; see section 5.5.3. One new development in this reporting period was that a subculture – Criminal Prisoners' Unity – was also registered on the list. This subculture is not officially registered as an organisation but was nevertheless listed.<sup>119</sup>

Publications can also be designated as extremist and<sup>120</sup> included on a list. The sharing of this material can then be prosecuted as an administrative offence; see below. As of October 2020, there were 5,119 items on this list, including, for example, a children's book on Islam, a 2013 campaign video by Alexei Navalny, books by Sunni theologians, anti-Christian videos, songs critical of the government, and a book by a Ukrainian-American white supremacist.<sup>121</sup>

#### *New legislation – broad definition of separatism*

On 31 July 2020, President Putin signed an amendment to the Anti-Extremism Act that broadly defined separatism as acts against the territorial sovereignty of the Russian Federation that fall under the definition of extremism. According to a further amendment of the law, which came into effect in December 2020, a first incitement to separatism (with or without an incitement to violence) is regarded as an administrative violation in accordance with Article 20.3.2 of the Administrative Offences Act, while a second violation within one year falls under Article 280.1 or the more broadly formulated 280.2<sup>122</sup> Criminal Code.<sup>123</sup>

For other specific legislative amendments, see the various thematic sections – for example section 5.7.1 for domestic violence.

<sup>116</sup> For an up-to-date, Russian-language version of the list of foreign organisations designated as terrorist, go to **Error! Hyperlink reference not valid.** and the list of foreign and domestic organisations and persons designated as terrorist or extremist, go to <http://fedsfm.ru/documents/terrorists-catalog-portal-act>;

<sup>117</sup> RFERL, *Siberian Court Orders Falun Gong Movement Banned*, 11 November 2020;

<sup>118</sup> For an up-to-date list in Russian, see **Error! Hyperlink reference not valid...**

<sup>119</sup> SOVA Center, *Russian Nationalism and Xenophobia in October 2020*, 10 November 2020.

<sup>120</sup> For an up-to-date version of the list, see: **Error! Hyperlink reference not valid.** (in Russian).

<sup>121</sup> SOVA Center, *Russian Nationalism and Xenophobia in October 2020*, 10 November 2020; SOVA Center, *Misuse of Anti-Extremism in September 2020*, 13 October 2020.

<sup>122</sup> Article 280.2 of the Criminal Code refers to 'other acts against territorial integrity'.

<sup>123</sup> The Kremlin website: *Legal definition of extremism specified*, 31 July 2020 (**Error! Hyperlink reference not valid.**), consulted on 16 September 2020; Global Risk Insights, *Anti-Extremism Law Amendment Amid Protests in the Far East*, 20 September 2020; SOVA Center, *Misuse of Anti-Extremism in December 2020*, 12 January 2021.



## 4 Supervision and legal protection

The Ministry of the Interior, the Federal Security Service (FSB), the Investigative Committee, the Public Prosecution Service (the *Prokuratura*) and the National Guard are responsible for law enforcement in the Russian Federation. The FSB is responsible for state security, counter-intelligence and counter-terrorism and for combatting organised crime and corruption. The National Police, under the Ministry of the Interior, is responsible for combatting crime. The National Guard assists the FSB with border security, regulating the private possession of weapons, combatting terrorism and organised crime, protecting public order and guarding important State-owned facilities. The National Guard also participates in the armed defence of the country's territory in conjunction with the armed forces of the Ministry of Defence.<sup>124</sup>

### *Cossacks*

Since the introduction of a new law in 2005, Cossacks<sup>125</sup> can be called upon to<sup>126</sup> strengthen the police, army and border security units to maintain public order. Since the establishment of a Presidential Committee for Cossacks, which includes representatives of both Cossacks and senior officials, the government has been trying to involve the Cossacks in the implementation of its tasks and to support the establishment of a formal organisation. Cossack paramilitary units have sometimes used physical violence – for example against LGBTIs during a demonstration for LGBTI rights in Moscow or against anti-government protesters. It is not known whether these incidents were prompted by the authorities but they were also not actively hindered by the authorities.<sup>127</sup> It is known, however, that Cossacks were deployed by the Russian authorities in the occupied territories in Crimea to enforce Covid-19 measures. Human rights defenders are afraid that the government will use Cossacks and paramilitary groups at times when it does not wish to be associated with a crackdown.<sup>128</sup>

### 4.1 Filing a police report

During the reporting period, there were no changes in the regulations for filing a report with the police.

The procedure for filing a report is laid down, amongst other things, in the Russian Code of Criminal Procedure (Art. 140-145) and the Police Act. A crime can be reported in every police station in Russia regardless of where the crime took place. Citizens can use the website of the Russian police to locate a nearby police station or the office of a local police officer. Reports can be filed both verbally and in writing. If the report is filed verbally, a police officer will draw up an official report. If the person filing the report cannot appear in person, the report can be sent by post. Reports are registered in the 'special register' or 'statement registration book' (*Kniga Utchota Soobsjchenij o Proishchestvijach*, KUSP) and are issued a registration

<sup>124</sup> US Department of State, Russia 2019 Human Rights Report, p. 1.

<sup>125</sup> Cossacks are originally an ethnically mixed group and are known for their military skills, especially on horseback. More recently, non-ethnic persons have also been joining the Cossacks.

<sup>126</sup> Federal Law No. 154-FZ "On State Service of the Russian Cossacks" of 5 December 2005; see also

<sup>127</sup> The Moscow Times, *Russian 'Cossacks' Hunt Down LGBT Youth During Pride Week*, 8 September 2020; The RFERL, *Mayor's Muscle: Moscow Leans On Cossack Brawn To Put Down Dissent*, 8 May 2018; website Kremlin, *Meeting of the Council for Cossack Affairs*, 27 November 2019 and 8 December 2020;

<sup>128</sup> Kharkiv Human Rights Protection Group, *Russia to use paramilitaries and Cossacks to enforce Covid19 isolation in occupied Crimea*, 13 April 2020.

number. If the report refers to an offence outside the jurisdiction of the Russian police, the police are obliged to forward the report to the relevant Russian authority.<sup>129</sup>

An NGO solicitor or a lawyer can represent the complainant while reporting the crime and during the subsequent criminal proceedings. With some crimes, only the victim can report the crime and not an eyewitness – for example rape, libel, fraud, violation of the confidentiality of correspondence and infringement of patent law.<sup>130</sup>

When the report has been registered, the police must provide written confirmation to the person filing the report. The written confirmation must contain the following information: the name of the police officer who took the report, the registration number of the report, the name of the police station where the report was filed, the address and telephone number of the person filing the report, the date of receipt, the signature of the principal and the name and surname of the duty officer. If the person filing the report has not received confirmation for whatever reason, he/she can ask for the registration number of his/her report in the KUSP. The person filing the report can then use this number to inquire about the progress of the case. Because a confirmation of receipt is not always provided in practice, NGOs recommend bringing two copies of a written report to the police station. One copy should remain at the police station, while the second copy should be given to person filing the report, with a note from the police to acknowledge receipt of the report.<sup>131</sup>

If a reported crime is not followed by a police investigation, the police must confirm this in writing and provide a copy of that confirmation to the prosecution. This document would usually also state the reason for not conducting an investigation, citing the relevant articles of the Criminal Code. If the police investigation does not make any progress or if no investigation is launched, the person filing the report can first file a complaint with the head of the relevant police station. The Russian Ministry of the Interior (MVD) has a special telephone number that Russian citizens can call, for example if a police officer refuses to handle a report. It is also possible to file a complaint with the Prokuratura or the court. The Prokuratura and the court are obliged to investigate the actions of the police or the specific circumstances of the case. According to a confidential source, it is really only worth filing a complaint if the report does not relate to human rights violations by the government. The complainant is often referred back to the police station in question with his/her complaint.<sup>132</sup>

In practice, it can be problematic to file a report or to ensure that a report leads to criminal prosecution. For example, in the case of LGBTI victims of homophobic violence, the police did not process the report or failed to launch an investigation in response to the report.<sup>133</sup> Ethnic minorities can also be treated negatively by the police and they therefore refrain from reporting; see section 5.1. for more information about ethnic groups.

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<sup>129</sup> Artt. 141 – 143 Russian Criminal Procedural Code; Ministry of Foreign Affairs, *Country of origin information report for the Russian Federation 2018*, p. 31.

<sup>130</sup> Ministry of Foreign Affairs, *Country of origin information report for the Russian Federation 2018*, p. 31; [Team 29, Hoe doe je aangifte bij de politie en hoe bereik je dat een strafzaak wordt opgestart?](#), 12 May 2017, see [appendix to this country of origin information report](#).

<sup>131</sup> [Team 29, Hoe doe je aangifte bij de politie en hoe bereik je dat een strafzaak wordt opgestart?](#), 12 May 2017, see [appendix to this country of origin information report](#); Article 141 Russian Criminal Procedural Code.

<sup>132</sup> Ministry of Foreign Affairs, *Country of origin information report for the Russian Federation 2018*, p. 32;

<sup>133</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 63-64;

## 4.2 Ombudsman

Russia has had a Federal Human Rights Ombudsman since 1997. In the Russian legal system, the Ombudsman fulfils the role of an impartial, independent advisory body that can mediate between citizens and the government. The Ombudsman's goal is to help protect civil rights and freedoms and to monitor compliance by the Russian authorities. The Ombudsman informs citizens and governments about civil rights and freedoms. He/she can also advise the Prime Minister in individual cases. In addition, the Ombudsman may file complaints or requests in any court, including the Supreme Court and the Constitutional Court. As a rule, the Ombudsman operates independently or, where appropriate, with the help of the Prokuratura, among others. Officials may not refuse a meeting requested by the Ombudsman. The Ombudsman's powers are not just laid down by law, but should also be respected in practice. The Ombudsman is appointed by the Russian Parliament and cannot be removed from office before the end of his/her term of office. The Ombudsman is not accountable to any Russian body, including the President. The Ombudsman usually makes recommendations to the authorities on the basis of complaints submitted, but can also initiate inquiries on his/her own initiative. The authorities can ignore the recommendations, but they must state their reasons for doing this. The Prokuratura cannot appeal against the Ombudsman's advice. In addition to the Federal Ombudsman, there are local ombudsmen in the regions. The Federal Ombudsman ratifies the appointment of local ombudsmen.<sup>134</sup>

Since April 2016, former Police General Tatiana Moskalkova has held the position of Federal Ombudsman. In practice, she does not often seem to stand up for individual cases. A confidential source says that she does not want to rely on the Federal Ombudsman in her work as a lawyer, but that a local ombudsman has intervened in writing in the lawsuit against the registration of an LGBTI organisation in the interest of her client and in any case has reacted to her request for information.<sup>135</sup>

## 4.3 Public Prosecution Service - Prokuratura and Investigative Committee

The Prokuratura charges individuals or organisations for alleged violations or crimes and submits these charges to a court through prosecutors. The Prokuratura is a central federal body with regional branches that come under the responsibility of the central body in Moscow. Since the constitutional amendments in July 2020, the most senior prosecutors, including the Attorney General, are effectively no longer appointed and/or dismissed by the Federation Council but by the President.<sup>136</sup>

Charges made by a Prokuratura are taken over by judges in an overwhelming majority of cases, and acquittal is extremely rare in Russia.<sup>137</sup> In the few cases of acquittal, the Prokuratura almost always appeals; in these cases, one in three

<sup>134</sup> Ministry of Foreign Affairs, Country of origin information report for the Russian Federation 2017, p. 26. See also **Error! Hyperlink reference not valid.** consulted on 14 September 2020; Human Rights Quarterly, Gilligan, Emma, *The Human Rights Ombudsman in Russia: The Evolution of Horizontal Accountability*, vol. 32, no. 3, 2010, pp. 575–600.

<sup>135</sup> Confidential source, 18 September 2020.

<sup>136</sup> Raam op Rusland, *Ruslands nieuwe constitutionele orde*, 18 June 2020.

<sup>137</sup> The US State Department cites 0.43% acquittals in criminal cases, while an academic paper cites 0.25%. See US Department of State, *Russia 2019 Human Rights Report*, p. 15. Stockholm Faculty of Law research paper series, Dmitriy Serheevich Dyadkin e.a., *Punishability of acts of extremist orientation stipulated by Article 282 of the Criminal Code of Russian Federation ("CCRF")*, p.16. In addition to acquittal, there is also the possibility of the case being dismissed if the suspect pleads guilty. The percentage of plea bargains is not known.

suspects is still convicted. In addition, the Prokuratura can appeal if it believes that the sentence is too lenient.<sup>138</sup>

The Investigative Committee was part of the Prokuratura until 2011. It is now an independent investigative body and its chairman, Aleksandr Bastrykin, reports directly to the president. The Investigative Committee has a centralised structure, with its headquarters in Moscow and regional offices located throughout the country. Because Russia has several investigative services (the police and FSB also have investigation departments), there is a division among the services in terms of the criminal offences that a particular service is authorised to investigate. For example, the Investigative Committee is mainly concerned with corruption investigations and abuse of office, but also with certain serious violent crimes, sex crimes, tax evasion, terrorism and extremism.<sup>139</sup>

#### 4.4 The judiciary

In accordance with the Constitution, the Russian judiciary is independent.<sup>140</sup> In practice, judges are far from always being independent of the executive, armed forces and other security services, especially when it comes to politically sensitive cases.<sup>141</sup> Observers report that in recent years, the Russian judicial system has moved further away from arriving at the truth, justice and accountability. The high number of convictions reportedly comes from quantitative court performance indicators, but also from security services competing with each other in order to launch as many criminal cases as possible.<sup>142</sup> Particularly in cases where the accused undermines the authority of the public administration, the judiciary has cooperated in reaching a conviction on the basis of fabricated evidence or political motives.<sup>143</sup> The best-known example of a politically motivated case is the conviction of Alexei Navalny for non-compliance with his reporting obligation because he was recovering after being poisoned; see also section 5.4. The conviction of young adults in the so-called Penza case (see section 7.4) was also widely criticised due to the forced confessions and very high sentences for evidence that was probably fabricated. See also section 4.6. for more information about corruption in the legal system.

##### *Appointment and career*

Since the constitutional reforms of July 2020, judges in federal courts and the Constitutional Court are now appointed on the basis of the president's recommendation and dismissed by him, as are the top prosecutors. Judges in the lower courts are appointed by the *Presidential Personnel Commission* and the presidents of the court. Under the new constitution, the president can propose to the Federation Council that Supreme Court judges and certain lower-level judges be dismissed if they are detrimental to the professional ethics of the judiciary in any way.<sup>144</sup> Even before the new constitution, the career development of judges was effectively linked to their compliance with the Kremlin's line in their rulings, according to the NGO *Freedom House*.<sup>145</sup> According to the US Department of State,

<sup>138</sup> US Department of State, Russia 2019 Human Rights Report, p. 16.

<sup>139</sup> Ministry of Foreign Affairs, Country of origin information report for the Russian Federation 2018, p. 34.

<sup>140</sup> Article 120 Russian Constitution. Library of US Congress, *Newly Adopted Constitutional Amendments Change Jurisdiction of Constitutional Court and Procedure for Appointing Judges*, 15 July 2020.

<sup>141</sup> US Department of State, Russia 2019 Human Rights Report, p. 16.

<sup>142</sup> Confidential source, 17 July 2020.

<sup>143</sup> Confidential source, 14 January 2020.

<sup>144</sup> Article 102 Russian constitution; Library of US Congress, *Newly Adopted Constitutional Amendments Change Jurisdiction of Constitutional Court and Procedure for Appointing Judges*, 15 July 2020.

<sup>145</sup> Freedom House, *Freedom in the World 2020, Russia*, point F1.

the close cooperation with the executive and the security services means that there is insufficient independence.<sup>146</sup>

Another common criticism is that judges are usually recruited from the judicial system rather than first gaining independent experience as lawyers. The closed nature of the judiciary created in this way could impede the independence of judges.<sup>147</sup>

#### *Constitutional Court*

Chapter 7 of the amendments to the Constitution adopted in 2020 increases the competence of the Constitutional Court of the Russian Federation but at the same time also increases the powers of the President over the Constitutional Court. The Constitutional Court is the highest judicial body that has the authority to review the constitutionality of legislation and to rule on complaints from citizens when their constitutional rights are violated.<sup>148</sup> Since 2015, Russian law has granted the Constitutional Court the power to declare rulings by international institutions for the protection of human rights – such as the ECtHR – inapplicable if these rulings are inconsistent with provisions in the Russian constitution.<sup>149</sup> New powers of the Constitutional Court include the authority to review the constitutionality of legislative proposals, a task that is performed at the president's request. If the Constitutional Court finds that there is unconstitutionality, the president can return the proposal to the State Duma.<sup>150</sup> Simultaneously with the increase in their authority, the number of judges is being reduced from nineteen to eleven. Constitutional judges can henceforth be dismissed for dishonourable conduct by the Federation Council if the president so wishes, and the chairperson, deputy chairperson and judges of the Constitutional Court are appointed by the president himself.<sup>151</sup>

#### 4.4.1 *European Court of Human Rights (ECtHR)*

If a conviction potentially involves a human rights violation by the government, the procedure to the ECtHR is open. In administrative law, a plaintiff must first start legal proceedings before two Russian courts – the courts of first instance and appeal – before being admitted to the ECtHR. In criminal law, four bodies precede admission to the ECtHR: the courts of first instance, appeal, further appeal and appeal to the Supreme Court.<sup>152</sup>

Although the Russian Constitution specifies in Article 15 (4) that international treaties are an integral part of Russian law, the rulings of international courts<sup>153</sup> do not always need to be observed by the Russian government. As described above, the Constitutional Court already had the authority to declare non-domestic rulings specifically in relation to human rights as unconstitutional and therefore inapplicable. With the constitutional amendment of July 2020, the Russian government no longer needs a ruling from the Constitutional Court to disregard international rulings; the

<sup>146</sup> US Department of State, Russia 2019 Human Rights Report, p. 16; For more detailed information about criticism of the appointment of judges, see International Commission of Jurists, *ICJ Briefing Paper on Certain Amendments to the Constitution of the Russian Federation*, 2020, p. 6

<sup>147</sup> Freedom House, *Freedom in the World 2020, Russia*, point F1; Raam op Rusland, *Ruslands nieuwe constitutionele orde*, 18 June 2020; confidential source, 9 November 2020.

<sup>148</sup> Russian Constitution, Articles 125 (a) and (b).

<sup>149</sup> BBC, *Russia passes law to overrule European human rights court*, 4 December 2015; Country of origin information report for the Russian Federation, December 2018, p. 15.

<sup>150</sup> Russian Constitution, Article 125, § 5, cl. 5.11(b) and (c). Library of US Congress, *Newly Adopted Constitutional Amendments Change Jurisdiction of Constitutional Court and Procedure for Appointing Judges*, 15 July 2020.

<sup>151</sup> Russian Constitution, Articles 102(j) & (z). Library of US Congress, *Newly Adopted Constitutional Amendments Change Jurisdiction of Constitutional Court and Procedure for Appointing Judges*, 15 July 2020.

<sup>152</sup> Confidential source, 18 September 2020.

<sup>153</sup> For example international courts for arbitration, international criminal courts or the European Court of Human Rights.

new constitution declares decisions of international institutions in general<sup>154</sup> to be ineffective in Russia if they in conflict with the Russian constitution. However, this conflict must be established by a court. Both *Amnesty International* and the *Venice Commission*, an advisory body to the Council of Europe, have expressed concern about this.<sup>155</sup> It is still unclear how this legislation will work in practice. While the judicial process to the ECtHR is still open to individual Russian complainants, it is less likely that the Russian legal system will comply with these rulings.<sup>156</sup>

Plaintiffs at the ECtHR may experience obstruction, although it is not clear whether this obstruction is because they have lodged a complaint with the ECtHR or because of their underlying conflict with the government. Obstruction can come from an unknown source in the shape of procedural documents getting lost in the Russian post, but also from the government. In August 2019, police and security forces raided and searched the Moscow and Nazran offices of *Russian Justice Initiative*, an NGO that has won a large number of cases against Russia at the ECtHR. During these raids, the authorities in Moscow failed to produce a search warrant while the authorities in Nazran said the raid was part of an investigation into the alleged foreign funding of unsanctioned protests.<sup>157</sup> Russia has never formally withdrawn from its ECtHR obligations. However, when the ECtHR imposed an interim measure in February 2021 and ordered Russia to immediately release Alexei Navalny, the Russian Ministry of Justice spoke of 'unprecedented, blatant interference' by the ECtHR and did not follow up on the interim measure.<sup>158</sup>

#### 4.5 Legal process

In Russia, the government can take people to court for violations of administrative or criminal law. In case of repeated convictions for certain administrative offences, a suspect can be prosecuted if the same behaviour is repeated. For example, a director of a Russian organisation can be prosecuted and sentenced to a maximum of six years in prison after repeated violations of the administrative prohibition of cooperation with foreign undesirable organisations under criminal law, or a person can be prosecuted for extremist statements under criminal law after repeated administrative convictions (see Paragraph 3 under new anti-extremism legislation). People can also be prosecuted under criminal law for a repeated violation of the anti-demonstration laws.<sup>159</sup> On the one hand, this mechanism precludes excessive punishment, but on the other hand it makes quick and accessible government action possible<sup>160</sup>.

Under administrative law, a person can be sentenced to fines and imprisonment for a maximum of thirty days without the need to prove intent. Criminal law, on the

<sup>154</sup> The July 2020 amendment therefore not only concerns rulings of the European Court but also all the decisions of international institutes. Where the amendment in 2015 only referred to "human rights protections institutions", such as the European Court of Human Rights, the amended constitution refers to "decisions of interstate bodies" that no longer have any direct effect in the Russian legal system. See Council of Europe, *Opinion on the Draft amendments to the Constitution*, opinion no. 981/2020, CDL-AD(2020)009;

<sup>155</sup> Council of Europe, *Opinion on the Draft amendments to the Constitution*, opinion no. 981/2020, CDL-AD(2020)009; Amnesty International, *Europe/Russia: Venice Commission denounces Putin constitutional amendments which avoid execution of ECtHR rulings*, 19 June 2020; ICJ *Briefing Paper on Certain Amendments to the Constitution of the Russian Federation*, March 2020.

<sup>156</sup> Confidential source, 18 September 2020.

<sup>157</sup> HRW, *World Report 2020 – Russia*; Confidential source, 18 September 2020.

<sup>158</sup> Confidential source, 19 February 2021; Deutsche Welle, 'Release' Alexei Navalny, *European Court of Human Rights tells Russia*, 17 February 2021; TASS, *Russia not to release Navalny under ECHR interim measures, says Ministry of Justice*, 16 February 2021;

<sup>159</sup> Confidential source, 18 September 2020; confidential source, 29 September 2020.

<sup>160</sup> Particularly in the fight against extremism, the government has tried to curb excessive prosecution, which NGOs say has been unsuccessful. See also section 3.1. Anti-extremism legislation

other hand, has heavier penalties, and therefore more procedural and substantive guarantees on paper, such as the right to a lawyer or the prerequisite of intent. According to lawyers, the likelihood of acquittal based on procedural aspects is much more likely than on the substance of the case, partly because judges do not have to rule on the content of the case.<sup>161</sup>

#### *Criminal procedure*

According to the law, a suspect may be detained for a maximum of 48 hours. Insofar as there is evidence of or a witness to a crime, this does not require a court order; otherwise an arrest warrant is required. A court order is also required for searches, seizures and detentions. Investigators generally complied with this requirement of prior court approval, but bribery or political pressure sometimes play a role in obtaining court orders. After an arrest, the police normally take the detainee to the nearest police station, where he is informed of his rights. The police must draw up a report stating the reasons for the arrest and both the detainee and the police officer must sign it within three hours after being taken into detention. The police must notify the public prosecutor no later than 12 hours after the arrest and question detainees within 24 hours of the arrest. Prior to questioning, a detainee has the right to speak to a lawyer for two hours and may speak to his family as long as it does not involve a secret detention.<sup>162</sup>

After 48 hours, a judge can order the detainee to be remanded in custody. Otherwise, the suspect is released – where relevant on bail. Within two months of the arrest of a suspect, the police must complete the investigation and turn the case over to a prosecutor for arraignment. If necessary, an investigating authority can extend this period by a maximum of twelve months if approved by a court and the head of the federal investigative body at the Ministry of the Interior, the head of the FSB or the head of the Investigative Committee. According to some lawyers, the two-month period was often extended, especially in politically sensitive cases.<sup>163</sup>

With the exception of the Northern Caucasus, the authorities generally respected legal restrictions on detention. There were some reports of occasional non-compliance with the 48-hour detention regime. The authorities sometimes failed to issue a police report within the required three hours of arrest and suspects were detained beyond the legal deadlines. According to some reports, security forces sometimes held detainees incommunicado<sup>164</sup> before the detention was officially registered, in most cases when there was also ill-treatment in order to obtain confessions under duress before detainees were given access to a lawyer. This was especially the case in the Chechen Republic, where this type of incommunicado detention reportedly lasts for weeks.<sup>165</sup> See also section 4.7.

In the Russian criminal process, the phase of the criminal investigation – that is, the time before the investigating authority hands over the case to the public prosecutor – is the most precarious. At this stage of the process, confidential sources say that the suspect regularly lacks proper legal protection due to the absence of a lawyer, and runs the risk of being tortured into making forced confessions.<sup>166</sup> For more information about the subject of torture, see section 4.8.

<sup>161</sup> Confidential source, 18 September 2020.

<sup>162</sup> US Department of State, Russia 2019 Human Rights Report, p. 12 – 14.

<sup>163</sup> US Department of State, Russia 2019 Human Rights Report, p. 12 – 14.

<sup>164</sup> without access to a lawyer, family members or other contact with the outside world.

<sup>165</sup> US Department of State, Russia 2019 Human Rights Report, p. 12 – 14.

<sup>166</sup> Confidential source, 18 September 2020.

*Access to the case file*

During the criminal investigation phase, the suspect can only defend himself and provide evidence to the contrary to a limited extent. Under Russian criminal procedure, the prosecutor determines during his investigation which information is included in the case file, and he can refuse requests from the lawyer to add documents to the file without stating reasons. The initial charge is sometimes phrased in such vague terms that the suspect scarcely has the opportunity to enter the criminal investigation phase with evidence to the contrary. The lawyer may have access to the file, but then only to the documents that the prosecutor wishes to share with the suspect and his lawyer. As a result, in some cases the lawyer can only react effectively and make specific requests for an investigation after the suspect has been definitively charged.<sup>167</sup> If the subject of the criminal investigation is state security, the lawyer may be refused access to the case file even if the suspect claims that the accusation is unfounded.<sup>168</sup>

*Access to a lawyer*

Article 48 of the Russian Constitution gives every suspect the right of access to a lawyer. The suspect's lawyer may assist his client from the moment the client wishes, so not just from a certain formal stage in the process.<sup>169</sup> However, it regularly happened that lawyers were denied access to their clients and were partially obstructed physically or with detention, particularly in politically sensitive cases<sup>170</sup> (see also section 5.5.7, which deals with the subject of lawyers). Clients were also sometimes not given the freedom to choose their own lawyer but were assigned a lawyer by the government. However, this government-funded legal aid has drawbacks in terms of the quality of legal services, and in some cases the relationship between the lawyer and the investigative authorities lacks sufficient independence.<sup>171</sup>

*Prominent cases*

Theatre director Kirill Serebrennikov was sentenced to a three-year suspended sentence and a fine of 800,000 roubles after two years of house arrest following a protracted case involving alleged fraud with state subsidies<sup>172</sup>. Serebrennikov had become known for creating a cultural sanctuary for liberal intellectuals in the Gogol Theatre. Serebrennikov dismissed the charges as absurd and pleaded not guilty. Six months after his conviction, the theatre terminated his contract.<sup>173</sup>

Alexei Navalny was immediately arrested on his return to Russia in January 2021 for evading the reporting obligation that had been imposed during a previous trial. He said that he was unable to report because he was convalescing in Germany after being poisoned. Despite this, the court sentenced him to three-and-a-half years in prison, minus his pre-trial detention. This was followed by a lawsuit for insulting a

<sup>167</sup> Eurasian Journal of Analytical Chemistry, Grinenko AV, Kondrat IN, Khoryakov SN, Potapov VJ. *Prosecution and Defense in the Russian Criminal Process*. 2018;13(1b), p. 3.

<sup>168</sup> Confidential source, 9 November 2020.

<sup>169</sup> Eurasian Journal of Analytical Chemistry, Grinenko AV, Kondrat IN, Khoryakov SN, Potapov VJ. *Prosecution and Defense in the Russian Criminal Process*. 2018;13(1b), p. 3.

<sup>170</sup> Lawyers for Lawyers, Submission on the List of Issues by the Lawyers for Lawyers Foundation for the Human Rights Committee Consideration of the 8th Periodic Report of the Russian Federation, 28 May 2020; ICJ, *Use of physical force against lawyer must be investigated*, 20 September 2019; ICJ, *Use of physical force and detention of lawyers must be promptly investigated*, ICJ says, 2 June 2020; ICJ, *The ICJ calls for an end to intimidation and prosecution of lawyers*, 24 September 2019.

<sup>171</sup> US Department of State, Russia 2019 Human Rights Report, p. 12 – 14; Confidential source, 9 November 2020.

<sup>172</sup> Equivalent to EUR 9,002, according to xe.com on 15 February 2021.

<sup>173</sup> The Moscow Times, *Serebrennikov Trial: Russia Gives Suspended Sentence to Prominent Director in Fraud Case*, 26 June 2020; DW, *Russian director Kirill Serebrennikov avoids jail after fraud conviction*, 26 June 2020; The Moscow Times, *Director Kirill Serebrennikov Fired From Gogol Center*, 3 February 2021.



war veteran. According to Western and independent Russian media, it was a show trial.<sup>174</sup>

One frequently used ground for persecution is the leaking of secret information or treason. In the past 20 years, 100 people have been convicted in Russia for treason and 278 for leaking state secrets. Particularly since 2014, this ground for prosecution has been used more often. In treason cases, virtually no information is released about the trial and the accused has fewer procedural rights.<sup>175</sup>

According to a confidential source, treason cases are regularly followed by the promotion of the FSB agent involved. Whereas in the past these cases mainly related to information about Ukraine, this source says that the FSB has opted more often in recent years for academic research linked to technical subjects, for example, which is conducted in an international context. The published academic research would be an easy way of gathering evidence.<sup>176</sup> In June 2020, the director of the *Arctic Academy of Sciences*, Valery Mitko, was charged with treason. He was alleged to have shared secret information during working visits to China.<sup>177</sup> Journalist Ivan Safronov was arrested in July 2020 and also charged with treason; see section 7.2.<sup>178</sup>

#### 4.6 Corruption in the legal system

Corruption and bribery are a deep-rooted problem in Russia and they persist despite the countermeasures taken by the government. In the *Transparency International* ranking, Russia rose 9 places in 2020 to 129th place as opposed to 138th place in 2018.<sup>179</sup> In 2018, as a countermeasure against the bribing of civil servants, a register was set up with the names of officials who have been dismissed dishonourably – among other things for corruption. Within one year, 1,243 names had been added to this register. In 2019, the register contained mainly the names of local government representatives, but also those of police officers, soldiers, bailiffs and heads of educational institutions. In addition, the possession of bank accounts abroad or cryptocurrencies is prohibited for Russian officials; this is aimed at preventing corruption and non-transparent payments.<sup>180</sup> At the same time, a bill has been pending since 2019 to allow bribery or corruption in cases of force majeure<sup>181</sup>, and a law has been passed banning the publication of information about the assets of judges, prosecutors, investigators, military personnel and their immediate family members.<sup>182</sup>

According to various sources, corruption of judges occurs, but its extent is difficult to determine.<sup>183</sup> More specifically, a confidential source says that the bribing of judges in administrative cases is probably less common, as defendants prefer to pay their fines rather than excessive bribes. According to this confidential source, bribing

<sup>174</sup> NRC, *Met het showproces tegen Aleksej Navalny treedt president Poetin in de voetsporen van Lenin*, 4 February 2021; NOS, *Russische oppositieleider Navalny veroordeeld tot 3,5 jaar gevangenschap*, 3 February 2021.

<sup>175</sup> Confidential source, 14 August 2020.

<sup>176</sup> Confidential source, 9 November 2020.

<sup>177</sup> Newsletter Team 29, 29 June 2020.

<sup>178</sup> Newsletter Lawyer Collective Team 29 29 July 2020; HRW, *Events of 2019, Russia*. Aljazeera, *Russia charges ex-journalist Ivan Safronov with treason*, 13 July 2020; Euronews, *Ivan Safronov: Dozens arrested in Moscow protest against ex-journalist's treason charges*, 14 July 2020.

<sup>179</sup> Website *Transparency International*, consulted on 4 February 2021.

<sup>180</sup> Website Council of Europe, *Anti-corruption digest Russian Federation*, consulted on 3 February 2021; Coindesk, *Russian Public Officials Banned From Holding Cryptocurrency*, 25 January 2021.

<sup>181</sup> NPR, *Russia Proposes Easing Laws On Corruption, Saying It's Unavoidable Sometimes*, 29 January 2019;

<sup>182</sup> Meduza, *An unbeatable disappearing act*, 23 December 2020;

<sup>183</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 16.

judges is more common in criminal law given the higher penalty; a million roubles<sup>184</sup> would be a common amount for acquittal, but according to this source bribery would more often result in a lower sentence than acquittal.<sup>185</sup> In cases of bribery, according to two confidential sources the judge rarely comes in direct contact with lawyers. Instead, one or more intermediaries from inside and outside the judiciary are involved. However, other confidential sources say that due to the closed nature of the profession and the number of people who are involved in a bribe and who cover up for each other, the scale on which this occurs is unclear.<sup>186</sup>

#### 4.7 Arrests and detention

The Russian detention system has a variety of detention facilities. The federal prison system was responsible for a total of 1,070 detention facilities across Russia as of March 2019: 8 prisons for serious crimes, 705 corrective facilities for less serious crimes with separate sections for recidivist criminals and people convicted for the first time, 123 penal camps for other crimes, 211 pre-trial detention facilities and 23 juvenile detention facilities. In addition, the Ministry of the Interior manages the cells for detainees at 3,412 police stations across Russia.<sup>187</sup> Furthermore, the closed psychiatric clinics in Russia fall under the Ministry of Health. Eight clinics have high-security wards for detainees under a hospital order.<sup>188</sup>

According to NGOs, arrests were made arbitrarily during demonstrations on a large scale and with the use of force. In Ulan-Ude, an election protest organiser suffered concussion and a fractured spine during his arrest, but was subsequently charged by police for using pepper spray on officers. According to the arrestee, the police had actually used the pepper spray against him.<sup>189</sup> During the arrests of protesters across Russia in the wake of Alexei Navalny's arrest and sentencing, detainees were assaulted with truncheon and tasers. Others reported ill-treatment during interrogations – for example, they were forced to give the authorities access to their mobile phones. Due to a shortage of cells in police stations, arrested protesters were held in unheated police vehicles for several hours in January and February 2021. In the overcrowded cells at police stations, there were no mattresses and poor sanitary facilities. Access to a lawyer was denied in many cases.<sup>190</sup> For information about arrests during demonstrations, see also section 7.3, which deals with freedom of expression.

Living conditions in prisons and detention centres vary considerably from region to region and by type of detention facility. Detainees in prisons faced ill-treatment and humiliation by guards (see section 4.8) and fellow inmates, food shortages, inadequate sanitation, lack of medical staff and, as a result, poor medical care in the event of serious health problems. They also face overcrowded cells, especially in detention facilities for suspects who were remanded in custody.<sup>191</sup> Forced psychiatric treatment as punishment was common during the reporting period and the medical

<sup>184</sup> Equivalent to EUR 11,124, according to xe.com on 7 February 2021.

<sup>185</sup> Confidential source, 18 September 2020.

<sup>186</sup> Confidential source, 18 September 2020; confidential source, 9 November 2020.

<sup>187</sup> Citizens' Watch and Human Rights Monitoring Institute, *An overview of torture prevention systems in Russia, Lithuania, Sweden and Norway*, 2019, p. 10.

<sup>188</sup> Confidential source, 29 September 2020.

<sup>189</sup> HRW, World Report 2020: Russia;

<sup>190</sup> CNN, *Kremlin meets Russian protesters with fiercest crackdown in years*, 1 February 2021; NRC, *Russische arrestanten met velen opeengepakt in smerige ruimtes*, 5 February 2021; OVD Info, *Alla Frolova on the actions of law enforcement agencies during the 23rd January protests and violations committed in police stations*, 25 January 2021.

<sup>191</sup> The New York Times, *What Awaits Navalny in Russia's Brutal Penal Colony System*, 5 February 2021; Country of origin information report for the Russian Federation 2018.

staff in prison hospitals do not always provide independent medical advice due to their close ties with prison guards.<sup>192</sup>

According to NGOs, the measures taken in 2020 against the Covid-19 virus outbreak had far-reaching consequences for people in detention facilities, especially when on remand. They said that family visits were refused and their right to use a telephone was denied. It is precisely during this period that the risk of abuse in order to force confessions is greatest, and this risk was increased by the inability to communicate with the outside world. In addition, the government did not take concrete measures to protect detainees against the coronavirus.<sup>193</sup>

According to a confidential source, thousands of people in Chechnya are said to be illegally detained in informal prisons, including LGBTI people, drug addicts and women who have violated Chechen cultural dress codes. The same source says that people are released in exchange for payment by the family.<sup>194</sup> People whose behaviour is generally deemed to be undesirable by the authorities are often forced to record a video message apologising for their behaviour, sometimes under physical coercion.<sup>195</sup> In September 2019, public outrage followed a published video in which a 19-year-old Chechen blogger admitted on camera, while being sexually humiliated, that he had collaborated with an online channel that was critical of the government.<sup>196</sup>

#### *Investigation requests through Interpol*

Russia can issue international arrest warrants (*red notices*) through Interpol and does so regularly. In early 2021, 7,547 of a total of approx 62,000 investigation requests were publicly accessible via Interpol; of these, a total of 3,067 had been submitted by Russia.<sup>197</sup> It is reported that Russia is using this mechanism to track down political opponents and members of religious minorities and put them on trial on their return. The scale on which this is actually taking place cannot be determined within the research frameworks of this country of origin information report. The following indications do exist, however.

Alexander Cooley, a researcher at Columbia University, testified to the Organisation for Security and Cooperation in Europe (OSCE) that Russia regularly abuses Interpol's tracking mechanism in order to secure the extradition of people who risk violation of their rights on their return. In a report issued in April 2017, the Council of Europe refers to a concrete case from 2015 in which a political refugee from Chechnya was arrested in the United Kingdom on the basis of a *red notice*.<sup>198</sup> Despite recent improvements, a report by the European Parliament states that Interpol's red notice system is not watertight in relation to misuse of the system for political purposes.<sup>199</sup> The NGO *Forum 18* reported on red notices in 2018 and 2020 in relation to three Russian supporters of Said Nursi who were living abroad and were suspected of extremism. According to *Forum 18*, this runs counter to the

<sup>192</sup> RFERL, 'Black Hole': Prosecutors Probing Allegations Of Punitive Psychiatric Treatment In Siberian Prison, 25 August 2019.

<sup>193</sup> HRW, *Russia's Pretrial Prisons Vulnerable as COVID19 Spreads*, 24 March 2020; RFERL, 'Black Hole': Prosecutors Probing Allegations Of Punitive Psychiatric Treatment In Siberian Prison, 25 August 2019.

<sup>194</sup> Confidential source, 15 October 2020.

<sup>195</sup> Caucasian Knot, *In Chechnya, practice of public apologies affects teenagers*, 29 July 2019;

<sup>196</sup> Caucasian Knot, *Chechen residents condemn humiliation of opposition Telegram channel moderator*, 8 September 2020; Novaya Gazeta, *Russia shocked by torture video*, 15 September 2020.

<sup>197</sup> See the Interpol website (**Error! Hyperlink reference not valid.**), consulted on 7 February 2021.

<sup>198</sup> RFERL, *Council Of Europe Says Russia, Iran Abusing Interpol For Political Purposes*, 26 April 2017; Alex Cooley, *Written Testimony before the Commission on Security and Cooperation in Europe "Tools of Transnational Repression"*, 12 September 2019; Parliamentary Assemblée Council of Europe, *Abusive use of the Interpol system: the need for more stringent legal safeguards*, Doc. 14277, 29 March 2017, p. 12.

<sup>199</sup> Directorate General for External Policies of the Union, *Misuse of Interpol's Red Notices and impact on human rights - recent developments*, PE 603.472, January 2019

freedom of religion. Two of these men had only come together to study their faith on the basis of the writings of Said Nursi, according to the NGO.<sup>200</sup>

#### 4.8 **Ill-treatment and torture**

The Russian constitution prohibits torture.<sup>201</sup> Although torture can be considered an aggravating circumstance when handing down sentences<sup>202</sup>, the Russian Criminal Code does not make torture punishable as a separate offence. If charges are brought, the alleged perpetrator is often charged with abuse of power<sup>203</sup> and possibly with the aggravating circumstance of torture.<sup>204</sup>

The widespread nature of the problem cannot be reliably confirmed given the lack of official statistics on the number of charges specific to torture, related criminal cases or convictions, but there are several studies and statistics that provide an indication. The US Department of State says that assault by prison staff is systematic.<sup>205</sup> HRW and Amnesty International say that torture and other ill-treatment are widespread, especially in custody. Amnesty International quotes a Russian NGO, *Nuzhna Pomosch*, which examined statistics from the Investigative Committee about complaints in detention centres from 2015 to 2018. According to these statistics, between 1,590 and 1,881 charges of 'abuse of power' – that is, both with and without the aggravating circumstance of torture – were registered annually by prisons, of which only 1.7-3.2% were investigated.<sup>206</sup> In July 2019, federal Ombudsman Tatyana Moskalkova reported that complaints about abuse by officials had doubled compared to the previous year.<sup>207</sup> The independent research centre *Levada* said ten percent of the Russian population has been mistreated by Russian authorities.<sup>208</sup> Attorney General Yuriy Chayka said he had received reports of ill-treatment in detention facilities in half of all the regions in 2019.<sup>209</sup>

According to HRW, the risk of torture or ill-treatment is greatest during pre-trial detention.<sup>210</sup> A confidential source says that the risk of torture varies according to the facility and the type of detention. During custody, there is reportedly a risk of torture as investigators attempt to extract confessions. On the other hand, there was reportedly a risk of assault by prison staff after a conviction, in part to enforce payment of bribes in exchange for better living conditions.<sup>211</sup> Abuse during interrogations by the FSB almost always went unpunished in Russia. The first time an FSB agent was convicted of torturing a suspect was in September 2019.<sup>212</sup>

For perpetrators of torture and other ill-treatment in detention centres – after the detainee's conviction, therefore – there was almost complete impunity, according to Amnesty International.<sup>213</sup> In a high-security penal camp in Angarsk, Irkutsk, guards brutally suppressed a mass protest by inmates against their treatment in April 2020.

<sup>200</sup> Forum 18, *Russia has deceived Interpol*, 10 July 2020.

<sup>201</sup> Article 21 of the constitution, [www.constitution.ru/en](http://www.constitution.ru/en), consulted on 28 September 2020.

<sup>202</sup> Article 117, paragraph 2, point d) of the Russian Criminal Code.

<sup>203</sup> Article 286 of the Russian Criminal Code.

<sup>204</sup> Citizens' Watch and Human Rights Monitoring Institute, *An overview of torture prevention systems in Russia, Lithuania, Sweden and Norway*, 2019, p. 8.

<sup>205</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 10;

<sup>206</sup> Amnesty International, *Human Rights in East Europe and Central Asia 2019*.

<sup>207</sup> The Moscow Times, *Russias Torture Complaints Doubled Since 2018 Rights Official Says*, 10 July 2019.

<sup>208</sup> The Moscow Times, *1 in 10 Russians Have Been Tortured by Authorities – Poll*, 26 June 2019.

<sup>209</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 10;

<sup>210</sup> HRW, *World Report 2020: Russia*.

<sup>211</sup> Confidential source, 29 September 2020.

<sup>212</sup> HRW, *World Report 2020: Russia*; The Moscow Times, *Russia Jails First FSB Officer on Torture Charges, Experts Say*, 16 September 2019; Confidential source, 22 October 2020.

<sup>213</sup> Amnesty International, *Human Rights in East Europe and Central Asia 2019*.

According to the detainees, they face daily abuse and humiliation by the guards, and even enforced disappearances. NGOs, lawyers, human rights defenders and the *Public Oversight Committee* (see below) pushed for an investigation, the results of which are not yet known.<sup>214</sup> Also in Yaroslavl, where there was a widespread public outcry after video evidence of prisoner abuse by guards was made public in 2018, abuse in prisons was found to be a persistent problem. While eleven guards of the prison in question were sentenced in part to detention for torturing detainees<sup>215</sup>, the NGO *Public Verdict* released another video showing continued abuse in the same prison in Yaroslavl and again reported systematic abuse in another prison in the same region in December 2019.<sup>216</sup>

For more information about arrests and detention of LGBTI people in Chechnya, see section 5.6.11.

#### *Public Oversight Committees*

In order to monitor detention conditions in general, including torture, Russia set up a system of local *Public Oversight Committees* (POC) in 2008. The POCs consist of volunteers and have the legal duty to publicly monitor detention conditions, write reports and recommendations on that basis and support the cooperation between NGOs on the one hand and detention facilities and government organisations on the other hand. POCs have the right to visit detention facilities, respond to complaints from detainees with recommendations, and communicate about their work in the media and in state institutions.<sup>217</sup> Since February 2020, the POCs also have the right to visit psychiatric detention centres.<sup>218</sup>

The criticism by NGOs of the work of POCs mainly focuses on the loosely formulated supervisory mandate of the POCs, which leaves room for different detention facilities to provide access in different degrees. Besides the fact that POCs do not have access to all detention facilities and closed (social) institutions, also inside the accessible facilities the locations to be visited are limited to cells, isolation cells, outdoor areas, library and canteens. Separate permission is required from the detention facility to visit certain locations inside the building.<sup>219</sup> In addition, according to NGOs the procedure for appointing members of a local POC is not transparent and no knowledge-based or training requirements are defined for candidates. Members are not paid for their work, and a POC is not a legal entity and therefore cannot receive funding, although individual members can be funded by NGOs in St. Petersburg, for example.<sup>220</sup> Powers such as requesting CCTV footage cannot be enforced, and interviews between POC members and detainees can be interrupted by the detention facility if they believe that the conversation is no longer about the detention conditions.<sup>221</sup>

<sup>214</sup> France 24, *Rape, humilitaion, torture: Prison riot exposes shocking abuse in Russia's jails*, 23 April 2020 (**Error! Hyperlink reference not valid.**); EU-Russia Civil Society Forum, *The Riot in Angarsk Penal Colony: Call to Conduct Public Investigation and Answer the Questions*, 23 April 2020.

<sup>215</sup> HRW, *Eleven Former Russian Prison Guards Convicted Of Inmate Torture In High-Profile Case*, 19 November 2020; two of them were acquitted. Meduza, *Yaroslavl court reduces sentence for former prison official convicted in torture case*, 2 December 2020.

<sup>216</sup> Freedom House, *Russia 2019*, para. F3.

<sup>217</sup> Articles 6 and 15 Federal Law No. 76.

<sup>218</sup> According to a confidential source, it took the Ministry of Health until early 2020 to create a visitor protocol for the POCs. In practice, access to those facilities was banned until August 2020 due to the corona pandemic. Confidential source, 29 September 2020.

<sup>219</sup> Citizens' Watch and Human Rights Monitoring Institute, *An overview of torture prevention systems in Russia, Lithuania, Sweden and Norway*, 2019, p. 10.

<sup>220</sup> Citizens' Watch and Human Rights Monitoring Institute, *An overview of torture prevention systems in Russia, Lithuania, Sweden and Norway*, 2019, p. 10.

<sup>221</sup> Citizens' Watch and Human Rights Monitoring Institute, *An overview of torture prevention systems in Russia, Lithuania, Sweden and Norway*, 2019, p. 10.

#### 4.9 **Disappearances and abductions**

Estimates of the numbers of forcibly disappeared persons vary widely. The *UN Working Group on Enforced or Involuntary Disappearances* stated reported an increase in missing persons from 849 to 867 between 23 May 2019 and 15 May 2020.<sup>222</sup> However, according to a confidential source the actual figures are probably many times higher. Disappearances also seemed to be common in the Northern Caucasus during this reporting period, especially in relation to LGBTI minorities and people suspected of terrorism.<sup>223</sup> See section 5.6.11.

#### 4.10 **Extrajudicial executions and killings**

Extrajudicial killings and murders do occur in Russia. According to one confidential source, dozens of people disappear across Russia every year because they are killed while resisting arrest. According to the source, this especially occurs during arrests linked to suspicions of terrorism or extremism. Killing detainees is reportedly preferable to wounding them, as there is then no need for a criminal investigation into the suspicions. In this way, the police could then easily classify the suspect as a terrorist in the statistics.<sup>224</sup>

Reports of extrajudicial killings mainly come from Chechnya. In July 2019 and March 2021, the independent newspaper *Novaya Gazeta* and the NGOs *Memorial* and *Committee Against Torture* published articles about the extrajudicial execution of 27 Chechen residents of Grozny at a police station in January 2017. According to the newspaper, the victims were part of a group of more than one hundred Chechen detainees who were illegally detained, assaulted, tortured, starved, and killed by shooting or strangulation. According to HRW, no effective investigation has been conducted into the allegations. The Chechen authorities denied the alleged events in March 2021.<sup>225</sup> Several hours after the newspaper report was published in March 2021, an unknown person sprayed a chemical substance at the newspaper's offices.<sup>226</sup>

In the past three years, at least ten LGBTI people are reported to have been killed by torture in Chechen prisons. For more information, see also section 5.6.11.

For more information about the attack on Alexei Navalny, see section 5.5.5.

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<sup>222</sup> UN Working Group on Enforced or Involuntary Disappearances, Rapport A/HRC/45/13. This working group has been trying to pay a working visit to Russia since 2006; the last request dates from 23 January 2019.

<sup>223</sup> RFERL, *Relatives fear missing Chechen man has joined thousands of 'disappeared'*, 25 October 2019; US Department of State, *Russia 2019 Human Rights Report*, p. 6.

<sup>224</sup> Confidential source, 22 October 2020.

<sup>225</sup> HRW World Report 2020: Russia; The Moscow Times, *Ex-Chechen Policeman Testifies to 'Worst Crime of Post-War Chechnya' – Novaya Gazeta*, 15 March 2021; Meduza, *Behind Chechnya's executions*, 16 March 2021; Meduza, *Chechen Official rejects 'Novaya Gazeta' report on 2017 executions*, 17 March 2021.

<sup>226</sup> The Moscow Times, *Russian Investigative Paper Novaya Gazeta Says Targeted in 'Chemical Attack'*, 16 March 2021; Reuters, *Russian newspaper seeks investigation into 'attack' with chemical substance*, 16 March 2021.

## 5 Position of specific groups

### 5.1 Ethnic groups

The Russian population is made up of 180 different ethnic minorities, 160 of which are small groups of the indigenous population. In Russia, according to the last census in 2010<sup>227</sup> the vast majority of the population was Russian (80.9%), followed by Tatars (3.7%), Ukrainians (1.7%), Chuvashen (1.05%), Chechens (1.04%), and Armenians (0.8%). Migrants mostly come from the former Soviet states, speak Russian and migrate for economic reasons. They often belong to non-Slavic ethnic minorities.<sup>228</sup>

In the reporting period, ethnic minorities that visibly differ from the Slavic ethnicity continued to be discriminated against in society, particularly in the areas of housing and employment.<sup>229</sup> Xenophobia among the population mainly targeted Central Asian minorities, people from the Northern Caucasus and Roma. According to independent research institute *Levada*, 44% of respondents said they would deny entry to Russia for Roma, as opposed to 28% for African immigrants, 26% for people from Central Asian and Chechens and 22% for Chinese. These survey results show a slight reduction in xenophobia in relation to these groups, except the Roma; negative attitudes towards them have remained at roughly the same level since 2018.<sup>230</sup>

According to HRW, the police continued to racially profile people of non-Slavic appearance, leading to arbitrary detention and extortion.<sup>231</sup> A confidential source qualifies this by saying that the government does not explicitly discriminate on the basis of ethnicity but prosecutes ethnic minorities more often on the basis of their religion or political opinion – such as Crimean Tatars who speak out against the annexation of Crimea or have joined *Hizb ut-Tahrir* (see section 5.2.2).<sup>232</sup> For example, the NGO *Bashqor*, which aimed to protect the Bashkir language and culture in Bashkortostan<sup>233</sup>, was labelled an extremist organisation in May 2020. A prominent political activist who spoke out for greater independence for Bashkortostan was sentenced to nine years in prison for extremism in August 2020.<sup>234</sup> During the reporting period, another ethnic minority, the Circassians, faced repression more often in the shape of fabricated drug-trafficking charges, possibly in response to their ethnic activism.<sup>235</sup> While there are programmes to protect culture

<sup>227</sup> The next census is scheduled for April 2021 and in the most remote areas in the period from October 2020 to June 2021. See TASS, *Russia to hold nationwide census in April 2021*, 30 June 2020.

<sup>228</sup> Drobizheva L.M., Konstantinovskiy D.L., Mukharyamova L.M., Mukharyamov N.M. (2019) *Russia: Ethnic Differentiation in Education in a Context of Debates on Cultural Diversity, Autonomy, Cultural Homogeneity and Centralization*. In: Stevens P., Dworkin A. (eds) *The Palgrave Handbook of Race and Ethnic Inequalities in Education*, Palgrave Macmillan, Cham (**Error! Hyperlink reference not valid.**)

<sup>229</sup> European Sociological Review, 2020, *Ethnic Discrimination in Multi-ethnic Societies: Evidence from Russia*, 8 October 2019, Vol. 36, No. 1, p. 104–120; Confidential source, 23 November 2020.

<sup>230</sup> Levada Center, *Xenophobia*, 30 September 2020; US Department of State, *Russia 2019 Human Rights Report*, p. 61.

<sup>231</sup> HRW World report 2020, Russia.

<sup>232</sup> Confidential source, 23 November 2020.

<sup>233</sup> Bashkirs are a Turkish-speaking population group based in the South of Russia.

<sup>234</sup> RFERL, *Russian Court Bans Prominent Group Promoting Ethnic Bashkir Rights*, 22 May 2020; RFERL, *Prominent Bashkir Activist Sentenced To Nine Years In Russian Prison*, 24 August 2020. Memorial, *Bashkir writer and journalist Airat Dilmukhametov is a political prisoner*, 22 April 2019.

<sup>235</sup> Jamestown Foundation, *Moscow Attacks Highlight Growing Strength of Circassian National Movement*, 11 August 2020;

and language, according to a confidential source there are no official programmes to combat discrimination.<sup>236</sup>

There are no official statistics of hate crimes committed in Russia. When assault is reported, it is assumed to be a general violent crime, but a racist motive can be taken into account as an aggravating circumstance, depending on the willingness of the police to include this in the report, which is not always the case. The official figures therefore do not provide a representative image of the total numbers but may give an impression of the developing trend.

SOVA Center's records of incidents in 12 regions in 2018 and 18 regions in 2019 indicate that ethnic groups are the most vulnerable to violent attacks. SOVA Center reported that at least 45 people were victims of racially or other ideologically motivated violence in 2019, with five fatalities, and 55 people were victims in 2018, 4 of whom died. Of these total numbers of victims, 21 belonged to ethnic minorities in 2019 and 20 in 2018. In 2019, the number of fatalities belonging to ethnic minorities was 3, and in 2018 it was 2. According to SOVA Center, in 2019 Russian judges assumed in at least four judgements that there was an ideological motive and therefore aggravating circumstances.<sup>237</sup>

In general terms, nationalism and right-winged extremism in Russia are on the rise and organised groups are also active in this area. Although the attitude of police officers towards ethnic minorities – not unlike the attitude of society – is not predominantly positive, the police do try to counteract organised right-winged extreme violence. The founder of the extreme-right group *Restrukt* was arrested in late 2020; he was found dead in his prison cell on 16 December 2020 under as yet unexplained circumstances.<sup>238</sup>

#### *Indigenous population*

In Russia, there are 160 different indigenous groups with a total of 250,000 members. Forty of these groups are officially recognised as indigenous and have been granted privileges and rights as a result. For example, they receive financial support from the government and they have the right to hunt. One frequent problem is the industrial exploitation of their native lands without prior consultation. In 2015, a legal obligation to consult with the indigenous population prior to industrial exploitation of their native soil was abolished.<sup>239</sup> According to the international NGO *International Work Group for Indigenous Affairs* (IWGIA, placed on the list of undesirable organisations in November 2019), these groups have been increasingly marginalised for many years. In May 2020, a law came into effect that defines new conditions for the official recognition of persons belonging to an indigenous population group. For example, these people must provide proof of certain documents, must continue to live in their native land and must not have any income from work other than hunting or selling handicrafts. Officially, there are therefore fewer and fewer members of the indigenous population groups. In November 2019, the authorities ordered the closure of the *Centre for Help to the Indigenous People of the North* for administrative reasons. Minority languages are gradually being driven out by Russian.<sup>240</sup>

<sup>236</sup> Confidential source, 23 November 2020.

<sup>237</sup> SOVA Center, *Criminal Activity of the Ultra-Right. Hate Crimes and Counteraction to Them in Russia in 2019*, 5 February 2020.

<sup>238</sup> SOVA Center, *Maxim "Tesak" Martsinkevich in Brief*, 1 October 2020.

<sup>239</sup> Website International Work Group for Indigenous Affairs (**Error! Hyperlink reference not valid.**), consulted on 19 November 2020; Open Democracy, *In Russia, calling yourself Circassian is always political*, 18 April 2019.

<sup>240</sup> The Independent Barents Observer, *They are no longer counted as indigenous people*, 7 October 2020; DW, *Russian indigenous rights group speaks out against ban*, 8 November 2019; The International Work Group for Indigenous Affairs (IWGIA), *The Indigenous World 2020*, April 2020, p. 557 ff., HRW World report 2020, Russia.



Large groups of foreign migrant workers had to return home during the reporting period due to job losses resulting from the Covid-19 pandemic, but this was not always possible due to closed borders. For more information about the conditions in the reception locations for these migrant workers, see section 10.

## 5.2 Religious groups

In Russia, the Russian Orthodox Church is the largest religious community. In early 2020, according to a Levada survey, 68% of those polled associated themselves with the Russian Orthodox Church, followed by 16% non-believers and 7% Muslims.<sup>241</sup> Within the Russian Orthodox Church, there is a fundamentalist movement that is gaining increasing influence. For example, Konstantin Malofeyev, a businessman and fundamentalist in the Russian Orthodox Church, met with Deputy Prime Minister Andrey Belousov in July 2020 and presented a comprehensive political strategy to the Kremlin on his own initiative.<sup>242</sup>

For some religious minorities, the space to practice their religion in freedom has diminished. According to the NGO *Memorial*, on 20 November 2020 at least 262 people were in prison in Russia due to their faith.<sup>243</sup> Several peaceful religious minorities were also labelled by the authorities as banned extremist organisations<sup>244</sup> during this reporting period and their members were fined and detained under the broadly formulated anti-extremist regulations. For example, they were accused of continuing the activities of banned extremist organisations (Article 282.2 of the Criminal Code, see anti-extremism legislation). See also section 3.1., which deals with anti-extremism regulations.<sup>245</sup> In addition, their Russian citizenship was partly revoked; see section 2.3.4. This included members of Said Nursi and Tabligi Jamaat as well as Ferzrahmanists, for example. Jehovah's Witnesses were increasingly prosecuted during the reporting period since the federal ban on their organisation in 2017.<sup>246</sup>

### 5.2.1 Jehovah's Witnesses

During the reporting period, the Russian authorities continued to arrest, prosecute and convict Jehovah's Witnesses for participating in and organising an extremist organisation.<sup>247</sup>

In July 2017, following an initial local ban, the Supreme Court designated the Jehovah's Witnesses as an extremist organisation in the whole Russian Federation. This meant a ban on any religious acts and the closure of all religious gathering locations<sup>248</sup>. The decision involved a national religious organisation for the first time and affected more than 175,000 Jehovah's Witnesses across Russia in terms of their freedom of association and belief. Participation in congregational prayer is

<sup>241</sup> Levada, Attitudes to Religion, 19 March 2020.

<sup>242</sup> Jamestown Foundation, *Orthodox Fundamentalism Threatens Russian Patriarchate and Kremlin*, 14 July 2020.

<sup>243</sup> See <https://memohrc.org/ru/aktualnyy-spisok-presleduemyh-v-svyazi-s-realizaciy-prava-na-svobodu-veroispovedaniya>. The actual number of prisoners is higher, as *Memorial* does not have information about all inmates and does not include in this list people who incite violence or who have committed violence themselves.

<sup>244</sup> For an up-to-date, Russian-language version of the list of foreign organisations designated as terrorist, go to **Error! Hyperlink reference not valid.** and the list of foreign and domestic organisations and persons designated as terrorist or extremist, go to <http://fedsfm.ru/documents/terrorists-catalog-portal-act>;

<sup>245</sup> US Commission on International Religious Freedom in 2019 – Russia.

<sup>246</sup> Coalition of Russian ngo's, *Russia's Compliance with the International Covenant on Civil and Political Rights Suggested List of Issues Submitted for the consideration of the 8th periodic report by the Russian Federation for the 129th Session of the Human Rights Committee*, June, 2020, punt 80.

<sup>247</sup> See Freedom House, *Freedom in the World 2020*, section D2; HRW, *World Report 2020, Russia*; HRW: Russia – Escalating Persecution of Jehovah's Witnesses, 9 January 2020.

<sup>248</sup> Jehovah's Witnesses call their religious buildings kingdom halls.

interpreted as continuation of an extremist organisation.<sup>249</sup> The 2017 ban was followed by a series of arrests and seizures by the authorities. As of November 2020, the number of Jehovah's Witnesses arrested up to that point was approximately four hundred. Arrests and convictions continued to take place across Russia, with numbers increasing sharply in 2019 and 2020. In February 2019, the first person arrested after the ban, the Dane Dennis Christensen, was sentenced to six years in prison for organising activities for an extremist organisation. His appeal was dismissed in May 2019.<sup>250</sup>

373 Jehovah's Witnesses were still awaiting sentencing in November 2020, while around 40 were on remand and 30 under house arrest. The people that had already been convicted were mainly given suspended sentences, such as community service and fines of up to 700,000<sup>251</sup> roubles, or suspended prison sentences of several years in roughly half of the cases. However, ten people were sentenced to unconditional detention of up to six years in a penal colony. In addition, dozens of people were handed down regional or contact bans, and travel restrictions were imposed on around two hundred people. Up to October 2020, eleven hundred families had been subjected to house searches. In addition to criminal proceedings, members of the faith community faced surveillance, seizures, searches, house arrest, threats and, in some cases, torture during interrogations. People were also placed on the list of extremists by *Rosfinmonitoring*<sup>252</sup>, with the result that they lost their jobs, their bank accounts, their right to a pension and the possibility of a new SIM card or insurance.<sup>253</sup> According to the NGO Freedom House, thousands of Jehovah's Witnesses fled abroad.<sup>254</sup>

### 5.2.2

#### *Muslims*

Islam is the second-largest religion in Russia after Orthodox Christianity; the Muslim population is estimated at fifteen million people.<sup>255</sup> Moderate Islam is accepted by the authorities and regulated according to the general rules for all faith communities through mandatory registration, amongst other things.<sup>256</sup> Imams can be denied the authority to preach and a number of Islamic publications have been placed on the list of banned publications. Certain non-traditional and less moderate religious communities within Islam have been banned as extremist or terrorist organisations, some of which are explained below. An up-to-date overview of organisations and individuals inside and outside Russia that have been designated as extremist (including terrorist) can be found on the *Rosfinmonitoring* website.<sup>257</sup> Dissemination of the ideas of those movements is fined, continuation of activities – including studying religious texts or praying – is punished under criminal law as participation in a prohibited extremist or terrorist organisation.<sup>258</sup> See section 3.1, which deals with anti-extremism legislation.

<sup>249</sup> Confidential source, 23 November 2020.

<sup>250</sup> Amnesty International, *Human Rights in Eastern Europe and Central Asia 2019*, p. 27; US Department of State, *Russia 2019 Human Rights Report*, p. 7; SOVA Center, *Misuse of Anti-Extremism in November 2020*, 15 December 2020;

<sup>251</sup> Equivalent to EUR 7,752, according to [www.xe.com](http://www.xe.com); consulted on 20 November 2020.

<sup>252</sup> *Rosfinmoinitoring of Federal'naya sluzhba po finansovomu monitoringu* is an authority that has been supervising financial transactions since 2001.

<sup>253</sup> For an up-to-date time line of arrests according to information from Jehovah's Witnesses, see **Error! Hyperlink reference not valid.** Jehovah's Witnesses in Russia, *400 victims of a legal collusion: the number of Jehovah's Witnesses accused of extremism is growing*, 3 November 2020; Confidential source, 23 November 2020.

<sup>254</sup> Amnesty International, *Human Rights in Eastern Europe and Central Asia, Review of 2019*, p. 24. Freedom House, *Freedom in the World 2020*, para. D2. HRW, *World Report 2020, Russia*; US Commission on International Religious Freedom (USCIRF), *Annual Report 2019*, p. 34.

<sup>255</sup> The Moscow Times,

<sup>256</sup> For more information about the registration rules for religious organisations, see the Country of origin information report for the Russian Federation 2018.

<sup>257</sup> See **Error! Hyperlink reference not valid.** (in Russian).

<sup>258</sup> **Error! Hyperlink reference not valid.**

Everybody who is part of a group or movement of Islam that has been classified as extremist or terrorist runs the risk of criminal prosecution under Article 282.2 part 1 or 2 of the Criminal Code (organising activities of a prohibited organisation or participating in those activities).

#### *Hizb ut-Tahrir*

In the fight against terrorism, the authorities focus mainly on Muslims, and particularly on *Hizb ut-Tahrir*<sup>259</sup>. *Hizb ut-Tahrir* has been designated a banned terrorist organisation since 2003. According to NGO *Memorial*, amongst others, this movement of Islam has wrongly been classified as terrorist, given that it propagates fundamentalist ideas and is prohibited in other countries but operates non-violently.<sup>260</sup> People are prosecuted for being members of this organisation without having ever planned or committed terrorist acts. According to an overview on the *Memorial* website, at least 315 members of *Hizb ut-Tahrir* had been detained for their beliefs as of 10 February 2021. Of these, 208 were sentenced to ten to fifteen years' imprisonment, and in the majority of cases fifteen to twenty-four years.<sup>261</sup> As of 1 October 2019, 155 members of *Hiz ut-Tahrir* had been detained for their beliefs, according to *Memorial*.<sup>262</sup> In the occupied territories of Crimea, *Hizb ut-Tahrir* is not a banned organisation, but dozens of men were arrested and detained in Russia during the reporting period on suspicion of being members of *Hizb ut-Tahrir*.<sup>263</sup>

#### *Tablighi Jamaat*

Members of *Tablighi Jamaat*<sup>264</sup>, a missionary movement of Sunni Islam that has been classified as an extremist organisation since 2009 and has therefore been banned, have also been prosecuted under Russian anti-extremism legislation. *Tablighi Jamaat* supporters are generally not convicted for violent activities or statements; support for this movement – without committing any acts – is sufficient for a conviction. *Memorial* counted nine people in detention for this reason at the end of 2019.<sup>265</sup>

#### *Followers of Said Nursi*

In 2008 the Russian Supreme Court designated international association *Nurdzjular*<sup>266</sup> as extremist. This means that the study of texts written by the theologian and founder Said Nursi is prohibited. Since then, a number of Muslims have been persecuted every year for studying Said Nursi's texts. For example, Article 282.2 of the Criminal Code (organising or participating in the activities of a banned organisation) is invoked against them. On 1 October 2019, *Memorial* counted at least five followers of Said Nursi in the group of political prisoners detained for their beliefs. In January 2019, the Russian citizenship of a detainee who had been convicted under extremism legislation for studying the texts was revoked. As of November 2020, as far as is known only one follower of Said Nursi had been

<sup>259</sup> English: Liberation Party. *Hizb ut-Tahrir* is a Sunni Islamic political organisation that has the goal of unifying all Muslim countries in one caliphate.

<sup>260</sup> *Memorial, Political Repression and Political Prisoners in Russia 2018-2019*, p. 36.

<sup>261</sup> <https://memohrc.org/ru/specials/spisok-presleduemyh-v-svyazi-s-prichastnostyu-k-hizb-ut-tahrir-obnovlyaetsya>, consulted on 16 February 2021.

<sup>262</sup> *Memorial, Political Repression and Political Prisoners in Russia 2018-2019*, p. 17.

<sup>263</sup> USCIRF, Annual report 2020, p. 34; HRW, *Russian Repression a Persistent Reality in Crimea*, 22 September 2020; HRW, *Crimean Tatars Face Unfounded Terrorism Charges*, 12 July 2020; Forum 18, *Residents "don't believe" FSB allegations against imam*, 24 April 2019.

<sup>264</sup> English (literally): movement of the message.

<sup>265</sup> Joint Submission of Russian ngo's, *Submitted for the consideration of the 8th periodic report by the Russian Federation for the 129th Session of the Human Rights Committee*, June 2020; *Memorial, Political Repression and Political Prisoners in Russia 2018-2019*, p. 36.

<sup>266</sup> Also spelled Nursular or Nurcular.

detained and there were no recent convictions, but there were four criminal investigations ongoing in Tatarstan and Dagestan.<sup>267</sup>

The attitude of Russian society towards Muslims varies from region to region. According to one confidential source, the general attitude of the Russian population towards Islam as a religion is negative, but Muslims are not necessarily discriminated against on the basis of their beliefs. They are more likely to be discriminated against for their ethnicity.<sup>268</sup>

### 5.2.3 *Scientology*

Scientology is not classified as an extremist organisation in Russia and is therefore not banned, but it is regarded as a sect and not as a religious organisation. A number of Scientology publications have been identified as extremist and are therefore banned. This religious community is therefore under pressure. In 2019, the authorities in Moscow and Saint Petersburg conducted searches on suspicion of large-scale fraud. The authorities said that the Church had derived income from illicit business activities of about 3 trillion roubles and transferred it to its headquarters in the United States. In 2015, the Moscow faith centre had already been disbanded after authorities found administrative violations of regulations for certified churches.<sup>269</sup> The leader of the Church of Scientology in St. Petersburg, Ivan Matsitsky, was arrested along with fellow believers in 2017 on suspicion of illegal business activities, establishing an extremist community, incitement to hatred and violation of human dignity. Matsitsky was released in November 2019 after two years in custody; the case was brought before the court in early 2020. At the time of publication, no verdict had yet been given.<sup>270</sup>

### 5.2.4 *Other Christian groups*

Christians other than those mentioned above rarely face repression, but they may have to cope with anti-missionary legislation. The 'Yaravoya package' of measures introduced the so-called 'anti-missionary law' in 2016, which amends anti-terrorism and anti-extremism laws. These legislative amendments restrict missionary work by prohibiting it in places other than registered locations, which is broadly interpreted in practice by law enforcement officials. There is no clear definition of missionary work, which means that people are sometimes convicted for missionary work without the need to demonstrate that intention before conviction.<sup>271</sup> In addition, in rare cases anti-extremism laws can also be used against Christian pastors. A pastor in Kemerovo was charged with inciting hatred in November 2020 for publishing a song on the internet about 'the love of money as the root of all evil'. The pastor had already been fined under anti-missionary legislation in 2016 and faced arson attacks from unknown sources – according to him, due to his anti-corruption activities.<sup>272</sup>

<sup>267</sup> Memorial, *Political Repression and Political Prisoners in Russia 2018-2019*, p. 36; US Department of State, *Russia 2019 Human Rights Report*, p. 42; Forum 18, *Imprisonment completed, citizenship stripped, awaiting deportation*, 22 May 2019; Forum 18, *"Extremist organisation" trial outcomes: jail sentences*, 23 November 2020.

<sup>268</sup> Confidential source, 23 November 2020.

<sup>269</sup> For more information about the regulation of faith communities, see: Country of origin information report for the Russian Federation 2018, p. 43.

<sup>270</sup> RFERL, *Russian Court Accepts Case To Try Scientologists In St. Petersburg*, 12 February 2020; The Moscow Times, *St. Petersburg Scientology Leader Released 2 Years Into Arrest*, 15 November 2019; RAPS news, *St. Petersburg Church of Scientology leader returned to detention*, 16 March 2021; Memorial, *St. Petersburg Scientologists are political prisoners, Memorial says*, 24 January 2018.

<sup>271</sup> See Country of origin information report for the Russian Federation 2018, p. 44.

<sup>272</sup> City Church International, *A case of incitement to hatred was opened against the pastor from Kemerovo. The occasion is sermon*, 10 November 2020; Meduza, *Protestant pastor in Kemerovo fined under Russia's new 'anti-terror' law*, 18 October 2016. Confidential source, 23 November 2020.

### 5.3 Conscription objectors and deserters

The rules regarding military service are laid down by law in the constitution and in federal legislation<sup>273</sup>. All male Russians between the ages of 18 and 27 must complete their one-year military service. Alternatively, if they have conscientious or religious objections, conscripts may perform alternative community service for 18 to 21 months.<sup>274</sup> Members of the indigenous population groups are also eligible for alternative community service if they are registered as such.<sup>275</sup> A request for alternative service must be formally submitted prior to the call for military service. However, according to the Russian authorities this requirement is also deviated from in practice.<sup>276</sup> Despite repeated announcements that military service could be abolished, compulsory military service is still mandatory.<sup>277</sup> Completion of compulsory military service is a precondition for a number of positions in government.<sup>278</sup>

Conscripts must report to the local office of the military service authority. Their military service is then registered in their domestic passports. Twice a year, conscripts are called up to report for military service. In March 2020, the call was sent to 135,000 young men, despite the outbreak of the Covid-19 pandemic.<sup>279</sup> Failure to heed this call is a crime under Russian criminal law and is punishable by up to two years in detention. Exceptions to this involve conscripts who have been called up but are seriously ill, whose immediate family members<sup>280</sup> are seriously ill or who must attend the funeral of a family member, who are unable to attend the medical examination due to an act of God or other circumstances that the Committee considers sufficient reason not to attend.

For example, persons exempt from taking part in compulsory military service include Russians who have been declared medically unfit, who have already completed their military service or alternative military service, or who have completed military service in another country. Persons who are eligible for military service but are not called up include Russians who are studying for or have obtained a recognised diploma, or whose father or brother have died during their military service or at a later time as a result of injuries sustained during military service.<sup>281</sup> Persons banned from the army include people who are serving a criminal sentence in the form of community service, a labour camp, or freedom-restricting measures, or people who have a criminal record. In addition, people who are the subject of a criminal investigation or criminal court proceedings cannot take part in military service.<sup>282</sup>

<sup>273</sup> Federal Law No. 53-FZ of 28 March 1998

<sup>274</sup> Article 59, paragraph 3 of the Constitution

<sup>275</sup> UN Human Rights council, *Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards*, 24 June – 12 July 2019, A/HRC/41/23, p. 8.

<sup>276</sup> UN Human Rights council, *Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards*, 24 June – 12 July 2019, A/HRC/41/23, p. 9.

<sup>277</sup> Warsaw Institute, *Putin (Again) Announces End of Compulsory Military Service in Russia*, 19 April 2019;

<sup>278</sup> Russian Ministry of Defence, information about compulsory military service and alternative military service (**Error! Hyperlink reference not valid.**; **Error! Hyperlink reference not valid.**).

<sup>279</sup> The Jamestown Foundation, *Russia's Defense Minister Shoigu, Coronavirus and Relentless Military Modernization*, 25 March 2020; **Error! Hyperlink reference not valid.**

<sup>280</sup> Specifically, this refers to a father, mother, wife, husband, son, daughter, brother, sister, grandfather, grandmother or adoptive parent.

<sup>281</sup> Business Insider, *The US may revisit military drafts. Here's what life is like in 10 countries that already have them*, 6 February 2019;

<sup>282</sup> Article 23 Federal Law No. 53-FZ of 28 March 1998; Immigration and Refugee Board of Canada, *Response to Information request no. RUS103795.E.*, 14 November 2011; Business Insider, *The US may revisit military drafts. Here's what life is like in 10 countries that already have them*, 6 February 2019.

### *Medical examination*

Before conscripts can take part in military service, they are subjected to a medical examination. If necessary, the conscript can be referred to a medical specialist for further examination, as described in section 5.6.4 (LGBTI and military service). After the medical examination, conscripts are classified into one of four categories: healthy and suitable for elite units, healthy with disabilities and not suitable for elite units, only suitable for service in times of war, or unsuitable.

According to critics, the medical examination is not always reliable. The number of suitable conscripts is reportedly more important than the actual medical condition of a conscript, so the examination does not always correspond to the actual medical condition of a conscript. Bribery to obtain an exemption from military service still persists.<sup>283</sup>

### *Evasion of military service and prosecution*

Evasion or refusal to take part in military service and alternative military service is classified as a crime in the Criminal Code, as is desertion and leaving the barracks without authorisation. The law does not provide for an interim cessation of military service or a transition to alternative military service. Refusal or evasion of military service is punishable by large fines or detention.<sup>284</sup>

In practice, however, according to one confidential source, conscription objectors are usually punished with fines, as they often involve first-time offences. This information could not be verified by other sources. Conscript objectors that are charged with fraud are subject to detention. Some groups are at higher risk. For example, according to the same confidential source and media reports, Jehovah's Witnesses were denied the right to choose alternative military service. In response to the conscientious objection they expressed, they were prosecuted for attempting to evade military service through fraud because their conscientious objection was alleged to be not real. In such cases, they must serve long prison sentences in accordance with Article 339 of the Criminal Code. Little is known about other groups that are discriminated against in this regard.<sup>285</sup>

To help prevent evasion of military service, employers have been obliged to report since February 2019. They must report to the government if they discover that their employees or candidates for a position are obliged to take part in military service but have not yet reported to the local office of the military service authority. They must also proactively remind their employees that they are obliged to report for military service. If a company does not comply with this obligation, the director of the company can be fined an administrative fine<sup>286</sup> of one thousand roubles. Despite

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<sup>283</sup> Russia Beyond, *Call of duty: How the army draft works in Russia*, 20 March 2020.

<sup>284</sup> Evasion of military service is punishable with a fine of 2 million roubles (equivalent to approximately EUR 22,514, according to xe.com on 10 December 2020) or seizure of earnings for eighteen months, or community service of 2 years or imprisonment for up to two years (see Article 328 of the Criminal Code). Circumvention of military service by transferred military personnel is punishable with a fine of up to 80,000 roubles (equivalent to approximately EUR 900, according to xe.com on 10 December 2020) or seizure of earnings for six months, or community service of up to 480 hours or detention for a maximum of six months (see Art. 328, paragraph 2 of the Criminal Code). Leaving the military premises without authorisation is punishable by detention of six months or one year in a military prison. Penalties for professional soldiers are higher (see Art. 337 of the Criminal Code). Desertion is punishable by seven years in detention or ten years for group desertion or armed desertion (see Article 338 of the Criminal Code). Simulation of a disease or other types of fraud to evade military service is punishable by compulsory military service of one year or detention of up to seven years (see Article 339 of the Criminal Code).

<sup>285</sup> Times, *'We Liked to Sing. Now We Can Only Whisper.'* *How Russia Is Stepping Up Its Persecution of Jehovah's Witnesses*, 18 December 2019; Confidential source, 10 December 2020.

<sup>286</sup> Equivalent to EUR 11, according to xe.com on 16 February 2021.

the low amount of the fine, employers want to avoid fines due to the possible legal consequences.<sup>287</sup>

#### *The imposition of military service as a punishment*

There is one known case in which military service was imposed as punishment, possibly to thwart a member of the political opposition. Ruslan Shaveddinov, a 23-year-old project manager working for Alexei Navalny's Anti-Corruption Foundation, was detained without prior warning by Moscow security forces in December 2019 and forced to do military service. He was not given the opportunity to notify friends or family of his whereabouts.<sup>288</sup>

#### *Documents*

The credit card-shaped military service book – until 2018 in the shape of a booklet – provides information about personal data and the status of the holder's compulsory military service. The card is issued to military personnel at the commencement of military service and when they register as reservists, and to men exempt from military service or men over 27 years of age who have otherwise lawfully completed their alternative military service. There are different types of cards for these different groups. For example, after completing military service, the identity card for military personnel is converted into an identity card for reservists. For military personnel and personnel of other security services where military service can be completed, the military service booklet serves as an identity document. Professional soldiers have an identity card that replaces the domestic passport.<sup>289</sup>

#### *Hazing*

With regard to the hazing culture in the military, little has changed in the current reporting period. Bullying and humiliation continued to be widespread, leading to suicide in some cases. On 10 February 2019, a 19-year-old conscript died at the Pogonovo military base in the Voronezh region. His family reported that his unit initially told them that he had died naturally of a heart attack, although his arms and legs were taped together and a plastic bag was wrapped around his head. His commanding officer was charged with abuse of power and incitement to suicide. At another military base, on 25 October 2019 a conscript shot dead eight of his fellow soldiers and wounded two others. He said he had done this in self-defence against hazing practices and humiliation. He was sentenced to 24 years in prison and ordered to pay compensation. One of his assailants was sentenced to two years in prison for bullying.<sup>290</sup>

## 5.4 **Members of opposition parties and political activists**

In Russia, there are two types of opposition: the systemic opposition and the opposition that operates outside the political system. The first category includes parties that are active in the political system and are registered as political parties, nominate candidates, and hold seats in the State Duma, local parliaments and councils. According to critics, these parties are tolerated by the Kremlin because they follow President Putin's political line and therefore cannot be regarded as actual opposition. In addition, opposition is conducted outside the political system by

<sup>287</sup> Baker McKenzie, *Employers Will be Obligated to Report on Draft Evaders*, 15 February 2019.

<sup>288</sup> The New York Times, *New Russian Method to Silence Dissent: Military Service in the Arctic*, 24 December 2019; BBC News, *Ruslan Shaveddinov: Russian opposition activist 'kidnapped' by army*, 25 December 2019.

<sup>289</sup> Confidential source, 6 October 2020; website of the Norwegian Identity Centre (NIDS), consulted on 6 April 2021.

<sup>290</sup> US Department of State, *2019 Country Reports on Human Rights Practices: Russia*, p. 4; RFERL, *'I Could No Longer Endure The Humiliation': Russian Soldier Offers Explanation For Deadly Shooting Spree*, 11 January 2020; The Moscow Times, *Russian Soldier Given Lengthy Prison Term for Mass Shooting of Fellow Conscripts*, 21 January 2021.

politicians who, for example, do not reach the electoral threshold or are excluded from elections. The most famous example is Alexei Navalny; see below.

While particularly non-systemic opposition members face threats and obstruction, politicians within the political system can also face opposition and arrests. The most famous example of this is Governor Furgal of Khabarovsk, who was arrested in July 2020 on earlier charges. Furgal was arrested on suspicion of murder. Critics saw Furgal's arrest as a warning to his party not to pursue opposition too actively in the run-up to the September elections. Furgal had defeated the gubernatorial candidate of United Russia, President Putin's party, in the 2018 elections.<sup>291</sup>

Political opposition candidates were also regularly excluded from elections during this reporting period. In May 2019, the exclusion of a number of opposition candidates from Moscow City Council elections sparked widespread protests.<sup>292</sup> In May 2020, a law was passed that makes it impossible, among other things, for opposition politicians that sentenced to imprisonment in the past to stand for election. This means that opposition members are also excluded if they have been detained for violating anti-demonstration provisions. In the past, a decision by the electoral commission was required to exclude candidates, as happened with Alexei Navalny in late 2017.<sup>293</sup> In February 2021, Nikolai Bondarenko, a proposed Communist Party candidate for parliamentary elections and a noted vlogger, was detained for attending protests following a call to do so by Navalny and for an attempted violent takeover of a police station. According to Bondarenko, his arrest was an attempt by the authorities to silence him and ban him from the elections.<sup>294</sup>

In the run-up to the Moscow City Duma elections in September 2019, opposition politicians who protested were regularly arrested, sentenced to administrative detention of up to thirty days and immediately re-arrested and detained on their release. For example, in late July 2019, Ilya Yashin, chair of a district council for the *Solidarnost* party, was arrested for organising unauthorised demonstrations, sentenced to ten days of administrative detention and then sentenced five times to another ten days of detention immediately after his release.<sup>295</sup> In March 2021, around two hundred independent local politicians and opposition members from 50 regions were arrested at a meeting in Moscow as they prepared for the local elections of September 2021. According to the authorities, the meeting was illegally organised in conjunction with a foreign organisation that had been declared undesirable.<sup>296</sup>

As of 20 November 2020, the number of political prisoners was at least 63, according to the NGO *Memorial*.<sup>297</sup>

See section 7.3 for more information about political demonstrations and arrests.

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<sup>291</sup> Financial Times, *Kremlin accused of losing its touch as protests put Putin on back foot*, 29 July 2020. Raam op Rusland, *How Zhirinovskiy's fake-opposition has to clean up the mess in Khabarovsk for Putin*, 29 July 2020; Confidential source, 24 July 2020.

<sup>292</sup> HRW, *Russia – Events of 2019*.

<sup>293</sup> Trouw, *Rusland verbiedt veroordeelde oppositieleden verkiezingsdeelname*, 13 May 2020; Reuters, *Putin critic Navalny barred from Russian presidential election*, 25 December 2017. See also the Country of origin information report for the Russian Federation 2018.

<sup>294</sup> The Moscow Times, *Russian Communist Lawmaker Detained for 'Observing' Navalny Protests*, 8 February 2021.

<sup>295</sup> US State Department, *Russia 2019 Human rights report*, p. 14.

<sup>296</sup> Raam op Rusland, *Independent lawmakers arrested for ties to 'undesirable' organization*, 16 March 2021; Washington Post, *Russian authorities just arrested an entire conference hall full of people. I was one of them*, 18 March 2021; The Moscow Times, *Dozens arrested at Russian Opposition Forum*, 15 March 2021.

<sup>297</sup> This number refers to people who are serving a sentence in the form of an actual prison sentence, or are in custody or under house arrest pending commencement of the sentence. See <https://memohrc.org/ru/pzk-list>.



*Alexei Navalny and his anti-corruption organisation*

In late August 2020, Alexei Navalny, an anti-corruption activist and a non-systemic opposition leader, was admitted to a hospital in Omsk with severe symptoms of poisoning. He was later flown to Germany for treatment. Russia denied any involvement in the attack and accused Navalny of collaborating with Western secret services. No criminal investigation was held in Russia. The chief attending physician in Omsk who identified a metabolic disorder as the cause was appointed as the region's health minister later in 2020. Another attending physician who had not spoken to the media died unexpectedly of a heart attack.<sup>298</sup> Navalny had already fallen ill once with symptoms of poisoning in 2019.<sup>299</sup> After his return to Russia in January 2021, he was arrested because he allegedly failed to comply with a reporting obligation and therefore had to serve a suspended prison sentence that had been handed down earlier. He was sentenced to 32 months in prison after deduction of an earlier period of house arrest.<sup>300</sup> The ECtHR then obliged Russia in an interim measure to immediately release Navalny because he could be exposed to grave danger in detention. Russia had not previously formally withdrawn from its ECtHR obligations, but on this occasion spoke through the Ministry of Justice of 'unprecedented, blatant interference' by the ECtHR.<sup>301</sup> In mid-March 2021, several weeks after the start of his detention, Navalny complained of poor access to his lawyers, lack of sleep because he was being woken every hour, and a marked decline in his health with no effective access to medical care. He then announced that he would go on a hunger strike, and was eventually transferred to the prison infirmary.<sup>302</sup>

In the run-up to the aforementioned conviction of Navalny, the Investigative Committee had already announced at the end of December 2020 that it wanted to open another criminal case against Navalny for embezzlement. According to the Investigative Committee, Navalny had allegedly embezzled approximately four million euros in donations through his Anti-Corruption Fund (FBK) and other foundations.<sup>303</sup> After his conviction for violating the reporting obligation, a libel procedure followed against a war veteran who had appeared in an election commercial supporting the constitutional amendments. On social media, Navalny had called all the people in this election commercial a disgrace and traitors. The maximum sentence for this charge is a prison term of two years, but the prosecution demanded the imposition of a fine of 950,000<sup>304</sup> roubles.<sup>305</sup>

Prior to the attack, Navalny engaged in fairly successful opposition by introducing voters to a 'smart voting' method: he encouraged them to vote for the candidate with the best chance of defeating President Putin's party, United Russia. He achieved reasonable success with this in the regional elections of September 2019. His organisation faced extensive obstruction by the authorities: his offices were

<sup>298</sup> The Guardian, *EU imposes sanctions on Kremlin chiefs over Alexei Navalny poisoning*, 15 October 2020; BBC, *Alexei Navalny: Two hours that saved Russian opposition leader's life*, 3 September 2020; Die Zeit, *Rusland wirft Nawalny Zusammenarbeit mit CIA vor*, 1 October 2020; Zeit online, *Umstrittener russischer Nawalny-Arzt zum Minister befördert worden*, 7 November 2020; CNN, *Russian doctor who treated Navalny after poisoning has died*, 5 February 2021.

<sup>299</sup> The Guardian, *Russian opposition leader ill after exposure to 'undefined chemical'*, 29 July 2019

<sup>300</sup> Raam op Rusland, *Navalny: 'I mortally offended Putin by surviving'*, 3 February 2021; Financial Times, *Russian opposition activist Alexei Navalny sentenced to 3½ years in jail*, 2 February 2021;

<sup>301</sup> Confidential source, 19 February 2021; Deutsche Welle, *'Release' Alexei Navalny, European Court of Human Rights tells Russia*, 17 February 2021; TASS, *Russia not to release Navalny under ECHR interim measures, says Ministry of Justice*, 16 February 2021;

<sup>302</sup> DW, *Alexei Navalny says health further deteriorating in jail*, 5 April 2021;

<sup>303</sup> The Guardian, *Alexei Navalny to be investigated by Russian authorities over alleged fraud*, 29 December 2020; Raam op Rusland, *Russische recherche: nieuwe strafzaak tegen Navalny*, 4 January 2021.

<sup>304</sup> Equivalent to EUR 10,686 according to xe.com on 17 February 2021.

<sup>305</sup> Het Parool, *Russische oppositieleider Navalny woensdag voor de rechter*, 19 January 2021; The Guardian, *Russian lawyers ask court to fine Alexei Navalny for veteran's 'slander'*, 16 February 2021;

searched several times every week, a number of the organisation's forty regional offices were closed, bank accounts were blocked, computers were seized and criminal investigations for fraud were launched.<sup>306</sup>

As a result of fines for millions of roubles previously imposed by the court, Navalny had to shut down his FBK organisation in late 2019 and continue to operate under another entity called *Rights Defence Foundation*. A court had convicted Navalny, fellow activist Lyubov Sobol, and Navalny's anti-corruption organisation for libel against President Putin's confidant Evgeny Prigozhin and obliged them to pay huge fines. Lyubov Sobol's bank accounts were seized at the end of August 2020, as was Navalny's apartment.<sup>307</sup>

Navalny's employees also faced extensive obstruction by the authorities. His organisation's offices were searched and individual employees were arrested. For example, Ruslan Shaveddinov was detained by police in late December 2019 and forced to perform his military service at a secret and remote army base.<sup>308</sup> Andrey Borovikov, the coordinator of Navalny's anti-corruption organisation in Arkhangelsk, was accused of spreading pornography in October 2020 after sharing a music video by the band Rammstein on social media in 2014. He can be sentenced to two to six years in prison for this.<sup>309</sup> A criminal investigation was launched against Ivan Zhdanov for allegedly ignoring a court order. Zhdanov had previously been sentenced to 15 days in prison for ignoring a demonstration ban. Lyubov Sobol was arrested on suspicion of violently disregarding an area ban because she had rung the bell at the apartment of an FSB agent that Navalny said was linked to his poisoning; she was released two days later.<sup>310</sup> However, in early January, she was placed under house arrest for several months and banned from using the internet because she had violated corona regulations during a protest, along with several other of Navalny's employees.<sup>311</sup>

A campaign video by Alexei Navalny from 2013 has been designated as extremist material. In September 2020, independent research institute SOVA Center had twenty new cases that month in which people were prosecuted for sharing this video under the administrative ban on sharing extremist content. According to SOVA Center, sharing this video is one of the most common grounds on which the government prosecutes people on charges of extremism.<sup>312</sup>

Yegor Zhukov, a young opposition politician who made a name for himself with his critical blogs and radio appearances, was beaten up by unknown persons in late

<sup>306</sup> Raam op Rusland, *Plebisciet maakt geen einde aan opvolgingsstrijd van Poetin*, 7 July 2020; Der Spiegel International, "I Assert that Putin Was Behind the Crime", 1 October 2020.

<sup>307</sup> Raam op Rusland, *Navalny heft Anti-corruptiefonds op wegens hoge boetes*, 28 July 2020. The Moscow Times, *Russian Bailiffs seize \$460,000 from Navalny Ally*, 31 August 2020; Meduza, *Oligarch Evgeny Prigozhin is again suing Aleksey Navalny and Lyubov Sobol in new defamation lawsuits*, 14 October 2020; The Moscow Times, *Russia seizes Kremlin critic Navalny's apartment*, 24 September 2020.

<sup>308</sup> The Guardian, *Anti-Putin activist Ruslan Shaveddinov 'forcibly conscripted' and sent to Arctic*, 26 December 2019; Freedom House, *Nations in Transit, Russia 2019*.

<sup>309</sup> Meduza: *Coordinator for Navalny's Arkhangelsk office facing criminal pornography charges over 'Rammstein' video*, 17 October 2020; The Independent Barents Observer, *Navalny's man in Arkhangelsk is pulled in by police*, 1 October 2020.

<sup>310</sup> Die Zeit, *Die russische Polizei erhöht den Druck auf den von Alexej Nawalny gegründeten Fonds zur Bekämpfung der Korruption*, 5 November 2020; RFERL, *Jailed Chief Of Navalny's Anticorruption Foundation Begins Hunger Strike*, 2 August 2019; The Independent, *Top associate of Russia's Navalny released from detention*, 27 December 2020; RFERL, *Moscow Police Briefly Detain Navalny Foundation Lawyer Who Tried To Meet FSB Agent*, 22 December 2020.

<sup>311</sup> Meduza, *Opposition figure Lyubov Sobol wins petition to ease house arrest*, 26 March 2021; RFERL, *Russian Opposition Leader's Spokeswoman, Others Placed Under House Arrest*, 8 April 2021.

<sup>312</sup> Article 20.29 Administrative Offences Act. Zie SOVA Center, *Misuse of Anti-Extremism in September 2020*, 13 October 2020.

August 2020. A police investigation came to nothing. Zhukov had received a three-year suspended sentence in December for inciting extremism in his blogs.<sup>313</sup>

## 5.5 Activists

There are two types of NGOs in Russia: non-governmental organisations supported by the Russian government, called government-organised NGOs (*'gongos'*), and independent NGOs. *Gongos* can request financial support from the *Presidential Grant Competition* (also known as the *Presidential fund*). These *gongos* usually propagate objectives that correspond to the values promoted by the government and focus mainly on sport, social topics or education. Some critics argue that the government is using these *gongos* to promote and legitimise its own goals. Independent NGOs, on the other hand, focus on more controversial topics such as support for LGBTI groups, freedom of expression or environmental protection. Especially for the latter group of NGOs, the trend towards a sharp reduction in the space for freedom of expression and political engagement continued.<sup>314</sup>

### 5.5.1 Local activism

In recent years, Russian society has seen a growing willingness to engage in local activism, inspired by people's increased focus on their own region, the fact that the authorities often did not approve demonstrations, and the frustration of the population about the authority of old power structures such as the church, the business sector and Moscow. Among other things, people who had previously been politically uninvolved protested in response to events in their region, such as the arrest of Governor Furgal in Khabarovsk (see section 7.3). In Yekaterinburg, the planned construction of a cathedral in a park led to clashes between the church, the construction company and associated martial arts practitioners, and protesting residents of the city. In Arkhangelsk, people protested against the construction of a waste treatment plant. Local activists are less safe from government repression than activists in large cities. This is because they have less developed contacts with the media, while publicity can serve as protection against repression. For example, it was more common in the regions than in the cities for activists to be arrested without the knowledge of the local community, and activists could lose their jobs or study places as a result of their actions.<sup>315</sup>

### 5.5.2 Law on foreign agents: NGOs, individuals, initiative groups and media

The so-called Foreign Agents Act or NGO Act of 21 July 2012 authorises the Ministry of Justice to register organisations or – since January 2021 – individuals and other unregistered initiative groups as foreign agents. The Ministry of Justice keeps a public list<sup>316</sup> of these individuals and organisations. A registration obligation has been imposed on individuals and organisations that engage in alleged political activities and receive foreign funding. If they do not register as foreign agent, the Ministry of Justice can register them without the intervention of a judge. The definition of foreign agents is a broad one. For example, whether the funding comes from a foreign government or a private organisation is irrelevant, as is the scale of the funding and whether the amount can be traced directly to a foreign source. The term 'political activities' can be broadly interpreted by the Russian authorities as any

<sup>313</sup> BBC, *Zhukov case: Young symbol of Russian opposition avoids jail*, 6 December 2019; BBC News, *Yegor Zhukov - Leading Russian opposition blogger beaten up*, 31 August 2020.

<sup>314</sup> International Society for Third-Sector Research (ISTR), Christian Fröhlich en Yulia Skokova, *Two for One: Public Welfare and Regime Legitimacy Through State Funding for CSOs in Russia*, 18 February; Confidential source, 17 July 2020.

<sup>315</sup> Confidential source, 22 October 2020. BBC News - *Activists storm Yekaterinburg Russia park in protest against new church*, 15 May 2019; The Moscow Times – *Russians are no longer scared to protest*, 30 May 2019.

<sup>316</sup> The current list can be viewed on **Error! Hyperlink reference not valid.** (in Russian);

attempt to 'influence' the development of government policy.<sup>317</sup> According to a confidential source and the HRW annual report, organisations involved in healthcare were also designated as politically active.<sup>318</sup>

Since December 2019, journalists can also be regarded as foreign agents if they receive funding from abroad. For more information, see section 7.2, which deals with journalism. A legislative amendment in late December 2020 made it possible to also designate unregistered initiative groups as foreign agents. The same amendment made criminal prosecution possible for repeated non-compliance with the law, with a maximum sentence of five years in detention.<sup>319</sup>

Since the end of 2020, individuals<sup>320</sup> can also be designated as foreign agents. This is the case when the person in question either collects military information that could may harm national security if it falls into the hands of a foreign source, or engages in political activities in the interest of foreign governments or non-Russian organisations. In addition, the foreign agent must also receive foreign 'support', including non-monetary support (training, etc) from foreign governments and/or organisations (even international organisations). Individuals who are foreign agents according to the Russian standard must independently ask to be entered in the register. They are also required to identify themselves as a foreign agent in the performance of their duties and their interaction with all authorities and are prohibited from holding public office.<sup>321</sup> Directors of NGOs and mass media or natural persons who act as a foreign agent and fail/refuse to register as such can now also receive a prison sentence of up to two years in case of political activities, and up to five years if they are collecting military information.<sup>322</sup> On 28 December 2020, five individuals were labelled as 'foreign agents' for the first time, including human rights defender Lev Ponomarev, activist Darya Apakhonchich, journalists Lyudmila Savitskaya and Sergei Markelov of *Radio Free Europe/Radio Liberty* (RFERL), and Denis Kamalyagin, editor-in-chief of the newspaper *Pskov Gubernia*.<sup>323</sup>

This designation of a foreign agent, which may be interpreted by part of the Russian public as an indication of a foreign espionage operation, involves an enormous burden and regulatory pressure under penalty of heavy fines. For example, it gives rise to extensive financial reporting obligations with the associated high accountant's costs, or the obligation to label all publications of the organisation designated as a foreign agent with the label 'foreign agent'. Since January 2021, failure to comply with this obligation is punishable with fines of up to 2,500 roubles for individuals and 500,000 roubles<sup>324</sup> for legal entities. Organisations that fail to register as a foreign agent despite foreign funding can face fines of up to 5 million<sup>325</sup> roubles.<sup>326</sup> In addition, foreign agents – individuals and organisations – may not engage in certain activities, such as observing elections, organising demonstrations or appointing members of observing committees such as the Public Oversight Committee (see

<sup>317</sup> Ministry of Foreign Affairs, Country of origin information report for the Russian Federation 2018, p. 27 ff.;

<sup>318</sup> Confidential source, 18 September 2020. HRW Russia – Events of 2019; Confidential source, 15 January 2021. Amendments No. 1057914-7 and No. 1073604-7.

<sup>319</sup> ILGA, *New legal barriers for civil society in Russia*, 27 January 2021;

<sup>320</sup> Employees of diplomatic and consular missions and representatives of foreign government agencies, international organisations and accredited foreign journalists are excluded from this obligation. However, journalists can be registered if they carry out activities that are not 'compatible with journalistic activities'. In addition, it is still unclear whether local employees of diplomatic and consular representations also fall under the exception.

<sup>321</sup> Confidential source, 15 January 2021.

<sup>322</sup> Confidential source, 15 January 2021.

<sup>323</sup> FIDH, *Russia: New 'Foreign Agent' Legislation Will Further Undermine Civil Liberties*, 7 January 2021; Deutsche Welle, *Prominent Russian rights organization dissolves amid crackdown*, 3 March 2021.

<sup>324</sup> Equivalent to EUR 28 and EUR 5,267, respectively, according to xe.com on 17 February 2021.

<sup>325</sup> Equivalent to EUR 56,155, according to xe.com on 17 February 2021.

<sup>326</sup> RFERL, Duma OKs bil lto fine violators of controversial 'Foreign Agents' law, 16 February 2021.

section 4.8). They must also report planned activities and events to the Ministry of Justice in advance, which may then cancel the planned events.<sup>327</sup>

While the registration of organisations as foreign agents stagnated during the previous reporting period, new organisations were added in this reporting period.<sup>328</sup> In the course of 2019, twelve organisations were identified as 'foreign agents', including three human rights organisations, such as the NGO *For Human Rights* led by Lev Ponomaryov in February 2019, which was subsequently shut down by the Supreme Court in November 2019. In addition, an HIV/AIDS prevention group was registered, as was FBK, which is Alexei Navalny's organisation.<sup>329</sup> The physician advocacy group 'Doctors Alliance', headed by an attending physician of Navalny, was also registered as a foreign agent in March 2021. The organisation lodged an objection to this.<sup>330</sup>

In addition to the aforementioned registration, the Department of Justice also initiated administrative proceedings against several organisations during the reporting period for alleged violations of the 'foreign agents' law. As a result, courts imposed a series of heavy fines on the *Human Rights Centre Memorial* and *International Memorial*, among others.<sup>331</sup> Procedural rules were adapted to the disadvantage of the registered organisations; the time limit within which the Ministry of Justice may submit evidence to a court to defend the listing of an organisation was extended from three months to one year.<sup>332</sup> Another new feature is that during the reporting period the Ministry of Justice filed requests to the court to liquidate registered organisations, but only with partial success.<sup>333</sup>

As Russian NGOs try to avoid the stigma of being 'foreign agents', the law also affects organisations that are not classified as foreign agents; these organisations are subjected to in-depth investigations by the tax authorities and the Ministry of Justice. According to researchers, the law has therefore had a wider impact than just on the registered organisations and paralysed more organisations than those on the list.<sup>334</sup>

### 5.5.3 *Undesirable Foreign and International Organisations Act*

The Undesirable Foreign and International Organisations Act, which came into force in 2015, can prohibit foreign and international non-profit organisations from operating in Russia and freeze their bank balances if they pose a threat to security, defence or the Russian constitution. During the reporting period, fourteen organisations were placed on the list of undesirable foreign organisations, bringing the total number to 29.<sup>335</sup> This list includes major foreign (former) donors to

<sup>327</sup> Ministry of Foreign Affairs, Country of origin information report for the Russian Federation 2018, p. 27 ff.; Freedom House, *Freedom in the World 2020, Russia*, para. E2; Raam op Rusland, *Doema print massa repressieve wetten in aanloop naar verkiezingen*, 9 December 2020; Meduza, *Russia's authorities increase pressure on NGOs with plans to strengthen 'foreign agent' laws*, 19 November 2020.

<sup>328</sup> The number of newly registered organisations is not an accurate representation of the way the Russian authorities treat civil-society organisations, as the government can also use means other than registration against civil society organisations, such as office searches and administrative obligations, to demonstrate that the organisation does not need to be registered. However, increased checks on regulations such as fire safety, etc are also possible.

<sup>329</sup> Freedom House, *Freedom in the World 2020, Russia*, para. E2; RFERL, *Russian Activist Ponomaryov To Create New Group After Movement Closed*, 5 November 2019. HRW, *World Report 2020 – Russia*.

<sup>330</sup> RFERL, *Russian Doctors Union To Challenge 'Foreign Agent' Label*, 10 March 2021; The Moscow Times, *Russia Labels Navalny-Linked Doctors' Union a 'Foreign Agent'*, 3 March 2021.

<sup>331</sup> Amnesty International, *Human Rights in East Europe and Central Asia 2019*, p. 25.

<sup>332</sup> Confidential source, 18 September 2020.

<sup>333</sup> Confidential source, 29 September 2020.

<sup>334</sup> Center for Strategic and International Studies, Irina Kosterina, *Civil Society in the North Caucasus*, January 2020, p. 4; Confidential source, 22 October 2020.

<sup>335</sup> See the website **Error! Hyperlink reference not valid.** for a Russian-language up-to-date overview of foreign organisations designated as undesirable.

Russian NGOs, including *Open Society Foundation, National Endowment for Democracy, Free Russia Foundation, Open Russia* and *People in Need*. Donations to Russian organisations now have negative consequences for the Russian organisation and employees of the undesirable organisations are no longer allowed to travel to Russia. Some of these organisations had emigrated abroad because of the opposition they had encountered in Russia.<sup>336</sup>

For Russian organisations, the law prohibits involvement in the activities of undesirable foreign organisations on the list. Whereas in the past the term 'involvement' was mainly interpreted as receiving financial resources, according to a confidential source the sharing of information by a Russian organisation is now sufficient reason for sanctions against both individual activists and Russian organisations, even if the involvement took place before the law came into force.<sup>337</sup> According to the same confidential source, criminal investigations have now been launched against around sixty people due to their involvement with foreign undesirable organisations.<sup>338</sup> Possible sanctions for Russian organisations range from detention to fines of up to 15,000 roubles for individuals, 50,000 roubles for civil servants and 100,000 roubles for organisations.<sup>339</sup> In addition to these fines, the law makes it possible to prosecute the manager of the Russian organisation in case of repeated violations of the law.<sup>340</sup>

According to NGOs, new agreements on the international exchange of information about tax evasion under the OECD Convention<sup>341</sup> imply that the data of Russian citizens who are active in foreign organisations is disclosed to Russian authorities. For Russian NGOs, this could pose an additional difficulty in transferring their activities to an entity abroad.<sup>342</sup>

In the academic world, too, the government appeared to be looking for ways to punish cooperation with organisations declared undesirable or with organisations designated as foreign agents. In October 2020, the local Prokuratura in Moscow investigated whether teachers and/or students of the prestigious University of the Presidential Administration RANPEA had collaborated with NGOs 'that had been declared undesirable', or with 'foreign NGOs that (could) pose a risk to the constitutional structure, defence or security of Russia'. The Public Prosecution Service was particularly interested in activities aimed at 'stirring up separatism', 'guiding or monitoring elections', or 'criticising the government in biased scientific research'. The Public Prosecution Service also wanted to know whether contracts had been entered into for the implementation of projects or events with foreign and international NGOs, where no international treaty existed between Russia and the country in which those NGOs were established or registered. After sharp criticism from, among others, the student union and the chairman of the Presidential Human Rights Council, the Moscow Public Prosecution Service cancelled the criminal investigation.<sup>343</sup>

<sup>336</sup> Freedom House, *Freedom in the World 2020, Russia*, para. E2; Center for Strategic and International Studies, Irina Kosterina, *Civil Society in the North Caucasus*, January 2020; Ministry of Foreign Affairs, Country of origin information report for the Russian Federation 2018, p. 28; Confidential source, 18 September 2020; Confidential source, 29 September 2020.

<sup>337</sup> Confidential source, 18 September 2020.

<sup>338</sup> Confidential source, 18 September 2020.

<sup>339</sup> On 21 September 2020, RUB 15,000 was equivalent to EUR 167, RUB 50,000 was equivalent to EUR 556 and RUB 100,000 was equivalent to EUR 1,113. See [www.xe.com](http://www.xe.com).

<sup>340</sup> After two administrative sanctions, offenders are prosecuted under Article 284.1 of the Russian Criminal Code.

<sup>341</sup> OECD is the Organisation for Economic Cooperation and Development. The *OECD Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profit Shifting* came into force in Russia on 1 October 2019.

<sup>342</sup> Confidential source, 18 September 2020.

<sup>343</sup> Confidential source, 17 November 2020.

In addition to the law on foreign agents and the law on undesirable organisations, the Supreme Court also decided to shut down NGOs on the basis of other laws. For example, the well-known NGO *For Human Rights* led by Lev Ponomarev and the NGO *Centre for Support of Indigenous Peoples of the North* (CSIPN) were shut down because, according to the judges, they had not complied with their administrative obligations.<sup>344</sup>

#### 5.5.4 *Human rights activists*

The scope for human rights activists continued to shrink during the reporting period, partly due to the use of the above two legal instruments. Based on this legislation, administrative and criminal proceedings were launched not only against organisations but also against individuals, and access to foreign funding for NGOs was virtually blocked.<sup>345</sup>

In 2019, the first individuals were criminally prosecuted for cooperating with NGOs declared undesirable, with impending sentences of up to six years in detention. See, for example, the criminal prosecution of Anastasia Shevchenko, coordinator of *Open Russia* in Rostov-on-Don.<sup>346</sup> Employees of organisations that are designated as undesirable, or who work with undesirable organisations, run the risk of being questioned or prosecuted. This also happened because in the past – before this law came into force – they had shared links on social media to the web page of an undesirable foreign organisation, even if this link was no longer active. In the case of yet more organisations and their employees, police raided their offices and homes without a search warrant.<sup>347</sup>

Immunity from prosecution for violence against human rights defenders continued to prevail in Russia – for example with the kidnapping of Amnesty International investigator Oleg Kozlovsky in Ingushetia in 2018, the murder of Natalia Estemirova of the NGO *Memorial* in Grozny in 2009, and the attack on Andrey Rudmakha in the Krasnodar region in 2017.<sup>348</sup>

#### *Examples of activists*

In July 2020, historian Yuri Dmitriev was initially sentenced to three-and-a-half years in prison during what he himself and his supporters – but also observers, researchers and human rights organisations – called a purely political trial for the sexual abuse of his adopted under-age daughter and to 13 years in prison on appeal. Dmitriev was involved in excavations and investigations into the Stalin terror in 1937-38 and headed the department of NGO *Memorial* in Karelia.<sup>349</sup> An employee of Dmitriev, Sergei Koltyrin, was also sentenced to nine years in prison for sexually assaulting a minor in May 2019 and died in custody in April 2020.<sup>350</sup>

<sup>344</sup> DW, *Russian indigenous rights group speaks out against ban*, 8 November 2019; DW, *Russia orders closure of prominent human rights group*, 1 November 2019.

<sup>345</sup> Confidential source, 17 November 2020.

<sup>346</sup> Amnesty International, *First criminal case under "undesirable organizations" law marks a new level of repression*, 21 January 2019;

<sup>347</sup> Amnesty International, *Human Rights in East Europe and Central Asia 2019*, p. 25; HRW, *World Report 2020 – Russia*.

<sup>348</sup> Amnesty International, Russian Federation 2019. HRW

<sup>349</sup> Confidential source, 1 October 2020.

<sup>350</sup> The New York Times, *Russian Historian who found Stalin-era graves is convicted*, 22 July 2020. Frankfurter Allgemeine Zeitung, *Historiker Dmitrijew zu dreieinhalb Jahren Lagerhaft verurteilt*, 22 July 2020; Frankfurter Allgemeine Zeitung, *Der Stachel im russischen System*, 30 September 2020; US State Department, *Russia 2019 Human rights report*, p. 16; Raam op Rusland, *Onverwacht zwaar vonnis van 13 jaar strafkamp voor historicus Joeri Dmitrijew*, 30 September 2020;

Semyon Simonov, chairman of the NGO *Southern Human Rights Centre* in Sochi, faced successive lawsuits against his organisation and himself after his organisation was fined for failing to register as a foreign agent. When the organisation was unable to pay the fine, Semyon Simonov himself was prosecuted for not paying the fine. After successfully appealing the fine, he was charged with the crime of wilful evasion of the law and was banned from travelling abroad. Simonov was fined several times in 2018 and 2019 – up to three hundred thousand roubles<sup>351</sup> – and was repeatedly detained and arrested.<sup>352</sup>

#### *Activism in the Northern Caucasus*

In the Northern Caucasus and in Chechnya in particular, it is almost impossible for human rights activists to work safely. Legal mechanisms to protect human rights are weaker in the Caucasus, and it is almost impossible to appeal in court against illegal actions by the authorities.<sup>353</sup>

Oyub Titiev, the head of the NGO Memorial in Grozny, was convicted of possessing marijuana in March 2019 after his arrest in January 2018. The local court in Shali sentenced him to four years in prison. He was released on parole in June 2019. Human rights organisations claimed it was a trumped-up charge.<sup>354</sup> The office of *Memorial* in Nazran, Ingushetia was set on fire. In Dagestan, the cars of the *Memorial* office were set on fire and the head of *Memorial* was beaten up by unknown persons.<sup>355</sup>

Critics or enemies of Ramzan Kadyrov, president of the Chechen Republic, are not always safe even outside of Russia. Zelimkhan Khangoshvili, an ethnic Chechen from Georgia, was killed in a park in Berlin on 23 August 2019. In Lille on 30 January 2020, Kadyrov critic Imran Aliyev was killed under circumstances that are still unexplained. Tumso Abdurakhmanov, a popular Chechen blogger, survived an attack in Sweden in February 2020. In July 2020, Mamikhan Umarov was killed near Vienna after starting to regularly post critical videos of Kadyrov online. His family claimed responsibility for his death in a video message, which his widow considers very unlikely.<sup>356</sup>

The establishment of a Chechen diaspora organisation by Ramzan Kadyrov, which, according to his words, 'should help good Chechens and do whatever is needed for bad Chechens', is fuelling fears of repression against Chechens abroad, according to the media.<sup>357</sup> According to researchers, Kadyrov has ordered social media surveillance of members of the Chechen diaspora to check whether they are critical of his leadership. He is calling on asylum seekers and political refugees to return to Chechnya.<sup>358</sup>

<sup>351</sup> Equivalent to EUR 3,357, according to xe.com on 16 February 2021.

<sup>352</sup> HRW, *Russia: Rights Defender Faces Criminal Charges*, 15 July 2020.

<sup>353</sup> Center for Strategic and International Studies, Irina Kosterina, *Civil Society in the North Caucasus*, January 2020.

<sup>354</sup> Amnesty International, *Human Rights in East Europe and Central Asia 2019*, p. 25.

<sup>355</sup> Center for Strategic and International Studies, Irina Kosterina, *Civil Society in the North Caucasus*, January 2020, p. 9.

<sup>356</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 4; RFERL, *Bloody Trail? Chechen Blogger Is The Latest Kadyrov Critic To Die Abroad*, 28 February 2020; RFERL, *'Everyone's Asking Who's Next': Chechens In Europe Warn Of More Killings*, 7 July 2020; BBC News, *Chechen blogger Tumso Abdurakhmanov 'survives hammer attack'*, 27 February 2020; RFERL, *Widow Of Chechen Killed Near Vienna Confirms He Was Police Informant*, 24 July 2020.

<sup>357</sup> The Atlantic, *'If Someone Speaks the Truth, He Will Be Killed'*, 21 December 2019; Jamestown Foundation, *Chechnya's Ramzan Kadyrov Announces Creation of New Agency Focused on Compatriots Abroad*, 9 September 2020.

<sup>358</sup> The Central Asia-Caucasus Analyst, Emil A. Souleimanov en Huseyn Aliyev, *Kadyrov Continues to Target Enemies Abroad*, 25 February 2020.



### 5.5.5 *Women activists*

Women activists are increasingly making themselves heard, but cannot do so too outspokenly. The activist Zalina Marshenkulova said in March 2020 that she had been receiving death threats for three years, but her attempts to report the crime were not taken seriously by the police. According to the police, no actual crime had yet been committed. Women's rights activist Leda Garina was arrested several times and released by police for her actions during demonstrations.<sup>359</sup>

Less outspoken activists who advocate a separate law for domestic violence, for example, can take action within the existing frameworks but they also face strong political opposition and threats from society. Oksana Pushkina, a member of the State Duma for President Putin's United Russia party, is actively lobbying for a legislative amendment that classifies domestic violence as a separate crime in Russian criminal law. More than 180 Russian Orthodox church and family groups have written an open letter to Vladimir Putin asking him to block her bill, which they call the work of 'foreign agents and advocates of radical feminist ideology'. Despite her visibility and established position, she says she receives a lot of hate mail.<sup>360</sup>

In Chechnya, where civil society is virtually confined to gongos, and where women's rights are often curtailed in traditional society, modest successes have been achieved with regard to women's rights. In early 2019, the Women for development organisation opened a crisis centre for women and children in difficult social situations with the support of the Presidential grants fund. Given that both the authorities and spiritual leaders recognise the widespread problem of domestic violence, there is room for these organisations to provide assistance. However, they must operate within the narrow frameworks of local tradition, religion and customs. Women who deviate from these norms run the risk of being imprisoned in secret detention centres.<sup>361</sup>

### 5.5.6 *Environmental activists*

The central government regards environmental pollution as a problem and refers to it as such. Organised environmental activism – like activism in other areas – was given less scope during the reporting period. For example, members of the NGO *Russian Socio-Ecological Union* were subjected to physical attacks, some of them fatal, which were never criminally prosecuted.<sup>362</sup> By order of a court in Moscow, the *Centre for Support of Indigenous People of the North*, a local advocacy group also involved in environmental protection, was forced to shut down. The court cited incomplete paperwork as the reason for the shutdown, but activists called it an excuse to silence the indigenous population's criticism of the business sector and the authorities.<sup>363</sup>

Besides this organised activism, there is also spontaneous activism from local residents who take action as a result of the (imminent) pollution of their living environment but who otherwise have no political intentions. During the reporting period, people across Russia spoke out, for example, against the construction or expansion of landfills, waste incineration plants and waste treatment sites due to their fear of the negative consequences for their health and the environment.<sup>364</sup> Given the increasing focus on the problem, these people also learned to organise

<sup>359</sup> The Moscow Times, *Russia Celebrates Misogyny, Not Equality on Women's Day*, 9 March 2020; The World, *After decades in the shadows, Russia's feminists grab their spotlight*, 5 June 2019.

<sup>360</sup> BBC News, *Russian domestic violence: Women fight back*, 21 November 2019.

<sup>361</sup> Center for Strategic and International Studies, Irina Kosterina, *Civil Society in the North Caucasus*, January 2020, p. 11; <https://www.kavkazr.com/a/29717225.html>; Confidential source, 15 October 2020.

<sup>362</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 41;

<sup>363</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 63;

<sup>364</sup> HRW, *World Report 2020 – Russia*.

themselves more effectively, but as a result they also experienced more resistance from the authorities.<sup>365</sup>

Alexandra Koroleva, head of the organisation *Ekozaschita!* (Eco-defence!), one of Russia's oldest environmental organisations, had to cease her activities in Russia. She was forced to leave the country after bailiffs initiated numerous criminal proceedings against her for the non-payment of fines imposed on her organisation. The organisation's bank balance has been frozen.<sup>366</sup>

#### *The indigenous population as environmental activists*

The indigenous population regularly protest against industrial use of their land. For example, protests were held in a number of different regions in Russia. Members of indigenous population groups have certain rights related to their ethnic identity, such as benefit payments. However, since May 2020, a new law has made it much more difficult to get this ethnic identity officially recognised (see section 5.1). This new law has therefore encountered strong resistance from the indigenous population. They fear that the indigenous population will be decimated on paper, and in that way will lose its effectiveness against the industrial sector. In addition, the fact that the FSB manages the registry fuels fears that any protests against the industrial exploitation of their land will be followed by anti-extremism charges.<sup>367</sup>

### 5.5.7

#### *Lawyers*

There are several regional, federal and specialist bar associations in Russia, so most lawyers are members of several bar associations at the same time. None of these bar associations have been designated as a foreign agent, and nothing is known about other obstruction by the government at the organisational level. According to confidential sources, lawyers play an important role in the publicity work of NGOs. For example, society regards the information that is provided in court cases as more reliable, rather than the possibly subjective information in publications by NGOs. This source also says that lawyers have more freedom of expression in court than protesters on the street.<sup>368</sup>

Although lawyers in Russia have traditionally been able to function reasonably independently and unhindered due to their social standing and special rights, they too faced increasing repression during the reporting period. Admission to the bar association gives lawyers certain rights – for example the right to correspond confidentially with clients and the ban on their telephones being tapped. In practice, however, the authorities do not always comply with this ban. According to a confidential source, the telephones of approximately ten to fifteen lawyers are tapped every year in St. Petersburg.<sup>369</sup> Lawyer Mikhail Benyash was arrested during a demonstration in late 2018 when he tried to assist arrested protesters. He was charged and convicted in October 2019 for obstructing the course of justice and for violence against a police officer and ordered to pay sixty thousand roubles<sup>370</sup>. According to Benyash, it was actually the police that assaulted him.<sup>371</sup>

<sup>365</sup> Freedom House, *Nations in Transit, Russia 2019*.

<sup>366</sup> HRW, *Environmentalists Face Criminal Charges*, 25 June 2019. FIDH, *Judicial harassment of Ms. Alexandra Koroleva from Ecodefence*, 2 July 2019.

<sup>367</sup> The Independent Barents Observer, *They are no longer counted as indigenous people*, 7 October 2020; RFERL - Environmental Activists Chemical Workers Clash, 15 August 2020; Center for Strategic and International Studies, Irina Kosterina, *Civil Society in the North Caucasus*, January 2020, p. 24.

<sup>368</sup> Confidential source, 22 October 2020; confidential source, 18 September 2020.

<sup>369</sup> Confidential source, 18 September 2020.

<sup>370</sup> Equivalent to EUR 672, according to xe.com on 16 February 2021.

<sup>371</sup> Amnesty International, *Human Rights in East Europe and Central Asia 2019, Review of 2019*, p. 25. ICJ, Russian Federation: criminal proceedings against lawyer raise concerns, 3 October 2018; RFERL, *Russian Lawyer Who Defended Detainees Fined For 'Attack' On Police*, 11 October 2019.

According to a confidential source, there are no more human rights lawyers living in the Northern Caucasus and especially in Chechnya because they are being physically abused or threatened.<sup>372</sup> There are examples of lawyers being obstructed by means of abuse and detention, particularly in Chechnya and Dagestan, but also in other parts of Russia.<sup>373</sup> In February 2020, a group of unknown persons physically assaulted human rights lawyer Marina Dubrovina and investigative journalist Elena Milashina in Grozny, shortly after a hearing against Dubrovina's client, a Chechen blogger who had criticised Ramzan Kadyrov's lavish lifestyle. An effective criminal investigation into the attack failed to materialise.<sup>374</sup>

## 5.6 **LGBTI**<sup>375</sup>

Although general public opinion seems to be becoming more neutral towards LGBTI, one fifth of the population is still very negative towards this group. According to independent research centre *Levada*, 18% of the population would like LGBTI groups to 'disappear' as opposed to 21% in 2015. 32% think that LGBTI groups should be isolated from society, as opposed to 37% in 2015.<sup>376</sup> The attitude of the federal government towards the position of LGBTI people became more negative during the reporting period. The government and the Russian Orthodox Church explicitly promote traditional family values, with a family consisting of a husband, wife and children being the only correct model. For example, according to the constitution that was amended in June 2020, the state protects traditional family values by reserving marriage for men and women, which means that same-sex marriages would seem to be out of the question for the time being.<sup>377</sup> In a TV commercial on state channels prior to the constitutional amendments, voters were explicitly told that adoption by homosexual couples could be prevented by voting for the constitutional amendments.<sup>378</sup>

### 5.6.1 *Legislation*

A ban on non-heterosexual orientation or sexual acts has not existed in Russia since 1993. On the other hand, there is a ban on statements that could encourage minors to adopt a non-heterosexual orientation, the so-called Anti-LGBTI Propaganda Act (see below). For more information about the persecution of LGBTI people in Chechnya, see section 5.6.10.

#### *Anti-LGBTI Propaganda Act*

The amendment to the Code of Administrative Violations that prohibits propaganda promoting 'non-traditional sexual relations' among minors came into force on 30

<sup>372</sup> Confidential source, 15 May 2020.

<sup>373</sup> Lawyers for Lawyers, Submission on the List of Issues by the Lawyers for Lawyers Foundation for the Human Rights Committee Consideration of the 8th Periodic Report of the Russian Federation, 28 May 2020; ICJ, *Use of physical force against lawyer must be investigated*, 20 September 2019; ICJ, *Use of physical force and detention of lawyers must be promptly investigated*, ICJ says, 2 June 2020; ICJ, *The ICJ calls for an end to intimidation and prosecution of lawyers*, 24 September 2019.

<sup>374</sup> HRW World Report 2020 Russia; European Federation of Journalists, *Chechen president threatens journalist Elena Milashina with death*, 22 April 2020; Confidential source, 15 May 2020.

<sup>375</sup> In this country of origin information report, the acronym LGBTI is used as a collective term for people with a minority sexual orientation, namely: lesbian, gay, bisexual, transgender, and intersex.

<sup>376</sup> The English translation of the survey uses the words *to be eliminated*. See Moscow Times, *1 in 5 Russians Advocate 'Eliminating' LGBT Community*, 20 April 2020.

<sup>377</sup> Confidential source, 3 July 2020.

<sup>378</sup> The TV commercial portrayed two fathers picking up their shared adopted child, where one of the fathers was presented as a caricatured flamboyant figure. The voter is asked if this is the Russia he wants and is urged to vote for Russia's future. See CNN, *Anti-gay viral video stirs outrage ahead of Russian referendum*, 3 June 2020; Meduza, *YouTube deletes homophobic campaign video created by media organization linked to 'Russian troll factory'*, 4 June 2020.

June 2013.<sup>379</sup> The law requires that every statement relating to LGBTI subjects is marked with an 18+ sign.

The term propaganda is not clearly defined in the law, which leaves room for broad interpretation by the investigative authorities. Any statement related to LGBTI subjects can therefore be qualified as propaganda. Violations are subject to an administrative fine or administrative detention of up to thirty days.<sup>380</sup>

According to a confidential source, prosecution for violations of the anti-LGBTI propaganda law is not widespread<sup>381</sup> and mainly targets against individuals. The authorities interpreted the term 'propaganda among minors' broadly. For example, film festival director Larisa Zhuravleva was fined 50,000 roubles<sup>382</sup> for showing a film with a homosexual protagonist, despite the Ministry of Culture's permission to show the film and despite an exclusively adult audience.<sup>383</sup> Maksim Pankratov was prosecuted for publishing a video answering interview questions from under-age children about his life; he spoke about his homosexuality but not about sexual acts. In addition to the administrative violation of the anti-propaganda law, a criminal investigation was also launched against Pankratov and the producers of the video for possible abuse of minors. This carries a maximum prison sentence of twenty years. Pankratov received death threats from unknown persons, and the children's parents were pressured to make statements against Pankratov and the producers.<sup>384</sup> In October 2019, according to *Human Rights Watch* a court ordered two LGBTI organisations – *Russian LGBT Community* and *Russia LGBT Network* – to remove their pages on social media platform *Vkontakte* because it claimed that the information on those pages violates the prohibition of propaganda promoting non-traditional relationships towards minors.<sup>385</sup>

Despite the limited number of prosecutions, the anti-propaganda law has far-reaching consequences. The law portrays non-heterosexual relationships as potentially dangerous to children, influencing perception in society. The law also has a deterrent effect: due to the vague wording, it is not clear to LGBTIs to which extent they can reveal their sexual orientation without fear of government sanctions. Furthermore, the law makes it difficult for minors to find information about their sexual orientation or identity, to access like-minded support groups or to obtain information about available professional psychological help. For organisations, the law makes it more difficult for them to get in touch with their target audience and provide support. According to these organisations, by restricting the spread of information about LGBTI, the law indirectly contributes to an increase in homophobia. A local NGO says that at the time the law had a major impact on LGBTI minors, who struggled with their sexual orientation or identity after the law was introduced in 2013. Many of them now fear the negative consequences of their sexuality or identity for family members and are afraid that they will never be able to lead a normal life. Another indirect consequence of the law is that LGBTI parents may be confronted with the threat of revocation of parental authority, although the

<sup>379</sup> Federal Law No. 135-FZ adopted on 29.06.2013; for a detailed description of the law, see the Country of origin information report for the Russian Federation July 2014.

<sup>380</sup> Confidential source, 22 October 2020; Coming Out: Report on the situation of the LGBT community of Saint Petersburg in 2019.

<sup>381</sup> According to this source, in 2019 investigations were launched in just 21 cases, of which only four had led to convictions by November 2020.

<sup>382</sup> Equivalent to EUR 556, according to xe.com on 7 February 2021.

<sup>383</sup> Meduza, *Film festival director fined for violating Russia's 'gay propaganda law'*, 28 October 2020; RFERL, *'Direct Censorship': Racy Russian Teen Drama 'Outlaw' Won Awards, But Audiences Are Having Trouble Seeing It*, 28 October 2020.

<sup>384</sup> US Department of State, US Department of State, *Russia 2019 Human Rights Report*, p.21; HRW, *Criminal Charges for Gay-Friendly Chat Show*, 15 November 2019. HRW, *Russian Criminal Investigation Launched Over Video of a Gay Man Talking to Children*, 6 November 2019. Coda, *Owners of a Russian YouTube channel for children face prison for featuring an interview with a gay man*, 12 November 2019.

<sup>385</sup> HRW, *Russia Censors LGBT Online Groups*, 8 October 2019.

sexual orientation or identity of the parents provides no legal basis for this. It is not known whether the authorities have succeeded in revoking parental authority on other grounds.<sup>386</sup> For more information about LGBTI and family life, see also section 5.6.10.

#### *Prohibition of unauthorised demonstrations*

During the reporting period, the demonstration laws were also used to counter expressions of support for the LGBTI community. For example, members of the *Pussy Riot* protest group were arrested for unauthorised protests after hanging rainbow flags on public buildings on President Putin's birthday.<sup>387</sup>

#### *Prohibition of pornography*

In some cases, LGBTI-related statements were regarded as pornographic material by the authorities and were therefore prosecuted. For example, Yulia Tsvetkova, an LGBTI activist from Komsomolsk-on-Amur in eastern Russia, was repeatedly charged during the reporting period for producing and distributing pornographic material and spreading homosexual propaganda because she shared drawings of nude women and LGBTI families online. These charges carry a maximum of six years in detention.<sup>388</sup>

### 5.6.2

#### *Discrimination*

Discrimination by society against LGBTI groups occurs regularly in Russia. According to a Russian NGO, there has been a slight increase in incidents of negative verbal treatment towards LGBTI people in public.<sup>389</sup> Independent research institute *Levada* says that homophobia is still widespread in Russian society. In December 2017, 69 percent of the 1,600 Russian respondents to a survey in 48 regions of the country said it was wrong for adults of the same sex to have sexual relations with each other. Only eight percent said there was nothing wrong with it.<sup>390</sup>

There is discrimination, for example, in the housing market and the labour market and also in relation to medical treatment. A confidential source said that LGBTI people will most definitely be refused as tenants if other, non-LGBTI, tenants are also available.<sup>391</sup>

Discrimination on the labour market is manifested by the preference for heterosexual candidates for job applications, but also by bullying in the workplace, where employers do not intervene or are themselves guilty of bullying, and the affected LGBTI colleague is forced to leave. 37% of employers indicate that they do not employ LGBTI candidates. According to the *Coming Out* initiative group, around 7% of a group of 1,200 respondents have to deal with LGBTI-related physical attacks in the workplace, and around 20% with verbal aggression. A large proportion of them were transgender people. According to activists, the majority of LGBTI people keep their sexual orientation or identity secret for fear of being dismissed or abused.<sup>392</sup>

<sup>386</sup> Confidential source, 22 October 2020; confidential source, 12 November 2020; *Coming Out: Report On The Situation of the LGBT\* Community of Saint Petersburg in 2019, 2020*.

<sup>387</sup> NBC News, *Russian police detain Pussy Riot activists for hanging pride flags around Moscow*, 9 October 2020; The Independent, *Pussy Riot commandeers government buildings with LGBT+ flags to mark Putin's birthday*, 7 October 2020.

<sup>388</sup> Amnesty International actie voor Yulia Tsvetkova, **Error! Hyperlink reference not valid.**, consulted on 19 October 2020; DW, *Feminist activist could face prison for vagina drawings*, 7 July 2020.

<sup>389</sup> Confidential source, 22 October 2020.

<sup>390</sup> Amnesty International Duitsland, *Stellungnahme gegenüber dem Bayerischen Verwaltungsgerichtshof bezüglich LHBTI in Russland*, 11 September 2020.

<sup>391</sup> Confidential source, 22 October 2020.

<sup>392</sup> *Coming Out, Report on the situation of the LGBT community of Saint Petersburg in 2019*, p. 94-98. US Department of State, *Russia 2019 Human Rights Report*, p. 65.

In the healthcare system, although they are not openly discriminated against, doctors often do not know what to do with LGBTI people. As a result, psychological disorders, for example, are not treated properly. Then the psychological disorder is regularly attributed to the person's homosexual orientation, for example, while there might also be other complaints. Although attitudes towards LGBTI people can be said to be more positive in Saint Petersburg than in other parts of Russia, there too in 2019 medical assistance was refused to patients due to their sexual orientation or they faced discriminatory treatment.<sup>393</sup> An LGBTI organisation pointed to the double stigma of being LGBTI and HIV-positive. These people are sometimes forced by their employers to take a HIV test, and the test result is shared with colleagues.<sup>394</sup>

In the field of education, people who are (apparently) LGBTI faced discrimination. A university in Yekaterinburg and schools in Saint Petersburg screened the social media accounts of students for morally irresponsible behaviour. The students involved said that this was mainly aimed at excluding LGBTI people.<sup>395</sup>

The Russian authorities generally do not treat LGBTI people positively, although improvements are seen in some areas. For example, plain-clothes police were assigned to the *queerfest* festival in St. Petersburg to maintain order and intervene in case of violence against festival visitors. There is also a good cooperative relationship between the police and interest groups that provide evidence<sup>396</sup> in the fight against organised crime involving *fake dates*. At the same time, the negative attitude of the police towards LGBTI means that this community is reluctant to report a crime or seek protection. When attempting to report a crime, LGBTI people are regularly turned away with the message that the police cannot help them; they are sometimes even threatened.<sup>397</sup>

There is insufficient information available about the extent to which knowledge of a person's (attributed) LGBTI behaviour or disposition can in practice lead to disproportionate or discriminatory punishment or enforcement of a sentence imposed during a (criminal) prosecution for a civil offence.

### 5.6.3 *Forced medical treatment*

The forced treatment of LGBTI to change their sexual orientation is common in Russia, but it is not clear on which scale this occurs. Minors up to the age of sixteen can be placed under medical treatment by their parents without their consent. These minors cannot contact counsellors and are not inclined to seek help from NGOs after the treatment as they often still live at home. In addition, psychiatrists can diagnose various psychological complaints and prescribe treatment, while this treatment actually pertains to the person's sexual orientation or identity but is not registered as such. NGOs say that they have very limited understanding of this problem. In a survey by NGO *Coming Out*, 32 of the 198 respondents said that they were forced to undergo medical, ritual or psychological treatment or even admission to a clinic. The exact circumstances and types of treatment are unclear and vary from case to case. Some of the respondents said that they had been forced to undergo treatment by

<sup>393</sup> *Coming Out, Report on the situation of the LGBT community of Saint Petersburg in 2019*, p. 94-98.

<sup>394</sup> Confidential source, 22 October 2020; confidential source, 12 November 2020.

<sup>395</sup> LGBT World Beside, *Ural State University of Economics decided to fight with gays*, 21 September 2019; Meduza, *Russian student disciplined after university officials find LGBTQ group in his social media subscriptions*, 19 September 2019; The Moscow Times, *St. Petersburg Schoolchildren Screened for LGBT 'Propaganda'*, 10 September 2020.

<sup>396</sup> See the explanation on page 72

<sup>397</sup> Confidential source, 22 October 2020; confidential source, 12 November 2020.

doctors. Confidential sources also say that they only have a limited understanding of forced medical treatment.<sup>398</sup>

In the Northern Caucasus, forced psychiatric treatment to change sexual orientation or identity is prevalent, probably on a larger scale than in the rest of the Russian Federation. According to a confidential source, a clinic in Grozny has been advertising this treatment. During the reporting period, a lesbian woman from Chechnya was forced by her family to undergo treatment at this clinic, in combination with rituals performed by the mullah; see also section 5.6.11 for more information about Chechnya.<sup>399</sup>

Based on a directive from the Ministry of Health, people who have attempted suicide can be placed in a closed psychiatric clinic for thirty days without their consent or can be subjected to outpatient psychiatric treatment by Russian psychiatrists. Since these clinics are not open to the public, little is known about the treatment of specific LGBTI patients and whether they are forced to deny their sexual orientation. During the Covid-19 pandemic, government measures prevented or restricted patients from receiving visits from relatives or lawyers.<sup>400</sup> The Public Oversight Committee has only been able to monitor closed psychiatric clinics since the summer of 2020; see section 4.8.

According to the US Department of State, the *Association of Russian-Speaking Intersex* reported that medical specialists often pressured intersex individuals (or their parents, if they were under-age) to undergo so-called normalisation surgery without providing accurate information about the procedure or what it means to be intersex.<sup>401</sup>

#### 5.6.4 *Military conscription and LGBTIs*

All men in Russia must be examined by a committee prior to their military or substitute conscription. Men who report being homosexual can be referred to a medical committee by the military inspection committee. According to a confidential source, this is a regular occurrence because military inspection committees often regard homosexuality as a psychological disorder. This medical committee can recommend a compulsory psychiatric examination for one month in a psychiatric institution. The examination may show that the person is indeed homosexual but is still able to fulfil military service due to the absence of psychological disorders; confirmed homosexuality in itself is therefore not enough to be exempted from military service. At the start of military service, there is a very good chance that the sexual orientation of the person concerned will be shared with the commanding officer of the division in which he is serving. The abuse of homosexual men in the military is almost routine, according to a confidential source.<sup>402</sup> The examination in the psychiatric institution may also reveal another psychiatric disorder that prevents military service from being fulfilled. If there is 'another' disorder, a certificate is issued that exempts the person from military service. This certificate can have very adverse consequences for the person concerned, as it must be shown, for example, when applying for professions for which good health is a pre-requisite or when

<sup>398</sup> Confidential source, 12 November 2020; confidential source, 22 October 2020. Coming Out, *Report on the situation of the LGBT community of Saint Petersburg in 2019*, p. 108; Open Democracy, *Russia: how a mother tried to send her gay son to psychiatric hospital*, 17 November 2020.

<sup>399</sup> The Moscow Times, *Young Russian Tries to Sue Over Violent Lesbian 'Exorcism' in Chechnya*, 22 January 2020; Caucasian Knot, *Chechen law enforcers refuse to investigate "expulsion of genies" from Aminat Lorsanova*, 21 September 2020; Confidential source, 12 November 2020.

<sup>400</sup> Confidential source, 22 October 2020.

<sup>401</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 63.

<sup>402</sup> Confidential source, 12 November 2020.

applying for a driving licence.<sup>403</sup> A number of NGOs reported on a transsexual man who was able to prove that he had transitioned into a man to the medical committee by producing the relevant documents. Despite the fact that transsexuality is seen as a psychiatric disorder in Russia, the examining psychiatrist did not include this certificate as a possible ground for exemption.<sup>404</sup> For more information about compulsory military service, see also section 5.3.

#### 5.6.5 *Violent crimes against LGBTI*

During the reporting period, there were many different types of violent acts against LGBTI people, including two fatalities. In July 2019, openly bisexual LGBTI activist Elena Grigoryeva was killed in St. Petersburg (see section 5.6.5 on violence against LGBTI activists), and on 29 June 2019 a young homosexual man died after being stabbed at a train station in Moscow. A jury acquitted the suspect of murder and found him guilty of assaulting the partner of the deceased.<sup>405</sup>

More than half of LGBTI people polled in a 2019 survey by the *Russian LGBT network*, an advocacy group, reported experiencing at least one type of violent act or abuse due to their gender identity, sexual orientation, or both.<sup>406</sup> 11.6% of the respondents reported having experienced physical violence at least once because of their sexual orientation, while 56.2% experienced psychological violence. Four percent of the respondents claimed they had been victims of sexual violence.<sup>407</sup>

It is difficult for victims to report the crime, mainly because they fear negative reactions from the police if they reveal their sexual orientation or gender identity, and they do not believe that the report will be processed properly. This lack of confidence seems justified. In many cases, the police react negatively and refuse to process the report, especially if legal assistance is not being provided. Legal assistance increases the chance that a reported crime will be processed. However, the police usually do process reports of crimes linked to *fake dates*, possibly because it involves organised crime (see the section below). When the police do process a reported crime, violent crimes against LGBTI are prosecuted as a violent crime without taking the discrimination aspect into account as an aggravating circumstance, since LGBTI do not qualify as a separate social group under the law.<sup>408</sup>

#### *Fake dates*

In Saint Petersburg, the *Coming Out* initiative group reported on various types of violence against LGBTI people in 2019: verbal violence, physical violence by unknown persons and acquaintances, domestic violence and sexual violence, including *corrective rape* and extortion. As described in the 2018 country of origin information report, fake dates in order to blackmail people were reported numerous times in Saint Petersburg and Moscow. The perpetrators were not always prosecuted. Organised groups are often behind these fake dates. In St. Petersburg,

<sup>403</sup> Confidential source, 12 November 2020; Coming Out and others, *Alternative Report as a Commentary on the Eighth Periodic Report CCPR/C/RUS/8 by the Russian Federation*, May 2020, point 37;

<sup>404</sup> Coming Out and others, *Alternative Report as a Commentary on the Eighth Periodic Report CCPR/C/RUS/8 by the Russian Federation*, May 2020, point 37;

<sup>405</sup> SOVA Center, "He Fell on the Knife": Person Involved in the Murder of a Gay Male Acquitted, 26 February 2020. RFERL, *Moscow Jury Acquits Man Of Murdering Gay Despite Confession*, 7 February 2020.

<sup>406</sup> NBC News, *Russian voters back referendum banning same-sex marriage*, 1 July 2020. Coming Out, *Report on the situation of the LGBT community of Saint Petersburg in 2019*, p. 92.

<sup>407</sup> Amnesty International Duitsland, *Stellungnahme gegenüber dem Bayerischen Verwaltungsgerichtshof bezüglich LHBTI in Russland*, 11 September 2020.

<sup>408</sup> In Russia, the discrimination aspect can only be included as an aggravating circumstance if the violence was directed against a defined social group. See also Coming Out, *Report on the situation of the LGBT community of Saint Petersburg in 2019*, p. 87/88; Confidential source, 12 November 2020; US Department of State, *Russia 2019 Human Rights Report*, p. 63.



one of these groups had set up at least seventeen fake dates. One of the suspects behind a series of fake dates was a police officer. Fake dates also occur in Moscow, but it is not known on which scale. There is also very little information available about numbers of fake dates in other cities. Lack of trust in the police, shame and fear of negative treatment by the police are the main reason why victims refrain from reporting this crime, and according to confidential sources and reports this is justified. However, a lawyer or NGO can provide useful assistance, and this has led to good cooperation with the police in Saint Petersburg in the successful prosecution of the organised criminals behind fake dates. One alternative to reporting the crime is to settle in another Russian city, insofar as the perpetrators behind the fake dates are not members of the police or do not have influence over the authorities in that other city. In general, relocation inside Russia to a large city is often made more difficult by shortages on the housing market in large cities and the unwillingness of landlords to register tenants; see section 6.2. If they move, LGBTI people will be confronted with discrimination in the labour and housing market and they will have to rebuild a safe social network; see section 5.5.2. According to a confidential source, LGBTI people are not inclined to move as they do not know whether they will be safe in the new environment.<sup>409</sup>

#### *Violence against LGBTI activists*

There are different types of violence against LGBTI activists. In July 2019, openly bisexual LGBTI activist Elena Grigoryeva was killed in St. Petersburg. Shortly before her death, a group called Pila ('saw') had published her name online, along with the names and fragments of contact or address data of other activists. Since coming out, she had been threatened multiple times. She reported these threats to the police but no investigation was launched. A suspect was arrested for the murder and convicted of involuntary manslaughter in connection with a private quarrel. Critics doubt this interpretation, since the man was unknown to Grigoryeva and he confessed quite quickly. Critics suspect that the confession was made under pressure. The Pila group took responsibility for the murder and a well-known homophobic activist welcomed the murder.<sup>410</sup> Activists continue to receive threats, according to a confidential source, and the contact details or home addresses of some activists are still being publicised.<sup>411</sup>

#### 5.6.6 *Regional differences*

In general, more support is available for LGBTI people in the cities than in the more rural areas. For example, especially in Saint Petersburg but also in other major cities, there are NGOs, lawyers and doctors who are familiar with the problems that LGBTIs can encounter. However, a confidential source says that there is also more violence against LGBTI people in the big cities, as this group is more visible and articulate there and therefore encounters more resistance.<sup>412</sup>

Cohabitation of LGBTI people is possible, but in practice it will meet with the disapproval of the landlord or the neighbours.

#### 5.6.7 *Scene*

<sup>409</sup> Coming Out, *Report on the situation of the LGBT community of Saint Petersburg in 2019*, p. 117. US Department of State, *Russia 2019 Human Rights Report*, p. 63. Confidential source, 12 November 2020; confidential source, 22 October 2020.

<sup>410</sup> Coming Out, *Report on the situation of the LGBT community of Saint Petersburg in 2019*, p. 94-98; RFERL, *A Grim Death, A Confession -- But No Closure In Russian LGBT Activist's Killing, 18 September 2019*. Confidential source, 22 October 2020.

<sup>411</sup> Confidential source, 22 October 2020. *Russia 2019 Human Rights Report*, p. 64.

<sup>412</sup> Confidential source, 22 October 2020.

### *Interest groups*

There are a number of special interest groups in Russia. They also have to cope with the difficulties that other activists experience – see section 5.2 – as a result of the Law on Foreign Agents, the Law on Undesirable Foreign Organisations and specific legislation aimed at prohibiting LGBTI propaganda, for example. It is also not possible for some LGBTI organisations to register as an organisation at all. In the major cities in Russia, such as St. Petersburg, Moscow and Yekaterinburg, various organisations, initiative groups and lawyers are committed to upholding the rights of LGBTI people. Since the NGO Act came into force, most LGBTI NGOs have continued their activities as informal initiative groups or under a cover name. A small number of interest groups are described below.

The largest LGBTI initiative group is the Russian *LGBT Network*. This network works with local initiatives in more than ten Russian regions. *LGBT Network* provides assistance to people regardless of where they live. The network is committed to protecting the rights and promoting the social acceptance of LGBTI people. It collaborates with lawyers and psychologists who work with LGBTIs and provides psychological advice, among other things, through its telephone helpline. It does this especially for LGBTI people outside the big cities where there is no help available. The Russian *LGBT Network* monitors and analyses the position of LGBTI people in society, partly to compensate for the lack of official statistics. Besides its day-to-day activities, the *LGBT Network* has played a major role in evacuating and sheltering Chechen homosexual men and providing them with safe houses elsewhere in Russia. For victims from other locations, the network offers emergency shelter on condition that the victim reports the crime.<sup>413</sup>

The Stimul initiative group in Moscow focuses on providing legal aid to Russian LGBTI and LGBTI refugees in Russia who come from countries where they are persecuted on the basis of their sexual orientation or identity. They also provide assistance in court cases based on the Anti-LGBTI Propaganda Act and Anti-Demonstration Act and provide training for activists.<sup>414</sup>

The *Coming Out Initiative Group* tries to empower LGBTIs and mobilise them to defend their own cause. Among other things, the group organises the annual *Queer Festival* in St. Petersburg and provides psychological and legal advice. The group also collects data about aggression against LGBTI people, which is shared with human rights organisations and the local ombudsman in Saint Petersburg.<sup>415</sup>

LGBTI events are held in Saint Petersburg and Moscow; these events usually run smoothly and are sometimes even supported by the authorities. For example, the police provided protection against possible disturbances during the *Queerfest* in St. Petersburg in 2020. The local ombudsman in Saint Petersburg attended the *LGBTI Filmfest* in 2020.<sup>416</sup> However, there were incidents in Moscow where the authorities did not protect performers and audiences from physical attacks during cultural events. For example, activists of nationalist movements tried to disrupt the annual LGBTI film festival *Side-by-Side* in Moscow in May 2019. They blocked the hall entrance, shouted homophobic comments and threw ammonia on a Canadian diplomat. According to festival organisers, police officers witnessed the disruptions but did not intervene. The venue also received multiple bomb threats during the

<sup>413</sup> <https://lgbtnet.org/en/activities>; confidential source, 12 November 2020.

<sup>414</sup> <https://www.msk-stimul.eu/?lang=en>.

<sup>415</sup> <https://comingoutspb.com/eng>.

<sup>416</sup> Confidential source, 22 October 2020.

festival, forcing police to evacuate the buildings and delay the start of each film screening by several hours.<sup>417</sup>

### 5.6.8 *Transgender*

Transgender people are the most vulnerable people in the LGBTI community, according to a confidential source. This source says they are subjected to the most insults or violence by society and the government, but also by their own families.<sup>418</sup> In addition, they face medical and bureaucratic difficulties and discrimination in the areas of health, education, housing, transport and employment. There are no official statistics about transgender people in Russia, but *The Moscow Times* newspaper quotes an estimate of around 0.01% of the population, equivalent to around 15,000 people.<sup>419</sup>

Under the law, transgender people can include an official gender reassignment in their identity documents if, after a psychiatric evaluation, they can provide a certificate of transsexuality and evidence of hormone treatment or sex reassignment surgery. Transgender identity is still classified as a behavioural disorder and therefore regarded as a disease. The Ministry of Health has drawn up a model statement that can be issued by a psychiatrist. Previously, even with a statement from a doctor it could take years for the authorities to grant the request to amend the birth certificate of the person in question; the model statement was supposed to make that easier. In 2019, however, it was still difficult to make the adjustment and it depended in part on the case officer. The whole process can take years and is very expensive.<sup>420</sup>

Despite the recent standardisation referred to above, in the autumn of 2020 a number of Duma members drew up<sup>421</sup> a legislative proposal<sup>422</sup> to make official gender reassignment impossible for transgender people and to revert birth certificates and passports to the gender assigned at birth. The same legislative proposal also specified the intention not to allow people who have since changed sex to marry someone with the same sex as their assigned birth gender. Transgender people can currently marry if, according to their identity papers, they differ in gender from their partner. In Russia, however, only a few of these types of marriages have taken place.<sup>423</sup> According to the bill, adoption by these couples would also become impossible. The Ombudsman for Children, the Human Rights Committee and the head of the State Duma Committee on Family Affairs advised against this proposal in October 2020, especially given the far-reaching implications for children of the above-mentioned parents. At the time of publication, no amended proposal had been submitted.<sup>424</sup>

With respect to employment discrimination towards transgender people, there was a high-profile court decision in June 2020. A judge ruled that the dismissal of a transgender woman was unlawful. After having worked at the company in question

<sup>417</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 74.

<sup>418</sup> Confidential source, 22 October 2020.

<sup>419</sup> The Moscow Times, *Russia's Transgender Community Struggles for Acceptance*, 7 August 2019. US Department of State, *Russia 2019 Human Rights Report*, p. 66.

<sup>420</sup> The Moscow Times, *Russia's Transgender Community Struggles for Acceptance*, 7 August 2019. *Coming Out, Report on the situation of the LGBT community of Saint Petersburg in 2019*, p. 68-69. US Department of State, *2019 Human Rights Report Russia*, 2019, p. 65; *Novaya Gazeta, Transgenders Speak Out, newsletter Russia Explained #49*, 9 September 2020.

<sup>421</sup> The July 2020 constitutional amendment states that marriage should be between a man and a woman. See also section 1.3.

<sup>422</sup> For the current state of affairs, see: **Error! Hyperlink reference not valid.**

<sup>423</sup> The Moscow Times, *Did Russia Register Its First Transgender Marriage?*, 16 December 2019.

<sup>424</sup> RFERL, *Russian Duma Receives Bill Prohibiting Transgender Marriage*, 15 July 2020; The Moscow Times, *A New Russian Law Could Ban Trans People From Officially Changing Their Gender*, 2 September 2020; Confidential source, 22 October 2020.

for years, the transgender woman had her gender changed to female in her passport and was subsequently dismissed because women are not admitted to her profession.<sup>425</sup> Although the judge did not accept the alleged discrimination based on her sex, this ruling was nevertheless welcomed by the transgender community because the woman was vindicated – albeit for different reasons. Although the judge did not confirm that the woman had been discriminated against and said that women are excluded from certain professions to protect their reproductive health, this was not the case here. The judge therefore found that the woman in question was able to do her work and declared her dismissal to be unlawful. The woman won the case and the employer was ordered to pay immaterial damages and compensation for lost earnings. At the time of writing, the compensation had not yet been paid. The woman had fought lengthy lawsuits to be allowed to change her gender.<sup>426</sup>

#### 5.6.9 *LGBTI and family life*

It is not possible for same-sex couples in Russia to marry – the 2020 constitutional amendment explicitly restated this – so they are also not allowed to adopt children. As far as is known, two foreign marriages of same-sex partners have been recognised by the civil registry in Russia, but for one marriage the recognition was later withdrawn.<sup>427</sup>

Same-sex couples cannot adopt children together, but they can adopt them separately. So there are couples – particularly in large cities – where one of the partners has adopted children. There are also couples who live with their biological children, either from a previous marriage or from a surrogate mother. LGBTI parents are forced to hide their sexual orientation or identity for fear of bullying at school or negative treatment from society.<sup>428</sup> A legislative proposal to oblige transsexual people to have their birth gender re-registered on their documents was rejected in October 2020. The legislative proposal was aimed at elaborating on the constitutionally established ‘traditional’ family values, but it was rejected because it reportedly did not take sufficient account of the interests of children of transsexual parents.<sup>429</sup>

The fear of LGBTI parents of losing parental authority over their children is growing despite the fact that sexual orientation or identity does not provide a legal basis for this. According to the US Department of State, the authorities threaten LGBTI couples more and more often with the revocation of parental authority, usually on the grounds of alleged risk to the children.<sup>430</sup> In St. Petersburg, parental authority was actually revoked in two cases in 2019, and in one case the authorities threatened to do so.<sup>431</sup> In Moscow, a homosexual couple was forced to flee abroad with their children after an attending physician asked the authorities to revoke parental authority. When that proved impossible, the official who had granted the adoption to

<sup>425</sup> In Russia, women are excluded from 456 professions on the grounds of work-related hazards. As of 1 January 2021, this list will be reduced to a hundred professions. See also HRW, Legacy Reports 1997 (**Error! Hyperlink reference not valid.**) and US Library of Congress, *Russian Federation: Government Shortens List of Professions in Which Women’s Employment Is Restricted*, 7 October 2019.

<sup>426</sup> Confidential source, 22 October 2020; HRW, *Russian Court Rules Transgender Woman’s Firing Unlawful*, 25 June 2020; Meduza, *Transgender woman wins landmark labor rights case in St. Petersburg*, 16 June 2020.

<sup>427</sup> The Moscow Times, *Russia ‘Accidentally’ Recognizes Gay Marriage*, 23 June 2020; RFERL, *Gay Couple Flees Russia After Same-Sex-Marriage Scandal*, 29 January 2018.

<sup>428</sup> US Department of State, *Russia 2019 Human Rights Report*.

<sup>429</sup> HRW, *Russia: Reject Anti-LGBT ‘Traditional Values’ Bill*, 6 August 2020; Meduza, *Draft laws impacting children’s and transgender rights in Russia withdrawn from State Duma*, 16 November 2020.

<sup>430</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 19.

<sup>431</sup> Coming Out, *Report on the situation of the LGBT community of Saint Petersburg in 2019*, p. 85.

one of the fathers was investigated for improper performance of his duties, which is a crime in Russia.<sup>432</sup>

In October 2020, the authorities threatened to prosecute the homosexual fathers of children from surrogate mothers for child trafficking. This announcement was made in the context of a criminal investigation into child trafficking against four doctors who had helped foreigners and Russian surrogate mothers.<sup>433</sup> According to a confidential source, the initiative to revoke parental authority generally comes more often from family members or doctors than from the competent authorities.<sup>434</sup>

It is not known whether the authorities have succeeded in revoking parental authority from LGBTI parents on other grounds besides the ones mentioned above.

#### 5.6.10 *LGBTI people in Chechnya*

The Chechen authorities regularly arrest people with a dissenting political opinion or religion, drug addicts or people of LGBTI orientation or identity in a violent, arbitrary and non-statutory way. Those arrested can face intimidation, detention, physical abuse and even extrajudicial killings.<sup>435</sup> According to a confidential source, thousands of people in Chechnya are said to be held in informal prisons, including not just LGBTI people but also drug addicts and/or women who have violated the Chechen cultural dress code. The same source says that people are released in exchange for payment by the family.<sup>436</sup> People whose behaviour is deemed to be undesirable by the authorities are often forced to record a video message in which they apologise for their behaviour, sometimes under physical coercion.<sup>437</sup>

The situation of LGBTI people in Chechnya remained unchanged during the reporting period. According to reports from NGOs and media, in December 2018 and January and February 2019, the local authorities in Chechnya resumed their prosecution of those they consider to be members of the LGBTI community, including men who are believed to be homosexual<sup>438</sup> but also women who were regarded as lesbian or transgender. According to the NGO *LGBT Network*, the Chechen local authorities illegally detained and tortured an estimated fifty people, two of whom died in custody, bringing the number of confirmed fatalities to ten over the past three years<sup>439</sup>. The men and women were kept in secret prisons such as old sheds, for example, and not in official prisons. Homosexuality is also not an official crime in Chechnya and therefore no formal criminal proceedings can be taken. The detainees were denied access to a lawyer and were compelled under duress to give the names of homosexual men, in part by forcing them to access their social media on their mobile phones. Survivors reported that they were assaulted with electric weapons or by flogging and sexual violence, particularly against the female detainees, and deprivation of food and water. On their release, some of them were reportedly handed over to their relatives with the announcement that they are homosexual, a revelation that brings shame on the families and can lead to honour killings.<sup>440</sup>

<sup>432</sup> Confidential source, 22 October 2020; confidential source, 12 November 2020.

<sup>433</sup> Meduza, *The invention of 'gay mutilators'*, 5 oktober 2020; The Independent, *Gay men in Russia with surrogate children warned they face arrest*, 2 October 2020.

<sup>434</sup> Confidential source, 12 November 2020.

<sup>435</sup> Expert Opinion Mark Galeotti, *License to Kill? The Risk to Chechens inside Russia*; Trouw, *De leider van Tsjetsjenië foltert nu ook de elite*, 2 November 2019.

<sup>436</sup> Confidential source, 15 October 2020.

<sup>437</sup> Caucasian Knot, *In Chechnya, practice of public apologies affects teenagers*, 29 July 2019;

<sup>438</sup> Caucasian Knot, *Killed for orientation – the fate of queer women in Chechnya*, 14 January 2019;

<sup>439</sup> Meduza, *'Ten people were definitely killed' Activist Olga Baranova talks about the ongoing persecution of LGBTQ people in Russia's Chechnya*, 6 July 2020.

<sup>440</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 8; BBC News, *Chechnya LGBT: Dozens 'detained in new gay purge'*, 14 January 2019; Coming Out e.a., *Human Rights Violations Based on Sexual Orientation and Gender Identity in the Russian Federation, Alternative Report as a Commentary on the Eighth Periodic Report CCPR/C/RUS/8 by the Russian Federation*, May 2020, point 30; Amnesty International, *Putin has given Chechnya*

According to a representative of the NGO *LGBT Network*, a new method of persecution was introduced during this reporting period. The authorities are now forcing arrested LGBTIs to confess to crimes under torture. In this way, it is a criminal offence for the persons concerned and social workers to withdraw from surveillance by the authorities, and this can be followed by official criminal proceedings.<sup>441</sup> It is not known in how many cases this has happened. It is also not known how many people are still in prison and whether arrests are still taking place.

#### *Threats in other parts of Russia*

LGBTI people who have fled from Chechnya to elsewhere in Russia fear for both their own safety and that of their family members. They fear that they will be tracked down by the Chechen authorities and returned to Chechnya.

Others are afraid that the Chechen authorities will pressurise their relatives and induce them to return to Chechnya voluntarily. Some LGBTI people also fear honour killings against their relatives, especially homosexual men from traditional families, but also lesbian women.<sup>442</sup> In view of the threat from the Chechen authorities and family members, it is important for the safety of Chechen LGBTI refugees that they can build an anonymous life. The mandatory address registration makes this difficult. In addition, large cities may offer anonymity to newcomers, but there is often greater police supervision and a larger Chechen community, such as in Saint Petersburg and Moscow. In smaller villages, newcomers stand out more and the attitude of the authorities towards people from the Northern Caucasus is very negative.<sup>443</sup> Some LGBTI people from Chechnya have managed to temporarily build a new life in other parts of Russia, according to one source.<sup>444</sup> However, in February 2021, following this statement by the confidential source that people can successfully build a new life elsewhere in Russia, the Chechen authorities forcibly brought two Chechen homosexual brothers back to Chechnya from Nizhny Novgorod. When they arrived in Chechnya, they were charged with terrorism. The brothers had been arrested in Chechnya in 2020 for being homosexual and claimed that they were tortured. After fleeing from Chechnya, they had stayed at a secret location in Nizhny Novgorod. The Chechen authorities were assisted by the Russian authorities in the arrest.<sup>445</sup>

Not just LGBTI people fleeing Chechnya but also the volunteers helping them were threatened during the reporting period. In 2019, the NGO *LGBT Network* announced that seven unknown men had forcibly entered the home of one of their volunteers and asked about a Chechen woman they believed was a lesbian. They threatened the volunteer. The NGO coordinator was also threatened.<sup>446</sup>

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*free rein to persecute LGBTI people*, 17 January 2019; HRW, *World Report 2020: Russia*; Confidential source, 15 October 2020; Time Magazine, *A Victim of the Anti-Gay Purge in Chechnya Speaks Out: 'The Truth Exists'*, 26 July 2019.

<sup>441</sup> Meduza, *'Ten people were definitely killed' Activist Olga Baranova talks about the ongoing persecution of LGBTQ people in Russia's Chechnya*, 6 July 2020; OC Media, *Russian police 'abduct gay Chechen brothers' from safehouse in central Russia*, 5 February 2021.

<sup>442</sup> One of the witnesses reported that the authorities had ordered his family to kill him; see NPR, *Activists Say 40 Detained And 2 Dead In Gay Purge In Chechnya*, 14 January 2019. Another witness confirms that a family killed their homosexual son; see Caucasian Knot, *They will kill you anyway, be it family or strangers": gay about life in Chechnya and flight from Russia*, 24 January 2019.

<sup>443</sup> Expert Opinion Mark Galeotti, *License to Kill? The Risk to Chechens inside Russia*, June 2019;

<sup>444</sup> Caucasian Knot, *"Meduza" tells about new tactics for persecuting gays in Chechnya*, 3 July 2020;

<sup>445</sup> Confidential source, 12 February 2021; The Moscow Times, *Russia Returns Escaped Gay Men to Chechen Police – NGO*, 5 February 2021; OC Media, *Russian police 'abduct gay Chechen brothers' from safehouse in central Russia*, 5 February 2021.

<sup>446</sup> HRW, *Russia: New Anti-Gay Crackdown in Chechnya*, 8 May 2019; HRW, *Russia: Chechnya Gay Purge Responders Threatened*, 28 May 2019; Amnesty, *Russia: Two years after Chechnya's gay purge victims still seek justice as LGBTI defender receives death threats*, 1 April 2019.

*Threat outside of Russia*

Chechen minorities and activists – including LGBTI activists – are also at risk of being physically attacked or killed outside Chechnya. In recent years, a number of Ramzan Kadyrov's critics have been killed abroad; see section 5.5.5 for more information about human rights defenders. Prior to this reporting period, in 2017 an openly homosexual Chechen man who reported that he had been mistreated in Chechnya by the Chechen authorities claimed that he was attacked in Germany by other Chechens. He then apologised for his allegations against the Chechen authorities under duress in a video message.<sup>447</sup>

*Forced psychiatric treatment*

Forced psychiatric treatment to change sexual orientation or identity is prevalent in the Northern Caucasus, probably on a larger scale than in other parts of the Russian Federation. According to a confidential source, a clinic in Grozny has been advertising this treatment. A lesbian woman from Chechnya reported that relatives assaulted her in attempts to 'expel' her sexual orientation with an exorcism ritual that involved flogging. The ritual took place during the woman's forced hospitalisation in two different psychiatric clinics. However, the Chechen authorities refused to launch a criminal investigation. The woman fled Russia.<sup>448</sup>

## 5.7 Women

The position of women in Russia did not change during the reporting period.

In Russia, women are excluded from certain professions on the grounds of work-related hazards. As of 1 January 2021, this list was reduced from 456 to 100 professions.<sup>449</sup> According to the *World Economic Forum*, Russia was in ninth place in Europe in terms of the countries with the most women in leadership positions.<sup>450</sup>

- 5.7.1 *After a divorce or the death of a husband, it is customary in the Northern Caucasus – unlike in other parts of Russia – to assign parental authority to the father or to let the children grow up with the father's family. But there are also rare instances of women successfully claiming custody of their children in local courts despite extortion and threats from their in-laws. However, these rulings were not always complied with by those involved or by the authorities.*<sup>451</sup>
- Domestic violence**
- Domestic violence remained a widespread and major problem in Russia. Since domestic violence is not a separate crime in the Criminal Code, there are no official statistics available. The Russian Ministry of the Interior says that forty percent of serious abuse takes place within the family. Hundreds of deaths are thought to occur every year as a result of domestic violence. Other statistics indicate that one in five women experiences domestic violence; according to HRW, only three percent of

<sup>447</sup> The Moscow Times, *First Chechen to Come Out as Gay Says Public Apology Was Forced*, 27 December 2017;

<sup>448</sup> The Moscow Times, *Young Russian Tries to Sue Over Violent Lesbian 'Exorcism' in Chechnya*, 22 January 2020; Caucasian Knot, *Chechen law enforcers refuse to investigate "expulsion of genies" from Aminat Lorsanova*, 21 September 2020.

<sup>449</sup> HRW, Legacy Reports 1997 (<https://www.hrw.org/legacy/reports/1997/russwmn/Russwmn2.htm>) and US Library of Congress, *Russian Federation: Government Shortens List of Professions in Which Women's Employment Is Restricted*, 7 October 2019; The Moscow Times, *Russia Opens 350 Banned Professions to Women, Stripping Soviet-Era Restrictions*, 16 August 2019.

<sup>450</sup> World Economic Forum, *These countries have the highest percentage of female managers*, 8 February 2021.

<sup>451</sup> Journal of Human Rights Practice, Vanessa Kogan, *The Potential of Domestic and International Courts to Protect Women's Right to Family Life in the North Caucasus*, 4 July 2020; Center for Strategic and International Studies, Irina Kosterina, *Civil Society in the North Caucasus*, January 2020, p. 11 ff.

cases come to court.<sup>452</sup> During the Covid-19 outbreak in 2020, there was a significant increase in domestic violence. Although the police received fewer reports, the Ombudsman said that cases had doubled, according to HRW.<sup>453</sup>

Because the Russian Criminal Code does not have a separate definition for domestic violence, there are no specific penalties for violent offenders, such as an area ban, a restraining order or mandatory psychological training courses. In February 2017, a law was passed that decriminalises domestic violence without serious damage to health<sup>454</sup> if there are no recurrences. This amendment makes the potential victims of domestic violence even more vulnerable because the violence is only subject to criminal sanctions if there are serious consequences for the victim or if it involves a recurring complaint. The perpetrator of the violence often pays the administrative fine<sup>455</sup> for a first incident from the joint account, which places a financial burden on the whole family.<sup>456</sup> A bill for a legislative amendment has been in parliament since November 2019. The bill has been criticised by both sides for failing to bring about any serious improvement on the one hand and for being contrary to traditional family values on the other hand. The person who drafted the bill, State Duma member Oksana Pushkina, received threats as a result of her proposal.<sup>457</sup>

Victims have the legal option to report a crime; without a report, the police will not launch a criminal investigation themselves.<sup>458</sup> See section 4.1. on reporting a crime to the police. However, according to media outlets and NGOs, the police reportedly discouraged people from reporting a crime and do not provide women with sufficient support. Women who defend themselves against their attacker are often prosecuted themselves for assault, resulting in long prison sentences.<sup>459</sup> For example, the Khachatryan sisters were prosecuted for stabbing their father to death after years of abuse and violence, and a teenager was prosecuted for stabbing an attacker to death in the street.<sup>460</sup>

With regard to shelter options for female victims of domestic violence, there were no significant changes during the reporting period. The available shelter options are still considered inadequate and aid workers say they are dramatically bad. Access to shelter facilities was increasingly hampered by the measures against the Covid-19 pandemic.<sup>461</sup> For a detailed description of shelter options, see the previous country of origin information report.

For more information about the situation regarding women's rights activists, see section 5.5.6.

<sup>452</sup> BBC News, *Russian domestic violence: Women fight back*, 21 November 2019; HRW, *Weak State Response to Domestic Violence in Russia*, 25 October 2018; The World, *After decades in the shadows, Russia's feminists grab their spotlight*, 5 June 2019; HRW, *Combating Domestic Violence is Dangerous Work in Russia*, 16 December 2020; HRW, *World Report 2020, Russia*.

<sup>453</sup> Chatham House, *Domestic Violence in Russia: The Impact of the COVID19 Pandemic*, 20 July 2020; HRW, *World Report 2020, Russia*.

<sup>454</sup> See HRW: *I could kill you and no-one would stop me*, 2018, p. 34 and p. 56 for a definition of serious damage to health.

<sup>455</sup> In accordance with Article 6.1.1. of the Russian Administrative Act, the administrative fine for a first conviction is 5,000 to 30,000 roubles, which is equivalent to EUR 55.78 to EUR 334.69. The judge can also impose administrative detention or community service, but the perpetrator is fined in the vast majority of cases.

<sup>456</sup> See Country of origin information report for the Russian Federation 2018, p. 64.

<sup>457</sup> Amnesty International, *Human Rights in Eastern Europe and Central Asia, Review of 2019*;

<sup>458</sup> Freedom House Russia 2019 para. G3.

<sup>459</sup> BBC News, *Russian domestic violence: Women fight back*, 21 November 2019; Freedom House Russia 2019 para. G3; US Department of State – Report on Human Rights Russia 2019, p. 54 ff.

<sup>460</sup> RFERL, *'It's Your Own Fault': Teenage Sexual Assault Victim Fights To Break Russia's Culture Of Victim-Blaming*, 18 August 2019; RFERL, *Russian Judge Denies Reprieve For Sisters Who Killed Abusive Father*, 26 June 2019.

<sup>461</sup> Chatham House, *Domestic Violence in Russia: The Impact of the COVID19 Pandemic*, 20 July 2020; HRW, *World Report 2020, Russia*.



### 5.7.2 *Domestic violence, honour-related violence and female genital mutilation in the Northern Caucasus*

Domestic violence is also a widespread problem in the Northern Caucasus. It is rarely brought to light due to the fact that victims do not dare to speak out, and even more than in the rest of Russia domestic violence is regarded as belonging to the private sphere, which must be respected.<sup>462</sup> The opening of a women's shelter by an NGO was later cancelled due to the strong family ties in Chechnya, so a secret and safe shelter for women who are threatened seemed unlikely. Researchers say that the authorities and spiritual leaders acknowledge the issues surrounding divorce and domestic violence and offer support programmes for these issues.<sup>463</sup>

After media outlets drew attention to a fatal victim of domestic violence in Chechnya, the victim's mother was forced to publicly apologise for her attempt to launch a police investigation into her daughter's death. A police investigation therefore failed to materialise.<sup>464</sup>

Other forms of violence against women in Chechnya, Dagestan and elsewhere in the Northern Caucasus, such as honour killings, have also been reported by human rights defenders. Cases were rarely reported to the authorities or acknowledged by them, according to the US Department of State. The local police, doctors and lawyers are said to often work with affected families to cover up the events. No recent figures are available. According to a study by NGO *Justice Initiative Foundation* in December 2018, there were 39 cases of honour killings (36 women, 3 men) in the Northern Caucasus between 2008 and 2017. However, the actual number is much higher.<sup>465</sup> In some parts of the Northern Caucasus, women experienced bride kidnapping<sup>466</sup>, polygamy, forced marriage (including child marriage), lack of access to legal aid and enforced adherence to Islamic dress codes.<sup>467</sup>

Female genital mutilation (FGM) is known to occur in the Northern Caucasus. However, the scale on which it occurs is unknown. In 2018, local activists estimated that in Dagestan alone – the largest region of the Northern Caucasus – more than 1,200 children were mutilated in this way. According to newspaper *Novaya Gazeta*, genital mutilation of mostly young girls is mainly carried out at home by family members with non-medical tools, as only a few private clinics in southern Russia perform genital mutilation. This practice can have very serious consequences for the health of the girls.<sup>468</sup>

Although the religious authority in Dagestan is in favour of a partial ban on genital mutilation, it is not yet legally prohibited in the Russian Federation. According to *Novaya Gazeta*, in 2019 a criminal investigation into assault against a doctor was launched for the first time in Ingushetia for performing forced genital mutilation on a

<sup>462</sup> Stichting Justice Initiative, *Killed by gossip*, 18 December 2018;

<sup>463</sup> Center for Strategic and International Studies, Irina Kosterina, *Civil Society in the North Caucasus*, January 2020, p. 11.

<sup>464</sup> HRW World Report 2020, Russia; HRW, *Chechnya's Leader Hinders Justice for Domestic Violence Victim*, 26 June 2020; The Independent, *Chechen leader humiliates mother whose daughter died in suspected lockdown domestic abuse*, 28 June 2020; Caucasian Knot, *Practice of domestic violence in Chechnya is contrary to norms of Islam and Adats*, 22 July 2020;

<sup>465</sup> Stichting Justice Initiative, *Killed by gossip*, 18 December 2018;

<sup>466</sup> Bride kidnapping is illegal in Chechnya but still occurs mainly in Ingushetia and North Ossetia. See Open Democracy, *Women's rights in Russia's North Caucasus: between "national traditions" and "ordinary" murders*, 5 June 2018;

<sup>467</sup> US Department of State, Russia 2019 Human Rights Report, p. 56;

<sup>468</sup> Newsletter *Novaya Gazeta: Female Genital Mutilation in Russia, Explained*, 4 November 2020.

nine-year-old girl. The mutilation had been carried out without the presence of close relatives and resulted in serious physical and psychological damage to the girl.<sup>469</sup>

## 5.8 (Unaccompanied) minors

The situation of (unaccompanied) minors has not changed during the reporting period.

From the age of eighteen, people in Russia are considered to be of age and legally competent. Legal competence can also be granted by the authorities at the age of 16 if the person concerned has his/her own income, for example. It is possible for minors from the age of 16 to sign an employment contract provided it is light work and at least one parent has granted permission. Marriages are permitted from the age of eighteen; however, local authorities may authorise marriages at an earlier age, in some regions under the age of sixteen. In more than twelve regions, special circumstances justify marriage from the age of fourteen – for example in the case of pregnancy or the birth of a child. From the age of fourteen, a person can be prosecuted under juvenile criminal law – for example for serious violent crimes. From the age of sixteen, a person can be prosecuted for both administrative and criminal offences.<sup>470</sup>

There is compulsory schooling for children from the ages of seven to sixteen or seventeen; a minimum school career of nine years consisting of primary school and general education is compulsory for all children residing in Russia.<sup>471</sup>

If minors participate in unauthorised demonstrations, they risk a fine for an administrative violation from the age of fourteen. Their parents can also be fined, and in two cases the Prokuratura attempted to revoke parental authority in connection with alleged danger to the children.<sup>472</sup> See section 7.3 for more information about demonstrations.

From the age of fourteen, children must be able to identify themselves independently and apply for a domestic passport. A child can apply for a domestic passport independently. Minors can also be issued a foreign passport. This requires the written consent of the parents (see section 2.2.1). Minors can also be added to the foreign passport of one of the parents up to the age of sixteen. For biometric foreign passports, however, the data of children up to the age of fourteen (except for passport photographs) must be specified on the passports of the parents, but the children need their own passport to travel outside the Russian Federation.<sup>473</sup>

Minors require the permission of at least one parent or guardian to travel outside Russia without the supervision of a parent or guardian. This declaration of consent must be validated by a civil-law notary. If the other parent or guardian has lodged an objection with the authorities against the minor's exit, a border security guard may refuse exit. The mere fact that parents are divorced does not prevent the minor from leaving Russia if he is accompanied by one parent or has a declaration of

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<sup>469</sup> Newsletter Novaya Gazeta: *Female Genital Mutilation in Russia, Explained*, 4 November 2020.

<sup>470</sup> US Department of State, Russia 2019 Human Rights Report, p. 57; Confidential source, 2 February 2021.

<sup>471</sup> OECD Education GPS, Russian Federation; Library of US Congress, *Constitutional Right to an Education: Russia*, 30 December 2020;

<sup>472</sup> US Department of State, Russia 2019 Human Rights Report, p. 19 and 36; The Moscow Times, *Moscow Couples Keep Parental Rights After Bringing Children to Protests*, 3 September 2019; RFERL, *Moscow Protest Couple Allowed To Keep Children*, 2 September 2019.

<sup>473</sup> Country of origin information report for the Russian Federation 2018, p. 80.

consent. In some regions, according to one confidential source, the authorisation of both parents is required for the issue of a visa.<sup>474</sup>

If minors are left without the care of their parents, there are four types of care in Russia: care by the family, care or adoption by a family with financial support from the government, and care in an orphanage or other care institution.<sup>475</sup> Since 2012, government policy with regard to child and youth care has focused on de-institutionalisation, which is aimed at placing children from care institutions back into their own families, into adoptive or foster families by training the families and other (financial) support.<sup>476</sup> The most recent available figures are from 2018. In that year, approximately 600,000 children in Russia did not live with their biological parents. Of these children, 46% lived in guardianship with mostly family members, 18% with adoptive parents, 28% with foster parents and 8% (at the end of December 2018 this was 47,242) in care institutions awaiting adoption or foster care. The policy of de-institutionalisation is aimed at this latter group and the care in institutions is aimed at placing children in a family as quickly as possible. According to the statistics, in the years 2007 to 2017 the number of children living with foster parents increased by around 20%, resulting in an equally sharp decrease in children in care institutions.<sup>477</sup> However, the increased number of children who end up with foster parents is also offset by the fact that many children are placed back in care institutions or are relocated to other families because integration into the family is not going well. Termination of placement in a family often has serious negative consequences for the psychological health of the child. In 2016, this involved 5,227 children, according to scientific research.<sup>478</sup>

The Russian government pays financial benefits to families with children, where the amount of the benefit partly depends on the income situation and the place where people live. In addition, from the second child there is a one-off payment per birth in the form of a voucher for the purchase of housing or for an education of the child or the mother, and more favourable mortgage conditions.<sup>479</sup> Families that adopt a child receive a one-off financial benefit, with the benefit being higher for children in need of special care.<sup>480</sup>

The government provides care to children in care institutions. These care institutions are intended for children with no parents, or children who are (partly temporarily) unable to live with their parents. There are seven federal care institutions funded by the federal government, in addition to care institutions funded by local governments and private foundations. The government decides on placement in a care institution and children from the age of ten are interviewed during the process. There are also

<sup>474</sup> Article 20 Federal Law No. 114-FZ of August 15, 1996 on the procedure for exiting and entering the Russian Federation (**Error! Hyperlink reference not valid.**), consulted on 20 January 2021; OFPRA, *Délivrance des papiers d'identité aux enfants mineurs et autorisations parentales pour leur sortie du territoire*, 21 July 2020; Confidential source, 2 February 2021.

<sup>475</sup> Confidential source, 2 February 2021.

<sup>476</sup> Wiley Governance, Eleanor Bindman, Meri Kulmala, Elena Bogdanova, *NGOs and the policy-making process in Russia: The case of child welfare reform*, July 2018; The Journal of Social Policy Studies, Meri Kulmala, Michael Rasell, Zhanna Chernova, *Overhauling Russia's child welfare system: institutional and ideational factors behind the paradigm shift*, 2017.

<sup>477</sup> Global Social Policy, Sofia An, Meri Kulmala, *Global deinstitutionalization policy in the post-Soviet space: A comparison of child-welfare reforms in Russia and Kazakhstan*, 2021, vol 21, p. 51; See the website of Usynovite (Adopt.ru), a mediation body for adoptive and foster families (<http://www.usynovite.ru/statistics/2018>, Russischtalig).

<sup>478</sup> Liliya Aslamazova, Rifkat Muhamedrahimov, Elena Vershinina, *Family and Child Characteristics Associated with Foster Care Breakdown*, December 2019.

<sup>479</sup> OSW, Putin's pro-family support programme, 12 June 2017;

<sup>480</sup> Factsheet for the UN Committee on the Rights of Persons with Disabilities (CRPD) on Russia, Pre-session No. 8 (04 September 2017 - 08 September 2017) (**Error! Hyperlink reference not valid.**).

care institutions for children with disabilities.<sup>481</sup> The Russian Ombudsman for Children, Anna Kuznetsova, supervises children's homes, among other things, and reports annually to the president.<sup>482</sup>

There is not a great deal of information available about the conditions in care institutions. There are reports of physical, sexual and psychological abuse in such institutions, especially in institutions for children with disabilities. Physical punishment is generally accepted and occurs regularly, in one known case with fatal consequences.<sup>483</sup> In late March 2021, the Federal Ombudsman for Children indicated that incidents of abuse in care institutions had increased by 428% in the previous five years.<sup>484</sup> According to previous reports, psychiatric treatment was regularly imposed as punishment on children in care institutions. The Russian Human Rights Committee concluded in 2013 that this was a systematic problem all over the country.<sup>485</sup> However, a confidential source reports that there have been marked improvements in care institutions in recent years and that living conditions are almost as good as in a home setting in terms of the quality of the food, medical care and access to education. According to this source, problems mainly occur at institutions for minors with disabilities, but here too there is talk of an encouraging reform of the system.<sup>486</sup>

According to HRW, it is often difficult for children in care institutions to find their way in society after reaching adulthood because of inadequate education and healthcare. Children with disabilities are often placed in institutions for adults without their consent after their eighteenth birthday; the institution often asks the court to declare them legally incapacitated and the people in question do not have adequate opportunities to be properly represented in such proceedings.<sup>487</sup> According to media reports, there was forced sterilisation in one young adult care institution in the past. The local authorities have launched an investigation.<sup>488</sup>

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<sup>481</sup> Centre for Research on Discretion and Paternalism, University of Bergen, *A comparative analysis of the Child Protection Systems in the Czech Republic, Lithuania, Norway, Poland, Romania and Russia*, 17 January 2019

<sup>482</sup> Website Kremlin: Anna Kuznetsova submitted to the President the annual report of the Presidential Commissioner for Children's Rights, 29 May 2020.

<sup>483</sup> US Department of State, Russia 2019 Human Rights Report, p. 57; Centre for Research on Discretion and Paternalism, University of Bergen, *A comparative analysis of the Child Protection Systems in the Czech Republic, Lithuania, Norway, Poland, Romania and Russia*, 17 January 2019  
[https://www.regjeringen.no/contentassets/2f02bf9da8a9412889593ec4178d2df3/bfd\\_report\\_final\\_version\\_170120202.pdf](https://www.regjeringen.no/contentassets/2f02bf9da8a9412889593ec4178d2df3/bfd_report_final_version_170120202.pdf); HRW, *Children in Russian Orphanage Allege Rape*, 5 March 2018.

<sup>484</sup> See website Usynovite (Adopt.ru), a mediation body for adoptive and foster families (**Error! Hyperlink reference not valid.**, in Russian)

<sup>485</sup> Meduza, *Punitive psychiatry in Russia's orphanages*, 27 May 2015; Citizens' Commission on Human Rights Russia, *Punitive Psychiatry Against Orphans in Russia Revisited*, December 2013.

<sup>486</sup> Confidential source, 2 February 2021.

<sup>487</sup> HRW, *Russia: Adult Prospects Dim for Youth with Disabilities*, 6 December 2018.

<sup>488</sup> Meduza, *We don't need your children here*, 19 October 2020; The Moscow Times, *Years of 'Stone Age' Forced Sterilizations Claimed at Russian Institution*, 23 October 2020.

## 6 Freedom of movement

### 6.1 Domestic freedom of movement

The Constitution and Federal Law<sup>489</sup> stipulate that all residents of Russia have the right to freedom of movement and the right to choose their place of residence in the Russian Federation. This civil right can only be limited by law.<sup>490</sup> In order to move freely inside Russia, citizens must carry a domestic passport. If foreigners wish to register in a new place of residence, they must notify the Ministry of the Interior in advance.<sup>491</sup> An address registration is necessary, for example, in order to be eligible for government services.

#### *Address registration*

There were no relevant changes in address registration during the reporting period. The freedom of movement of Russian citizens is formally guaranteed by the Freedom of Movement and Choice of Residence and Residence in the Russian Federation Act of 1993. Under this law, there is an obligation throughout the Russian Federation for all persons resident in the country to register in their temporary or permanent place of residence. Without this registration it is de facto impossible for persons to participate normally in social life. Although registration or non-registration is separate from the constitutional rights of citizens by law, it is common for government services to be denied to persons without an address registration or a domestic passport. See also section 2.2, which deals with documents. In some cases, local authorities use registration rules that restrict the right of freedom of establishment. This is particularly a problem for ethnic minorities and migrants from the Caucasus and Central Asia.<sup>492</sup>

In practice, paying bribes makes it easier to obtain registration in a place of residence and to speed up or facilitate the procedures. Shortages in the housing market and landlords who fear higher taxes when multiple residents are registered at the same address have given rise to practical difficulties when registering in a new place of residence. Especially in large cities, rental space is often rented on condition that the tenant does not register.<sup>493</sup>

#### *Restrictions during criminal proceedings*

A suspect of a crime can be paroled pending the decision of the court. He must then remain available until the court issues a ruling – that is, he is not allowed to travel. His freedom of movement can also be limited to certain areas inside Russia. For example, in a criminal trial in Moscow, a suspect may be released on parole pending a court ruling and may not travel to areas other than Moscow without the permission of the court.<sup>494</sup>

<sup>489</sup> Article 27 Russian constitution; Federal Law nr. 5242-1 of June 25, 1993 on the right of citizens of the Russian Federation to freedom of travel, the choice of the place of stay and residence within the Russian Federation

<sup>490</sup> OCHCR Human Rights Committee, 17 May 2019, CCPR/C/RUS/8, no. 360.

<sup>491</sup> Freedom House, *Freedom in the World*, 2019 – Russia; US State Department, *Russia 2019 Human Rights report*, p. 41.

<sup>492</sup> Country of origin information report for the Russian Federation 2017 and 2018; *Law of the Russian Federation No. 5242-1 on the Right of Citizens of the Russian Federation to the freedom of movement, the choice of a place of stay and residence within the Russian Federation (with the Amendments and Additions of November 2, 2004)*, 25 June 1993 with amendments of 2 November 2004, ([www.legislationonline.org](http://www.legislationonline.org));

<sup>493</sup> Country of origin information report for the Russian Federation 2017 p. 46;

<sup>494</sup> Article 102 Russian Criminal Procedure Code, Federal Law No. 174-FZ 18 of December 2001.

### *Reporting obligation*

Since 2017, an administrative reporting obligation has been automatically imposed on a convicted person after serving his prison sentence for a serious crime. This obliges that person to report to the police station once a month or once a week. Other restrictions can also be imposed, such as a ban on travelling out of the region. This mainly involves convictions for terrorist or extremist crimes and other serious crimes.<sup>495</sup>

### *Restrictions due to Covid-19*

From April 2020, quarantine obligations applied to domestic journeys after crossing regional borders. The Russian regions themselves determined the corona policy. As of 30 March 2020, the mayor of Moscow ordered everyone to remain indoors except for essential activities such as buying food and medicine or walking a pet. Chechnya completely closed its border with the rest of Russia.<sup>496</sup>

## 6.2 **Foreign freedom of movement – exit ban**

According to the constitution everyone has the right to leave Russia and Russian nationals have the right to re-enter Russia. Federal law regulates the entry and exit procedures in the Russian Federation, as well as the exceptions to the right of exit.<sup>497</sup>

### *Exit restriction for military and civil servants with access to classified information*

The right to travel may be temporarily limited under federal law for persons called up for military service or alternative military service until it has been completed, unless they have received permission from their supervisor. A new feature since 16 December 2019 is that people who have completed their military service with the FSB can also be prohibited from leaving Russia for a maximum of five years thereafter. Civil servants with access to classified information can also be denied exit from Russia. This category includes millions of officials from the Prokuratura, the FSB, the Ministry of the Interior, the Ministry of Defence, the prison system, the Federal Anti-Drug Service, the Immigration Authority and the Ministry of Calamities.<sup>498</sup> This exit ban can be part of the employment contract but it can also be imposed by law by an interdepartmental committee. An exit ban based on access to confidential information can last for up to five years after termination of access to the information, and in exceptional cases can be extended up to a maximum of ten years.<sup>499</sup>

### *Other exit bans*

People can also be temporarily prohibited by law from leaving the country if they are suspected, prosecuted for or convicted of a crime and must still serve their sentence and if they have violated a court ruling. Furthermore, an exit ban can be imposed if a person has provided false information when applying for travel documents. If people are involved in bankruptcy proceedings, they can also be prohibited from leaving the country until the court has issued its ruling. In these last two cases, the

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<sup>495</sup> Country of origin information report for the Russian Federation 2017 p. 18;

<sup>496</sup> Confidential source, 12 May 2020.

<sup>497</sup> Article 27 Russian Constitution; Article 15 Federal Law No. 114-FZ of August 15, 1996 on the procedure for exiting and entering the Russian Federation (**Error! Hyperlink reference not valid.**), consulted on 24 August 2020.

<sup>498</sup> According to Freedom House, this affects more than four million people who are working in public service. See Freedom House, *Freedom in the World, 2019 – Russia*.

<sup>499</sup> Article 15 federal law no. 114-FZ of August 15, 1996 on the procedure for exiting and entering the Russian Federation (**Error! Hyperlink reference not valid.**), consulted on 27 August 2020. Confidential source, 8 October 2020.

passports of the persons concerned are not automatically revoked (see below).<sup>500</sup> RFERL reports that millions of Russians were prohibited from leaving the country because they failed to pay their debts.<sup>501</sup>

#### *Exit ban imposed*

If an exit ban was not yet part of the employment contract, as is often the case with civil servants with access to classified information, the ban is imposed by written order. The order states the reasons for and duration of the exit ban, and includes the address details of the security authority. People can appeal to a court of law against an exit ban.<sup>502</sup>

No conclusive information is available about how exit bans are administered and who has access to this information. The border posts are guarded by the FSB. According to a confidential source, people who are threatened with an exit ban on the basis of a criminal investigation can leave until the moment their formal charges and the exit ban are registered in the system of the FSB. According to this source, this system is accessible to all border posts, as is the system of federal search warrants. The confidential source says that once the name of the person concerned is in the system, that person can no longer leave the country.<sup>503</sup> For other exit bans, citizens can check in various open systems<sup>504</sup> whether an exit ban has been imposed, but not all types of exit bans will be transparent in this way.<sup>505</sup>

#### *Departure despite an exit ban*

If people leave the country after an exit ban has been issued, this is a separate crime for which they can be prosecuted.<sup>506</sup> If the person concerned still has a foreign passport, they can travel internationally if the exit ban has not yet been registered or if the exit ban is not checked at the border. However, exit bans are now checked at all external borders of the Russian Federation, except the border with Belarus. In the past, there were no structural border checks at the border with Belarus, which meant that people could leave Russia despite having an exit ban on a domestic passport, according to one confidential source.<sup>507</sup> See also the section below on travelling to Belarus.

#### *Revocation of an international passport*

In almost all of the above cases involving an exit ban, the international passport will be confiscated from the holder and kept by the authority that issued the passport for the duration of the exit ban; the passport may also be permanently revoked. It is only in the case of an exit ban based on bankruptcy and on the provision of false information when leaving the country that the foreign passport is not revoked.<sup>508</sup>

In practice it also happens that no travel ban is imposed, and that only the international passport is revoked so that the person concerned has fewer opportunities to leave the country. A foreign passport can be revoked if it is a false

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<sup>500</sup> Article 15 federal law no. 114-FZ of August 15, 1996 on the procedure for exiting and entering the Russian Federation (**Error! Hyperlink reference not valid.**), consulted on 27 August. 2020. Confidential source, 8 October 2020.

<sup>501</sup> RFERL, *More Than 3 Million Russians Can't Travel Abroad Due To Unpaid Debt*, 12 February 2020.

<sup>502</sup> Article 15 Federal Law No. 114-FZ of August 15, 1996 on the procedure for exiting and entering the Russian Federation ([www.legislationline.org/documents/action/popup/id/4357](http://www.legislationline.org/documents/action/popup/id/4357)), consulted on 27 August 2020.

<sup>503</sup> Confidential source, 18 September 2020.

<sup>504</sup> Public Services Portal of the Russian Federation ([www.gosuslugi.ru](http://www.gosuslugi.ru)); Tax authorities ([www.nalog.ru](http://www.nalog.ru)); traffic police ([www.gibdd.rf](http://www.gibdd.rf)) and Federal Bailiffs ([www.fssp.gov.ru](http://www.fssp.gov.ru)).

<sup>505</sup> Confidential source:, 23 October 2020.

<sup>506</sup> Confidential source, 18 September 2020.

<sup>507</sup> Confidential source:, 23 October 2020.

<sup>508</sup> Article 15 federal law no. 114-FZ of August 15, 1996 on the procedure for exiting and entering the Russian Federation (**Error! Hyperlink reference not valid.**), consulted on 27 August 2020.

passport, if the passport was issued on the basis of false documents or data, if the holder is no longer a Russian citizen, if an exit ban has been imposed, if the passport was not in the possession of the rightful holder, or in other cases regulated by law.<sup>509</sup> This is not automatically followed by revocation of the domestic passport, but it can be revoked on almost the same grounds. For the possibility to travel to former Soviet countries, see below for a list of entry requirements per country in relation to foreign or domestic passports and visas.

#### *Revocation of domestic passport*

In some cases, an exit ban is imposed and both the foreign and the domestic passport are revoked. The domestic passport can be revoked in the following cases: it was not issued in accordance with the rules or it is a forgery; the holder is a suspect in a criminal investigation or has already been charged with a crime, is in custody or has been issued a custodial order; the holder is avoiding the enforcement of a court ruling; the holder has been deprived of Russian citizenship; and when the holder is completing his military service.<sup>510</sup>

#### 6.2.1 *Russian citizens travelling to former Soviet republics*<sup>511</sup>

Country	Visa requirement	Required domestic or foreign passport upon entry	Maximum length of stay
Armenia	no visa required	domestic or foreign passport	no maximum
Azerbaijan	no visa required	foreign passport	90 days
Georgia	no visa required <sup>512</sup>	foreign passport	one year
Kazakhstan	no visa required	foreign passport	90 days
Kyrgyzstan	no visa required	domestic or foreign passport	no maximum
Moldavia	no visa required	foreign passport	no maximum
Ukraine	no visa required	foreign passport	no maximum
Uzbekistan	no visa required	foreign passport	no maximum
Tajikistan	no visa required	foreign passport	no maximum
Turkmenistan	visa required	foreign passport	10-30 days
Belarus	no visa required	domestic or foreign passport	no maximum

#### *Travelling to Belarus*

Prior to the Covid-19 outbreak, the Russian-Belarusian land border was open to Russians<sup>513</sup> and it was possible for them to cross the border into Belarus with a domestic passport. However, checks were carried out on mainly commercial transport on the main roads. As part of the fight against Covid-19, these border checks have been intensified and the Russian Border Police (FSB) have started to perform checks on all roads, including minor roads. At the airport in Minsk there are limited passport controls to separate Russians from non-Russians that may require a

<sup>509</sup> Article 23 Federal Law on Basic Documents Identifying Citizens of the Russian Federation No. 369593-3, 17 October 2003 (**Error! Hyperlink reference not valid.**)

<sup>510</sup> Confidential source; 23 October 2020. Decree of the Government of the Russian Federation of July 8, 1997 No. 828 'About approval of the regulations regarding the passport of a citizen of the Russian Federation'.

<sup>511</sup> Forschungsstelle Osteuropa Universität Bremen, *Länderanalysen* nr. 367, 1 March 2019, p. 4 (**Error! Hyperlink reference not valid.**); Confidential source, 9 October and 23 October 2020.

<sup>512</sup> Entry through South Ossetia and Abkhazia is not permitted.

<sup>513</sup> Due to a difference in visa policy between Russia and Belarus with regard to third-country nationals, only Russians and Belarusians are permitted to cross the border. See Ministry of Ministry of Foreign Affairs, Travel Advice Belarus.



visa.<sup>514</sup> In 2017, a Chechen woman who was on the run from her family was arrested by police officers at the airport in Minsk.<sup>515</sup>

As part of the fight against Covid-19, border checks have been intensified and the Russian Border Police (FSB) have started to perform checks on all roads, including minor roads.<sup>516</sup> Although border checks are strict, some people managed to cross the border through forests and on hidden roads, according to media outlets.<sup>517</sup> There was no such entry and exit ban for foreigners at Minsk airport.<sup>518</sup>

#### 6.2.2 *Travel ban in connection with Covid-19*

In March 2020, Russia closed its borders to foreigners entering and exiting the country. Flights were cancelled and Russia's national borders were closed to pedestrians, road traffic and rail and boat connections. Since then, Russians have not been allowed to leave the country, except for Russians with a residence permit elsewhere or Russians with dual nationality. Later in the year, flights resumed and Russians were allowed to travel abroad and comply with quarantine obligations on their return. Despite the travel ban for Russians, according to media reports it remained possible in isolated cases to travel (illegally) to Belarus and continue on from there. According to one confidential source, on the Belarusian side these types of illegal border crossings have not been actively stopped. However, that situation changed when Belarus also banned entry and exit by land from the Belarusian side on 21 December 2020. This ban applied to its own population as well as to foreigners, including Russians, with the exception of diplomatic staff with diplomatic or service passports, drivers of cross-border transport and staff of cross-border trains.<sup>519</sup>

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<sup>514</sup> Confidential source, 2 December 2020; confidential source, 1 December 2020.

<sup>515</sup> Meduza, *A woman fled Chechnya and won political asylum in Norway, but police stopped her in Minsk and handed her over to her father*, 6 September 2017; Expert Opinion Mark Galeotti, *License to Kill? The Risk to Chechens inside Russia*, June 2019.

<sup>516</sup> Confidential source, 2 December 2020;

<sup>517</sup> Reuters, *Russians bypass coronavirus travel ban via Belarus, say transport sources*, 10 June 2020;

<sup>518</sup> Confidential source, 2 December 2020; confidential source, 1 December 2020.

<sup>519</sup> Confidential source, 4 March 2021; confidential source, 2 December 2020; confidential source, 1 December 2020.

## 7 Freedom of expression

### 7.1 Legislation

The Russian constitution guarantees freedom of expression. At the same time, freedom of expression was also restricted on certain topics by means of a number of specific laws during the reporting period. For example, sharing information about defence or associated technologies may be subject to treason charges, and statements that allegedly promote homosexuality among young people may be subject to administrative penalties under the anti-propaganda law (see section 5.6.1). There is also an extensive list of prohibited publications that reportedly incite terrorism and extremism (see section 3.1). Freedom of the press was increasingly restricted and individual journalists are experiencing increasing pressure from the authorities. In the area of online freedom of expression, the government is trying to counter technical developments with new legislation and the media authority *Roskomnadzor* was granted increasing powers to block or remove content without the intervention of a judge; see the explanation below.

Freedom of expression online can be restricted by sanctions laid down in a number of criminal and administrative laws. Criminal sanctions can vary from fines to years of imprisonment, while administrative sanctions can vary from large fines (in some cases) to imprisonment of up to fifteen days. Criminal law criminalises libel (Article 128.1), libel against judges, prosecutors, or other members of the judicial system (Article 298.1), insults to representatives of the authorities (Article 319) or the dissemination of false information about the activities of the Soviet Union during the Second World War (Article 354.1). Administrative law violations include promoting non-traditional sexual relations among young people (Article 6.21, see also section 5.6.1), insulting religious feelings (Article 148), displaying and propagating<sup>520</sup> extremist symbols (Article 20.3) and disseminating extremist material (Article 20.29, see section 3.1).<sup>521</sup>

#### *Fake news*

In March 2019, new administrative legislation came into force, with the imposition of fines of up to 500,000 roubles<sup>522</sup> for spreading false information or fake news. The Roskomnadzor defines what false information is. The law provides additional powers for Roskomnadzor to check content and block illegal content using pre-existing mechanisms, as well as the ability to lodge an appeal with a court against such decisions by Roskomnadzor.

In early April 2020, the government was given a new criminal-law instrument to combat fake news with the addition of Articles 207.1 and 207.2 to the Criminal Code. This article criminalises the dissemination of false information about circumstances that threaten the lives and safety of civilians. Sanctions range from 300,000 to a maximum of 2 million roubles<sup>523</sup> depending on the consequences of the violation, or two years of community service, up to five years of hard labour or five years in prison. Since October 2020, legal entities such as media organisations have also risked fines for using mass media or the internet to disseminate false information 'about conditions threatening the life and safety of the public', also

<sup>520</sup> Since March 2020, the display of extremist symbols without propaganda purposes is no longer punishable.

<sup>521</sup> Freedom House, Freedom on the Net 2020, Russia.

<sup>522</sup> Equivalent to EUR 5,562, according to xe.com on 7 February 2021.

<sup>523</sup> Equivalent to EUR 3,337 to EUR 22,250, according to xe.com on 7 February 2021.

during epidemics. Legal entities can be fined from 1.5 million to 3 million roubles, increasing to 5 million roubles depending on the consequences of the offence, and up to 10 million roubles<sup>524</sup> for repeated offences. Against the backdrop of the Covid-19 virus, administrative and criminal prosecutions for spreading fake news increased. Between March and June 2020, the government initiated 33 criminal and 157 administrative charges.<sup>525</sup>

#### *Insult to the state*

In 2019, fines for insulting the state, its symbols and its organs online were increased to 5,000 to 100,000 roubles<sup>526</sup>, with fines increasing for repeated offences.<sup>527</sup> Over 78 people were fined under this new law in 2019, many for criticising the president.<sup>528</sup>

#### *Sovereign Runet Law*

In November 2019, the law on Russian internet sovereignty (*Sovereign Runet Law*) came into force. This law gives Roskomnadzor new powers to control the internet and individual users, and is aimed at making it possible to operate the Russian internet separately from the global network. More specifically, the law provides for the installation of *Deep packet inspection*<sup>529</sup> on operators' internet nodes in order to counter internet traffic and potential threats. It is also introducing a centre for monitoring and managing public communications networks under Roskomnadzor, which will guarantee the availability of communication services in Russian in any 'extraordinary' situation and coordinate the efforts of communications operators in such situations. The law is also introducing a national cryptographic protection system and a national domain name system.<sup>530</sup>

#### *Lists of banned extremist content and undesirable content*

The Ministry of Justice maintains a list of content that the court has designated as extremist. As of September 2020, the list included 5,153<sup>531</sup> items, including books, videos, websites, social media pages or individual statements on online forums, music compositions and translations of religious texts. Besides the list of extremist statements, media and communication authority Roskomnadzor also maintains a list of undesirable statements that touch on more subjects, such as statements by undesirable foreign organisations, undesirable political statements or paedophilia.<sup>532</sup> See also section 7.4, which deals with online freedom of expression.

<sup>524</sup> Equivalent to EUR 16,678, EUR 33,375, EUR 55,625 and EUR 111,251, respectively, according to xe.com on 7 February 2021.

<sup>525</sup> Meduza, *Russian lawmakers adopt strict new penalties, including criminal punishment, for offenses against the national effort to curb the spread of coronavirus*, 31 March 2020.

<sup>526</sup> Equivalent to EUR 55 to EUR 1,112, according to xe.com on 7 February 2021.

<sup>527</sup> Article 19, *Russia: New bills criminalising insults to the State and spread of 'fake news' threaten freedom of expression*, 25 January 2019, updated in March 2019.

<sup>528</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 22; Agora International Human Rights Group, *Internet Freedom 2019: The 'Fortress' Plan*, p. 12-13; Meduza, *Russian authorities launch nearly 200 prosecutions for 'fake news' during coronavirus pandemic*, 15 June 2020; Article 19, *Russia: New bills criminalising insults to the State and spread of 'fake news' threaten freedom of expression*, 25 January 2019, updated in March 2019.

<sup>529</sup> *Deep packet inspection* technology adds an extra layer of information to firewall capabilities. These firewalls can analyse the content of the internet traffic that is flowing through them.

<sup>530</sup> Freedom House, *Freedom on the Net 2020, Russia*. Agora International Human Rights Group and RosKomSvoboda, *Internet Freedom 2019: The 'Fortress' Plan*, p.16; BBC News, *Russia internet: Law introducing new controls comes into force*, 1 November 2019.

<sup>531</sup> This is an increase of approximately 650 items compared to 2018. See <https://minjust.gov.ru/ru/extremist-materials>, consulted on 7 February 2021.

<sup>532</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 20; Ministry of Foreign Affairs, Country of origin information report for the Russian Federation 2018, p. 43-44; Library of Congress, *Legal Provisions on Fighting Extremism: Russia*, ([https://www.loc.gov/law/help/fighting-extremism/russia.php#\\_ftn7](https://www.loc.gov/law/help/fighting-extremism/russia.php#_ftn7)) consulted on 7 September 2020.

Besides the above lists of prohibited and undesirable content, the Ministry of Justice also maintains a list of prohibited organisations that the court has designated as extremist. People can also be prosecuted for spreading the ideology of a banned organisation.<sup>533</sup> For background information about anti-extremism legislation, see section 3.1.

## 7.2 Journalism/Freedom of the Press

In the World Press Freedom Index published by *Reporters Without Borders* (RSF), in 2020 Russia dropped from 148th to 149th place out of a total of 180 countries and lowered its rating by 0.39 point compared to 2019.<sup>534</sup>

There is hardly any space in Russia for critical reporting on government policy. Most of the leading independent news outlets have either been brought under control or have ceased to exist, such as the independent business newspaper *Vedomosti*. Most television channels follow the Kremlin line. In response to the government's repressive attitude, some media outlets are moving abroad, where they have more freedom to independently report news online. For example, *The Moscow Times* and *Vtimes* now operate from abroad. A number of journalists switched to the online medium *Vtimes* after the closure of the newspaper *Vedomosti*.<sup>535</sup>

Like NGOs, media organisations can be registered as a foreign agent if they receive foreign funding; see also section 5.5.2. This registration means that all their publications must be marked 'foreign agent' under penalty of administrative and criminal fines of up to 500,000 roubles<sup>536</sup> and detention of up to two years. In January 2021, for example, the American *Radio Free Europe Radio Liberty* was fined a total of 1.1 million roubles<sup>537</sup>.

In addition, they have higher administrative costs and are excluded from certain activities, such as monitoring elections. During the reporting period, very large fines under the Foreign Agents Act (see section 5.5.2) were imposed on media that partly put their survival at risk.<sup>538</sup> *Radio Free Europe/Radio Liberty* (RFERL) also received heavy fines that may impede its continued existence in Russia.<sup>539</sup>

### *Journalists*

Since November 2019, freelance journalists can be classified as 'foreign agents' if they receive funding from abroad. Since January 2021, non-financial foreign support, such as training, can also lead to compulsory registration.<sup>540</sup> Journalists must register of their own accord under penalty of being fined. Bloggers and independent journalists covered by the law must register with the Ministry of Justice, and those living abroad must also establish a legal entity in Russia in order to publish their work in Russia. In addition, they must provide their publications with the reference 'foreign agent'.<sup>541</sup> Accredited foreign journalists are excluded from this obligation, but if they carry out activities that are not 'compatible with journalistic

<sup>533</sup> Ministry of Foreign Affairs, Country of origin information report for the Russian Federation 2018, p. 43-44;

<sup>534</sup> Reporters Without Borders, World Press Freedom Index 2020.

<sup>535</sup> Confidential source, 25 September 2020; Reporters Without Borders, World Press Freedom Index 2020; HRW, *Events of 2019, Russia*.

<sup>536</sup> Equivalent to EUR 5,610 according to xe.com on 17 February 2021.

<sup>537</sup> Equivalent to EUR 12,342 according to xe.com on 17 February 2021.

<sup>538</sup> HRW, *Events of 2019, Russia*. HRW, "Foreign Agents" Bill Threatens Journalists, 28 November 2019.

<sup>539</sup> The New York Times, *Russia Pushes U.S.-Funded News Outlet Toward Exit*, 21 January 2021; The Moscow Times, *Russia Fines RFE/RL for 'Foreign Agent' Breaches*, 28 January 2021.

<sup>540</sup> Amendment No. 1057914-7; Confidential source, 15 January 2021.

<sup>541</sup> Reporters Without Borders, World Press Freedom Index 2020; High North News, *New Russian Foreign Agent Bill Tightens Grip on Independent Media*, 25 November 2019; HRW, *Events of 2019, Russia*.

activities' in the eyes of the Russian authorities, they can still be included in the register.<sup>542</sup>

Journalists run the risk of being obstructed by the authorities in a variety of ways after publishing critical articles – for example with allegedly groundless charges of drug possession, terrorism or extremism. Ivan Golunov, a freelance journalist for *Meduza*, a website that reports on Russia from Latvia, was arrested after drugs were found in his luggage in June 2019. According to his lawyers, the drugs had been planted in his luggage and he was beaten by police officers while in custody. After broad-based protest in Russian society, Ivan Golunov was released due to insufficient evidence. In this case, three major newspapers, *RBC*, *Vedomosti* and *Kommersant*, had also criticised Golunov's arrest. Two high-profile police officers were dismissed in the aftermath of the case; according to media outlets, this was done at the request of President Putin.<sup>543</sup>

Since March 2019, journalists and media organisations can be fined for spreading false information under the new fake news legislation. The law defines this information as 'unreliable and socially relevant information'. In the first case under these regulations, journalist Mikhail Romanov was fined after being found guilty of abusing freedom of expression by spreading fake news about the torture of an academic by FSB agents. His fine was reversed on appeal due to lack of sufficient evidence.<sup>544</sup>

On 2 October 2020, journalist Irina Slavina of the local internet newspaper *Koza.press* in Nizhny Novgorod committed suicide by self-immolation after years of clashes with the government. Shortly before her death, on her Facebook page she blamed her suicide on the Russian Federation. The day before her self-immolation, the police along with a team of twelve people had searched Slavina's home in connection with a case linked to Mikhail Khodorkovsky's *Open Russia* organisation in which she was a witness. She had encountered opposition from the police for a long time. For example, she was regularly fined and compromised by accusations on social media that she was spreading the Covid-19 virus. The governor, who had presented Slavina with an award for her professionalism in 2019, indicated that he would personally supervise a thorough investigation. However, in November 2020, authorities announced that they would not launch a criminal investigation into the circumstances of her death due to a lack of objective evidence.<sup>545</sup>

Ivan Safronov, former journalist for *Vedomosti* and *Kommersant*, was arrested in July 2020 on suspicion of treason. This was the first time in twenty years that this charge was brought against a journalist. Safronov had published articles about the defence industry and space travel, and was charged with passing classified information to the Czech Republic. His lawyers say the charges are unfounded and he was offered a reduced sentence in exchange for citing his sources. His arrest was

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<sup>542</sup> Confidential source, 15 January 2021.

<sup>543</sup> Safety of Journalists Platform, Annual report 2020: Hands off press freedom, p. 47; BBC News, *Ivan Golunov arrest: Russian reporter is freed after public outcry*, 11 June 2019; BBC News, *Ivan Golunov: Russian newspapers in rare support for charged reporter*, 10 June 2019; The Guardian, *Russian officials tried to frame Ivan Golunov. Instead they made him a hero*, 11 June 2019; BBC, *Russia Golunov case: Putin sacks top Moscow police officials*, 13 June 2019.

<sup>544</sup> Richter, A. (2019), *Disinformation in the media under Russian Law*, IRIS Extra, European Audiovisual Observatory, Strasbourg; Committee to Protect Journalists (CPJ), *Russian journalist Mikhail Romanov found guilty of 'abuse of freedom of information' and 'false' news*, 2 August 2019; Meduza, *First Russian journalist punished under 'fake news' law gets fine cancelled on appeal*, 9 December 2019.

<sup>545</sup> Confidential source, 10 October 2020; Raam op Rusland, *Journaliste sterft na zelfverbranding wegens eindeloze vervolgingen*, 6 October 2020; Reuters, *Russian journalist dies after setting herself on fire*, 2 October 2020; The Moscow Times, *Russia Finds No Criminal Influence on Journalist's Self-Immolation Death – Kommersant*, 16 November 2020.

followed by widespread protests from his profession, after which a number of the protesters were arrested.<sup>546</sup>

Journalists are also the victims of attacks by unknown parties. On 15 October 2020, journalist Sergey Plotnikov was abducted outside his home in Khabarovsk, assaulted by strangers and then released. Further threats followed when he reported the attack to the police.<sup>547</sup> The headquarters of the *Novaya Gazeta* newspaper was sprayed with a chemical substance by an unknown party in March 2021, just hours after a publication about extrajudicial killings in Chechnya. The incident happened the day after a group of NGOs filed charges against the Wagner group based on evidence gathered by *Novaya Gazeta*.<sup>548</sup>

In April 2020, investigative journalist Elena Milashina received indirect threats from Ramzan Kadyrov by way of comments on her social media. Her investigative journalism focuses particularly on human rights violations in Chechnya, including the prosecution of LGBTI persons.<sup>549</sup>

There are no Media Law study programmes at Russian universities. Journalists must themselves increase their knowledge about their legal position with training courses or self-study.<sup>550</sup>

### 7.3 Demonstrations

The possibility of organising demonstrations with the permission of the authorities further diminished during the reporting period. The Russian authorities have a large number of federal and local laws that can prevent demonstrations. In addition, in 2020 local regulations were introduced to combat the Covid-19 virus, which one confidential source said made almost all demonstrations and single-person protests impossible. However, activities that were not politically sensitive were sometimes allowed to go ahead.<sup>551</sup>

Participants and organisers of unauthorised demonstrations can be sentenced to administrative detention of up to thirty days or an administrative fine of up to one million roubles<sup>552</sup>. In addition, they risk imprisonment on the basis of the articles in the Criminal Code related to 'overt use of force', 'resisting the police' and 'organising mass riots', as happened during the election protests in Moscow in the summer of 2019.<sup>553</sup> According to the Constitutional Court, in order to obtain a criminal conviction and detention based on these laws, the defendant must pose a real

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<sup>546</sup> Safronov is the son of a journalist and ex-soldier who fell from his balcony in 2007, just before the publication of an article about arms deals with Syria and Iran. See also Newsletter Lawyer Collective Team 29, 29 July 2020; HRW, *Events of 2019, Russia*. Aljazeera, *Russia charges ex-journalist Ivan Safronov with treason*, 13 July 2020; Euronews, *Ivan Safronov: Dozens arrested in Moscow protest against ex-journalist's treason charges*, 14 July 2020.

<sup>547</sup> International Press Institute, *Russian journalist reporting on protests kidnapped and beaten by masked men*, 21 October 2020; Committee to protect Journalists, *Journalist Sergey Plotnikov abducted, beaten, then released in Russia's far east*, 20 October 2020.

<sup>548</sup> The Moscow Times, *Russian Investigative Paper Novaya Gazeta Says Targeted in 'Chemical Attack'*, 16 March 2021; Reuters, *Russian newspaper seeks investigation into 'attack' with chemical substance*, 16 March 2021; Euronews, *Russian newspaper Novaya Gazeta hit by 'chemical attack', says chief editor*, 15 March 2021.

<sup>549</sup> HRW World Report 2020 Russia; European Federation of Journalists, *Chechen president threatens journalist Elena Milashina with death*, 22 April 2020;

<sup>550</sup> Confidential source, October 2020.

<sup>551</sup> Confidential source, 22 October 2020.

<sup>552</sup> Equivalent to EUR 11,039, according to xe.com on 4 February 2021.

<sup>553</sup> BBC News, *Lyubov Sobol: The woman driving Russia's opposition protests*, 3 August 2019;

danger to public order. In practice, the courts therefore more often impose administrative detention.<sup>554</sup>

#### *Regulations for protests*

Russian regulations make a distinction between *Hyde Parks* where protests may take place without permission, locations where demonstrations are always prohibited, and other public spaces. However, the NGO *OVD Info* says that the regulations are so complicated in practice that it is always very difficult to obtain permission for a protest.

Hyde Parks or free speech zones are areas where up to a hundred people are permitted to demonstrate without prior authorisation. The government determines which locations are eligible for this. These Hyde Parks are often out of town, difficult to access or unsuitable for demonstrations. In Saint Petersburg, only places outside the centre are now designated as Hyde Parks. In June 2020, the Constitutional Court ruled that organisers of a demonstration outside a Hyde Park must demonstrate why the demonstration in question should not be allowed to take place in a Hyde Park.<sup>555</sup>

For locations for demonstrations outside Hyde Parks, a multitude of federal and local regulations prohibit protests in the vicinity of vital infrastructure, schools, government buildings, residences, cultural heritage sites or even on pavements, for example. A Constitutional Court ruling in November 2019 was aimed at reducing these restrictions but this was often not reflected in regional regulations. The Court then declared the same legislation invalid in June 2020.<sup>556</sup>

Demonstrations outside Hyde Parks are permitted only if the organisers notify the authorities in advance. Formally, therefore, there is no need to apply for a permit, but in practice there is an abundance of federal and local rules that the authorities can use to ban protests. According to the NGO *OVD Info*, very few pre-announced protests are not prohibited in practice, and unannounced protests are seen as unauthorised protests and the protesters are arrested.<sup>557</sup> According to a confidential source, after the outbreak of the Covid-19 pandemic, virtually no more protests with the consent of the authorities were possible.<sup>558</sup>

In December 2020, laws were passed that further curtailed opportunities for public protests. People must henceforth also apply for a permit for single-person protests. The authorities can still ban the protest at the last minute if they believe that it involves an emergency situation or terrorist threat. Protests may no longer be financed by foreign or anonymous sources, so also not by NGOs that are registered as a foreign agent, or by means of crowd-funding. This affects the Navalny organisation, for example, which often mobilised large groups of people and is now registered as a foreign agent.<sup>559</sup>

#### *Single-person protests*

Due to the strict supervision of demonstrations and the shrinking space in which permitted demonstrations can be held, the number of single-person protests has grown in recent years. Prior to December 2020, no permit was required for these single-person protests. Even if it involved a coordinated campaign by several

<sup>554</sup> Country of origin information report for the Russian Federation 2018.

<sup>555</sup> Rights in Russia, *Hyde Parks aren't the only places for protests!*, 16 June 2020; Country of origin information report for the Russian Federation 2018, p. 41;

<sup>556</sup> OVD Info, *Russia's Constitutional Court and freedom of assembly*, 2020.

<sup>557</sup> OVD Info, *The Art of the Ban - How Russian authorities refuse permission for rallies and other protests*, 2019.

<sup>558</sup> Confidential source, 22 October 2020.

<sup>559</sup> The Moscow Times, *Russia Moves to Further Curb Protests*, 10 December 2020; Raam op Rusland, *Doema print massa repressieve wetten in aanloop naar verkiezingen*, 9 December 2020.

demonstrators, a protest without prior authorisation was possible if the demonstrators kept a minimum distance of fifty metres apart. These types of coordinated single-person protests have required a permit since December 2020.<sup>560</sup>

Although no licence was required for single-person protests, specific measures against demonstrations did apply to single-person protests – for example an area ban or a temporary total ban on demonstrations. This is because the Public Gatherings Act<sup>561</sup> defines a single-person protest as a public gathering.<sup>562</sup> So even without the need for a permit, protesters involved in single-person protests could already be arrested on the basis of these laws. The Russian NGO *OVD Info* reported a sharp increase in these types of arrests during the reporting period. In the first half of 2020, 377 protesters were arrested in Moscow after single-person protests, compared to 143 in 2019. In St. Petersburg, 131 protesters were arrested in the first half of 2020 compared to 206 in the period from January to July 2019. These protesters were prosecuted under administrative laws: in 2019 under the anti-demonstration law and in 2020 often also under local corona regulations.<sup>563</sup>

#### *Under-age protesters*

If minors participate in unauthorised demonstrations, from the age of fourteen they risk being fined for an administrative violation. Parents can also be fined if they take their under-age children to a demonstration. Since December 2018, an administrative law has made it a criminal offence to involve minors in unauthorised protests subject to a penalty of 30,000 to 50,000 roubles<sup>564</sup>, 100 hours of community service or administrative detention of up to 15 days. In August 2019, the Prokuratura asked the court to remove the children of two couples from the parental home and revoke their parental authority because the parents allegedly endangered their children by taking them to a political demonstration. The court issued a warning to both couples but did not allow the children to be removed from the parental home.<sup>565</sup>

#### *Arrests*

Several large demonstrations took place during the reporting period and were ultimately followed by mass arrests. According to media outlets, in the run-up to the 2019 municipal elections police used violent force against protesters during large-scale peaceful protests in Moscow and 1,400 arrests were made; Amnesty International claimed that 2,600 people were arrested. Some detainees were released after weeks in custody, while others were sentenced to years in prison on suspicion of instigating or participating in riots or violently resisting the police.<sup>566</sup> During the ongoing protests in Khabarovsk (see below), the authorities only started making arrests in early October 2020, three months after the protests had begun. In Moscow, several hundred Russians demonstrated against the upcoming constitutional amendments in July 2020, followed by the arrests of at least 140

<sup>560</sup> Confidential source, 20 November 2020; *OVD Info, Single-person pickets - The law and what should be changed about it*, OVD website consulted on 14 December 2020 (<https://ovdinfo.org/reports/single-person-pickets#1>)

<sup>561</sup> Federal Law On Meetings, Rallies, Demonstrations, Marches and Pickets, No. 54-FZ, 19 June 2004.

<sup>562</sup> *OVD Info, Single-person pickets - The law and what should be changed about it*, OVD website consulted on 14 December 2020 (<https://ovdinfo.org/reports/single-person-pickets#1>)

<sup>563</sup> *OVD Info, Single-person pickets - The law and what should be changed about it*, OVD website consulted on 14 December 2020 (<https://ovdinfo.org/reports/single-person-pickets#1>); Raam op Rusland, *Doema print massa repressieve wetten in aanloop naar verkiezingen*, 9 December 2020.

<sup>564</sup> Equivalent to EUR 328 to 546 EUR, according to xe.com on 3 February 2021.

<sup>565</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 19 and 36; *The Moscow Times, Moscow Couples Keep Parental Rights After Bringing Children to Protests*, 3 September 2019; RFERL, *Moscow Protest Couple Allowed To Keep Children*, 2 September 2019.

<sup>566</sup> Trouw, *Opnieuw honderden arrestaties bij protesten in Moskou*, 3 August 2019; Amnesty International, *Annual Report Russian Federation 2019*; NY Post, *Freed Russian man caught up in protests: 'I had nothing to confess'*, 4 September 2019; HRW, *Russia – Events of 2019*.



protesters, including journalists.<sup>567</sup> By far the greatest number of protesters took to the streets following the arrest and conviction of Alexei Navalny in February 2021, and several thousand people were arrested.<sup>568</sup> In other, less political protests about environmental protection, for example, the authorities were less strict or even complied with what the protesters were demanding.<sup>569</sup> See also sections 5.4 and 5.5, which deal with activists.

#### *Protests in Khabarovsk*

The arrest of Governor Sergei Furgal of Khabarovsk in July 2020 was followed by large-scale protests in Moscow. Furgal was arrested on suspicion of murder. Critics saw Furgal's arrest as a warning to his party not to pursue opposition too actively in the run-up to the elections in September. Furgal had defeated the gubernatorial candidate of United Russia, President Putin's party, in the 2018 elections.<sup>570</sup>

The decision to try Furgal in Moscow and the fact that Moscow replaced him without consulting with the local authorities or population was perceived by protesters as interference by Moscow in local affairs. According to the media, around 50,000 protesters gathered in Khabarovsk, and this was followed by several smaller protests in Vladivostok and other locations.<sup>571</sup> It was not until early October 2020, three months after the protests began, that the Russian police took action and started arresting protesters.<sup>572</sup> Possibly due to lack of media coverage, there were hardly any similar protests in other regions. The resistance in Khabarovsk was largely ignored by the national media, or they only focused on the threat to public health due to the Covid-19 pandemic.<sup>573</sup>

#### *Protests following Alexei Navalny's arrest and conviction*

In January 2020, tens of thousands of people gathered in various cities to protest after Alexei Navalny called for protests against the government on his return to Russia in January 2021. The media reported that between three thousand and four thousand arrests were made across Russia.<sup>574</sup> Navalny's prison sentence for non-compliance with his reporting obligation as a result of his poisoning also provoked large-scale protests, resulting in thousands of heavy-handed arrests, according to the media. Police cells became overcrowded with detainees. Navalny's brother Oleg and several of Navalny's employees were arrested, placed under house arrest for months and banned from accessing the internet in an attempt to prevent further demonstrations. Besides Oleg Navalny, Lyubov Sobol, a lawyer and employee in Navalny's foundation, and eight other associates were acknowledged as political

<sup>567</sup> Reuters, *Hundreds protest in Moscow against reforms that may keep Putin in power*, 15 July 2020; Zeit, *Hundertere Menschen demonstrieren in Moskau gegen Verfassungsänderung*, 15 July 2020.

<sup>568</sup> Deutsche Welle, *Russia: Protests erupt over Navalny prison sentencing*, 2 February 2021; *The Moscow Times*, *Navalny Brother, Aides Under House Arrest Ahead of New Russia Protests*, 29 January 2021.

<sup>569</sup> Raam op Rusland, *Putin, unlimited? Challenges to Russia's regime*, 14 December 2020; Financial Times, *Kremlin accused of losing its touch as protests put Putin on back foot*, 29 July 2020.

<sup>571</sup> The New York Times, *Russian Governor Is Accused of Multiple Murders as Kremlin Claws Back Powers*, 10 July 2020; The New York Times, *Defying Kremlin, Protesters Stage Biggest Rally Yet in Russian Far East*, 18 July 2020; Jamestown Foundation, *Siberian Regionalism a Growing Threat to Moscow*, 4 August 2020; BBC, *Zhukov case: Young symbol of Russian opposition avoids jail*, (with video) 6 December 2019; BBC, *Khabarovsk: Police in Russia's far east break up anti-Kremlin protests*, 12 October 2020. BBC, *Khabarovsk: Police in Russia's far east break up anti-Kremlin protests*, 12 October 2020.

<sup>572</sup> BBC, *Khabarovsk: Police in Russia's far east break up anti-Kremlin protests*, 12 October 2020.

<sup>573</sup> Financial Times, *Kremlin accused of losing its touch as protests put Putin on back foot*, 29 July 2020. Raam op Rusland, *How Zhirinovskiy's fake-opposition has to clean up the mess in Khabarovsk for Putin*, 29 July 2020; Confidential source, 24 July 2020.

<sup>574</sup> The New York Times, *In Aleksei Navalny Protests, Russia Faces Biggest Dissent in Years*, 23 January 2021; Reuters, *Putin calls pro-Navalny marches illegal, new protest set for Sunday*, 25 January 2021.

prisoners by *Memorial*.<sup>575</sup> Navalny's wife Yulia Navalnaja was also arrested and fined 20,000 roubles for taking part in the protests.<sup>576</sup>

#### 7.4 Online freedom of expression

Russia's approach to the internet is mainly characterised by the incipient creation of a Russian internet that can operate separately from the rest of the worldwide Web, and by attempts to control the internet in Russia. For example, the Russian authorities routinely restrict access to sensitive political and social content on the internet. According to unofficial data, more than 4.74 million internet sources had been blocked in Russia by the end of 2019. Officially, only around 315,000 internet sources were blacklisted. The government can also shut down the internet altogether, as happened regionally in Ingushetia and Chechnya at the behest of the FSB, and also in parts of Moscow during demonstrations against the exclusion of candidates from the city council elections.<sup>577</sup>

##### *Social media companies and user data*

The authorities are trying to bring social media and communication platforms under their control. Companies behind social media, search engines or news websites with more than one million daily users must register as mass media outlets. As such, registration entails certain obligations: companies must identify users by means of a Russian telephone number<sup>578</sup>, and user data must be stored on Russian servers so that it can be accessed by the Russian authorities, if necessary. In 2019, the FSB obliged these companies to install special equipment that automatically gives the FSB access to their information systems and encryption keys to decrypt user communication without a court order.<sup>579</sup> To date, Google, Facebook and Twitter have refused to store their user data on Russian servers so that it can be accessed by the authorities; LinkedIn has not been accessible in Russia since November 2016 for this reason. The Telegram messaging app was also blocked in April 2018 because the company refused to share user data. Users were able to bypass this blockade en masse by means of virtual private networks (VPNs). After it proved technically impossible to block access to Telegram without blocking other large parts of the internet, Roskomnadzor revoked the blockade in June 2020 and allowed the app to be used again. According to the authorities, the company had expressed its willingness to cooperate in the fight against extremism and terrorism. It is not clear to which extent Telegram is now sharing user data.<sup>580</sup>

##### *Social media companies and content*

Mass media outlets have been required by law to verify the truthfulness of posted content since January 2017 under penalty of heavy fines. Posted content such as

<sup>575</sup> The Guardian, *Alexei Navalny protests: Moscow in lockdown as police detain thousands*, 1 February 2021; BBC, *Navalny: Thousands join fresh protests across Russia*, 1 February 2021; The Moscow Times, *Navalny Brother, Aides Under House Arrest Ahead of New Russia Protests*, 29 January 2021; RFERL, *Memorial Human Rights Center Recognizes Navalny's Associates, Supporters As Political Prisoners*, 8 February 2021.

<sup>576</sup> Equivalent to EUR 224, according to xe.com on 1 March 2021. See BBC News, *Alexei Navalny: the women fighting against Russian corruption*, 14 February 2021; Reuters, *Russia fines Kremlin critic Navalny's wife Yulia for taking part in protests*, 1 February 2021.

<sup>577</sup> Agora International Human Rights Group and RosKomSvoboda, *Internet Freedom 2019: The 'Fortress' Plan*; HRW, *Russia: Growing Internet Isolation, Control, Censorship*, 18 June 2020.

<sup>578</sup> This obligation has applied since January 2018, pursuant to the Federal Law of 29 July 2017, N 241-FZ "On the introduction of amendments to Articles 10.1 and 15.4 of the Federal Law On Information, Information Technologies and the defence of Information". See also the Country of origin information report for the Russian Federation 2018.

<sup>579</sup> See the Country of origin information report for the Russian Federation 2017 and 2018. Freedom House, *Freedom on the Net 2020*, para. C1; Foreign Policy, *Russia's Internet Freedom Shrinks as Kremlin Seizes Control of Homegrown Tech*, 26 October 2020; HRW, *Russia: Growing Internet Isolation, Control, Censorship*, 18 June 2020.

<sup>580</sup> Freedom House, *Freedom on the Net 2020*, para. B1; Confidential source, 4 December 2020.

videos, text and audio files must be stored for a maximum of six months, and metadata for three years.<sup>581</sup>

Furthermore, the government can register the websites of companies on a list of unauthorised content, enabling Roskomnadzor to then block access to them. According to the NGO *Agora*, more than 270,000 websites were listed in 9 months in 2019, as well as 100,000 orders to providers to limit access to content.<sup>582</sup> A company can therefore also be specifically requested by Roskomnadzor to block a website or parts thereof under penalty of heavy fines.<sup>583</sup> For example, in January 2021 Russian and some foreign social media platforms removed calls to the Russian people from Alexei Navalny supporters to protest.<sup>584</sup> Besides the list that is aimed at prohibiting access to content, since May 2019 telecom providers have been obliged by the Russian Internet Sovereignty Act (*Sovereign Runet Law*) to install certain technology, including so-called deep packet inspection, which allows the government to track, filter and redirect internet traffic. In November 2020, a legislative proposal was submitted to the State Duma aimed at blocking foreign social media platforms that post negative messages about Russian state media, discriminate against Russian citizens and violate their human rights by censoring Russian content. It is not clear whether it is technically possible to block large social media companies.<sup>585</sup> In March 2021, the Russian authorities announced that they would block Twitter if it did not remove undesirable content such as child pornography or extremist material within one month. At the same time, Twitter's speed was significantly reduced.<sup>586</sup>

#### VPNs

The use of VPNs in itself is not prohibited in Russia, but offering a VPN is subject to strict rules. Since November 2017, VPN providers have been prohibited from granting access to websites that are blocked in Russia under penalty of having their VPN service shut down or being obliged to pay heavy fines.<sup>587</sup>

#### Social media users

For individual users, posting content that the authorities consider to be undesirable can have a number of consequences, depending on the content and on which authority is taking measures against it. If Roskomnadzor itself<sup>588</sup> detects undesirable content, it will instruct the provider to block the content and have it removed by the user within 24 hours, after which the provider will forward this request to the user. After the content has been removed, the provider may release the site again.<sup>589</sup>

If the FSB considers content to be undesirable, the user can be liable to administrative or criminal prosecution. The FSB can view user data without the

<sup>581</sup> Freedom House, *Freedom on the Net 2019*, para. B1; Confidential source, 4 December 2020.

<sup>582</sup> Roskomnadzor does this for the most part at the request of the federal tax authorities and the Attorney General. See Agora International Human Rights Group and RosKomSvoboda, *Internet Freedom 2019: The 'Fortress' Plan*, p. 18.

<sup>583</sup> The fines were increased in the course of 2020 to a maximum of 4 million roubles for companies. See SOVA Center, *Brief Report on Inappropriate Use of Anti-Extremist Legislation in January–August 2020*, 9 October 2020.

<sup>584</sup> The Moscow Times, *Social Media Platforms Delete Russian Posts Promoting Navalny Protests – State Censor*, 22 January 2021; NRC, *Navalny zit in de cel maar is op sociale media zichtbaarder dan ooit*, 22 January 2021.

<sup>585</sup> Oxford Analytica, *Russian web censorship bill may be unenforceable*, 19 November 2020; Confidential source, 7 December 2020.

<sup>586</sup> At the time of publication, the month had not yet passed and no decision had yet been taken. Volkskrant, *Rusland dreigt met blokkade Twitter als het 'extremistische' berichten niet verwijdert*, 16 March 2021; Financial Times, *Russia flexes its 'sovereign internet' with move to curb Twitter*, 5 April 2021.

<sup>587</sup> Federal Law 276-FZ amended the Russian Information Act 149-FZ on 1 November 2017. See Country of origin information report for the Russian Federation 2018, p. 22; HRW, *Russia: Growing Internet Isolation, Control, Censorship*, 18 June 2020.

<sup>588</sup> Since 1 October 2020, Roskomnadzor can request the removal of content without the intervention of the Attorney General. See Article 15.3 of the Federal Information Act, and SOVA Center, *Brief Report on Inappropriate Use of Anti-Extremist Legislation in January–August 2020*, 9 October 2020.

<sup>589</sup> [https://www.loc.gov/law/help/fighting-extremism/russia.php#\\_ftn31](https://www.loc.gov/law/help/fighting-extremism/russia.php#_ftn31)

consent of the social media company or a court if this data is stored on a Russian server and can then prosecute the user.<sup>590</sup> During the reporting period, a shift was observed from criminal prosecution under Article 282 (incitement to hatred) to its administrative counterpart (Article 20.3.1 Administrative Offences Act) for first offences, with penalties such as community service, fines or administrative detention of fifteen days. The reason for this was the de-criminalisation of first offences in Article 282, see also section 3.1. In addition, a ban on internet use was regularly imposed on activists if they were convicted for an online offence. Furthermore, bloggers and vloggers can be regarded as foreign agents if they receive foreign funding. Violations of the regulations for foreign agents are subject to fines of up to 500,000 roubles<sup>591</sup> or two years in detention.<sup>592</sup>

Anonymous use of messaging applications or social media, called 'organisers of information dissemination', was curtailed. Users cannot log on without providing a Russian phone number. The messaging application or social media platform must verify the personal data linked to the telephone number with the relevant telecom company. If verification is not possible, the user is removed again.<sup>593</sup> According to HRW, some users have managed to register with an illegally obtained SIM card that is registered on another person's name.<sup>594</sup>

It is unknown whether posting information on a weblog while outside the Russian Federation was punished during the reporting period. The authorities can trace back information on social media platforms with servers in Russia to the personal data of Russian users, but not on social media platforms with servers abroad.

*Vkontakte* is the most frequently used social media online forum; it is similar to *Facebook*. *Vkontakte* is actively monitored by the Russian government and many convictions for extremist content were based on content posted on *Vkontakte*. Repeated violations are prosecuted under Article 282 of the Criminal Code, while first offenders can expect an administrative fine or administrative detention. For more details, see section 3.1, which deals with anti-extremism legislation. According to a confidential source, the police actively look for content on *Vkontakte* so that they can easily start a prosecution; this has a positive effect on the numbers of investigations in the police's internal statistics.<sup>595</sup> In October 2019, according to the NGO *Human Rights Watch*, two LGBTI organisations – *Russian LGBT Community* and *Russia LGBT Network* – were ordered by a court to remove their pages from the social media platform *Vkontakte* because they reportedly violated the ban on providing propaganda to minors that promotes non-traditional relationships.<sup>596</sup>

Investigative agencies have also become actively involved in internet discussion groups in order to gather evidence of violations of extremism legislation. For example, ten people, mostly minors, were prosecuted for placing extremist posts on social media and establishing an extremist organisation. An FSB agent had infiltrated the chats and had given the persons concerned the texts for which they were convicted. Another example involves the so-called Penza case, in which young adults practiced a military variant of paintball. They too were sentenced to 6 to 23 years in

<sup>590</sup> Foreign Policy, *Russia's Internet Freedom Shrinks as Kremlin Seizes Control of Homegrown Tech*, 26 October 2020; HRW, *Russia: Growing Internet Isolation, Control, Censorship*, 18 June 2020.

<sup>591</sup> Equivalent to EUR 5,627, according to xe.com on 17 February 2021.

<sup>592</sup> Agora International Human Rights Group and RosKomSvoboda, *Internet Freedom 2019: The 'Fortress' Plan*, p. 3; Safety of Journalists Forum, *Annual Report 2020: Hands off press freedom: attacks on media in Europe must not become a new normal*, p. 47.

<sup>593</sup> HRW, *Russia: Growing Internet Isolation, Control, Censorship*, 18 June 2020; Freedom House, *Freedom on the Net 2019*, C4.

<sup>594</sup> HRW, *Russia: Growing Internet Isolation, Control, Censorship*, 18 June 2020;

<sup>595</sup> Confidential source, 9 November 2020.

<sup>596</sup> HRW, *Russia Censors LGBT Online Groups*, 8 October 2019.

prison for participating in or establishing an extremist organisation. Some of the suspects claimed that their confessions were obtained on the basis of torture.<sup>597</sup>

The anonymous use of mobile phones is not permitted in Russia. Since 2014, mobile subscribers must register with their official ID in order to purchase a SIM card. When purchasing a SIM card in a store or online, the purchaser's personal data is registered. Anonymous use of a SIM card can lead to penalties for both the user and the telecom provider. Anonymous SIM cards sold in the informal sector – for example in metro stations – are therefore often registered to another user. The Russian authorities can monitor mobile messaging and request user data from providers.<sup>598</sup>

It is not known whether the Russian authorities ask social media users for access to their accounts when they are legally entering and exiting the country or during police interrogations. In Chechnya, during interrogations the authorities did force gay men to give them access to their social media in order to track down their possibly homosexual acquaintances. See also section 5.6.11.

There is no information available about the monitoring and censorship of Russian internet users abroad. In view of the access that the authorities enjoy to user data on social media platforms with servers in Russia, it is obvious that any content posted from abroad will also be monitored and traceable even if the user is abroad, unless the servers are located abroad. However, sources do say that Chechen President Ramzan Kadyrov has social media use in the Chechen diaspora monitored<sup>599</sup>; see section 5.6.11 on LGBTI in Chechnya.

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<sup>597</sup> The New York Times, *Chat Group Becomes Target of Moscow's Wrath as Security Crackdown Widens*, 6 August 2020; RFERL, *Moscow Court Hands Out Prison Terms, Suspended Sentences To 'New Greatness' Youth Activists*, 6 August 2020; Carnegie Moscow Center, *The Return of Stalinist Show Trials*, 13 February 2020; Raam op Rusland, *Felle kritiek op hoge straffen tegen jongeren in 'terrorismezaak'*, 19 February 2020; Confidential source, 14 January 2020.

<sup>598</sup> Privacy International, *Timeline of SIM Card Registration Laws*, 11 June 2019; Freedom on the Net 2019, Russia; Comms Update, *Russia tightening up SIM user registration*, 21 March 2017; Country of origin information report for the Russian Federation 2018, p. 36. For more information about the technical details of the SORM system, see: Tech Crunch, *Documents reveal how Russia taps phone companies for surveillance*, 18 September 2019.

<sup>599</sup> The Central Asia-Caucasus Analyst, Emil A. Souleimanov and Huseyn Aliyev, *Kadyrov Continues to Target Enemies Abroad*, 25 February 2020.

## 8 Freedom of association and assembly

The Russian constitution guarantees freedom of association and assembly. In practice, however, the authorities have increasingly restricted these freedoms. For a description of the political opposition, see section 5.4 (members of the political opposition). For restrictions on the right to association, see the more strictly elaborated Foreign Agents Act, section 5.5.2. The Russian authorities also acted more strictly against undesirable demonstrations organised by government critics and political opponents; see section 7.3 (demonstrations).

## 9 Freedom of religion and belief

The Russian government mainly applies the constitution, the Law on Religious Organisations and anti-extremism and anti-blasphemy legislation to the practice of religion. Religious movements of foreign origin are affected by the policies with which, since 2000, President Putin has attempted to actually reserve the predominantly Russian Orthodox areas for the Russian Orthodox Church. The combination of these pro-Russian Orthodox policies and anti-extremism laws has serious implications for a number of religious minorities as they are seen as a threat to the Russian identity, Russian Orthodox values, social and religious cohesion and even national security.<sup>600</sup>

For a description of those laws, see sections 3.1 (anti-extremism legislation) and 5.2 (religious groups). Muslims and Jehovah's Witnesses were particularly affected by the repressive use of anti-extremism legislation. In January 2021, NGO *Memorial* said that 286 political prisoners were being held on the basis of their religion; the actual number of prisoners is very likely to be higher.<sup>601</sup>

The Russian constitution provides for freedom of religion, equal rights irrespective of faith and the right to practice religion freely by virtue of Article 28. The Religious Organisations Act of 1997 considers Christianity, Islam, Judaism and Buddhism to be the country's four 'traditional' religions while recognising the special role of the Russian Orthodox Church.<sup>602</sup>

The Religious Organisations Act provides the legal instruments to supervise the practice of religion in a group context. The larger the organisation, the greater its obligations. The law distinguishes between 'religious groups', which have the right to perform worship services but are not allowed to perform many other activities, and local or central 'religious organisations', which are granted legal status to engage in religious and civil activities by registering with the government. Both groups and local or central organisations can be banned by a court ruling if they are in violation of the constitution or regulations related to public order and security.<sup>603</sup>

<sup>600</sup> Country of origin information report for the Russian Federation 2018 p. 43.

<sup>601</sup> *Memorial* only includes individuals who are not guilty of assault on this list. See the *Memorial* website <https://memohrc.org/ru/aktualnyy-spisok-presleduemyh-v-svyazi-s-realizaciy-prava-na-svobodu-veroispovedaniya>, consulted on 5 January 2021.

<sup>602</sup> See Federal Law No. 125-FZ of 26 September 1997 and Country of origin information report for the Russian Federation 2017 p. 34.

<sup>603</sup> For more details about the regulations for religious organisations, see the Country of origin information report for the Russian Federation 2017 p. 34.

## 10 Refugees and displaced persons

Various aspects of immigration are laid down in a complicated system of laws and regulations, such as entering and exiting the country<sup>604</sup>, the registration of foreigners and stateless persons<sup>605</sup>, refugees<sup>606</sup>, the legal status of foreigners<sup>607</sup> and nationality<sup>608</sup>. There are separate rules for procedural provisions<sup>609</sup> and for a simplified asylum procedure for Ukrainian refugees and stateless persons<sup>610</sup>.

### *Types of permits and grounds for granting them*

Russia has two types of residence permits for asylum seekers: the permanent residence permit for refugees and the temporary residence permit for asylum seekers. The permanent residence permit for refugees is issued to people who fall within the scope of the UNHCR<sup>611</sup> Refugee Convention. The temporary permit for asylum seekers has a wider scope and is also granted to people who are unable to leave the country for humanitarian reasons. Humanitarian reasons include the risk of torture and other cruel, inhuman or degrading treatment or punishment; a serious illness and inability to receive adequate medical treatment in the home countries; armed conflict, epidemics, famine and natural or man-made emergencies in the country of origin.<sup>612</sup>

For people seeking asylum on political grounds, the previous restrictions were removed in late 2018: asylum seekers with a criminal record or asylum seekers from democratic countries now also may submit an application.<sup>613</sup> According to one NGO, people who fear persecution in their country of origin due to their sexual orientation or identity are in practice not granted asylum in Russia on that basis, partly because no justified fear of persecution is assumed and partly because the applicants themselves indicate a different reason for seeking asylum out of fear of the Russian authorities.<sup>614</sup>

After successful completion of the procedure,<sup>615</sup> the vast majority of applicants are granted a temporary residence permit for asylum seekers for a maximum of one year, with the option to renew the permit for a maximum of one year at a time. This temporary permit gives holders the right to access the labour market, training and medical facilities. Nevertheless, these rights cannot always be exercised. Employers are very reluctant to hire people with a temporary permit for asylum seekers, and official bodies sometimes refuse to provide services for refugees if they do not have a registered address. In practice, access to medical facilities, food banks and schools

<sup>604</sup> Federal Law No. 114 of Aug. 15, 1996, on Entry into and Exit from the Russian Federation, with the Latest Amendments of Dec. 14, 2015.

<sup>605</sup> Federal Law No. 109 of July 18, 2006, on Migration Control of Foreign Citizens and Stateless Persons in the Russian Federation.

<sup>606</sup> Federal Law No. 4528-I of Feb. 19, 1993 on Refugees.

<sup>607</sup> Federal Law No. 115 of July 25, 2002, on the Legal Status of Foreign Citizens in the Russian Federation.

<sup>608</sup> Federal Law No. 62 of May 31, 2002, on Russian Federation Citizenship.

<sup>609</sup> Government of the Russian Federation Resolution No. 274 of Apr. 9, 2001, on the Granting of Temporary Asylum in the Territory of the Russian Federation, with the Latest Amendments of July 22, 2014.

<sup>610</sup> Government of the Russian Federation Resolution No. 690 of July 22, 2014, on the Granting of Temporary Asylum for Citizens of Ukraine and Stateless Persons in the Territory of the Russian Federation through Simplified Procedure; Provisional Simplified Rules for Granting Temporary Asylum in the Territory of the Russian Federation for Citizens of Ukraine and Stateless Persons of Aug. 1, 2014.

<sup>611</sup> UNHCR stands for United Nations High Commissioner for Refugees

<sup>612</sup> Civic Assistance Committee, *What is temporary asylum?*, 11 December 2019;

<sup>613</sup> The Moscow Times, *Putin Eases Restrictions on Political Asylum in Russia*, 20 December 2018.

<sup>614</sup> Civic Assistance Committee, *LGBT refugees in Russia and abroad*, 3 June 2020.

<sup>615</sup> In 2019, the percentage of permanent permits granted for refugees was approximately 1% of the number of temporary permits granted. See Civic Assistance Committee, *yearly report 2019*, p. 17.



is also refused. The permanent permit for refugees is granted for an indefinite period of validity and gives the holder the right to social security as well as the right to help with placing their children in educational institutions.<sup>616</sup>

### *Influx figures*

Official figures for 2019 and 2020 were available at the time of publication of this report; figures for the first quarter of 2021 were not yet available. The statistics only include the permits that were issued; the actual influx of refugees is likely to be many times higher as the figures do not include unsubmitted or rejected asylum applications. According to the statistics, in 2019 the total number of permanent permits for refugees decreased by 85 to 487. The number of permanent residence permits granted for refugees in 2019 was 23, which is the lowest number ever. The number of temporary residence permits for asylum seekers was almost halved in 2019, and dropped from 76,825 to 41,946. In 2020, the total number of permanent permits for refugees decreased by 32 to 445. The number of permanent residence permits granted for refugees in 2020 is currently at 28. The number of temporary residence permits for asylum seekers again halved compared to the previous year to 19,817.<sup>617</sup>

The figures display a significant decrease in the number of permits issued. This decrease can mainly be explained by the large-scale extension of Russian nationality to Ukrainians. Excluding Ukrainians, as of 1 January 2020 there were 1,672 people with a temporary residence permit for asylum seekers; this is 83 fewer people compared to 1 January 2019. On 1 January 2021, this same number was 200 less at 1,472. The Civic Assistance Committee says that this decrease is mainly due to the denial of permits to Syrian refugees.<sup>618</sup>

The actual influx of refugees is probably many times higher than indicated by the figures above, but access to the application procedure is severely limited, according to NGOs. While refugees have the legal right to apply, access to the procedure was frequently made more difficult by the authorities by, among other things, charging high informal fees or bribes or requiring a translator at the refugee's expense. The responsible government agency, GAMI<sup>619</sup>, does not have a representation at all border posts, so an unknown number of refugees were immediately expelled by the border police after entry without being allowed access to the immigration authority. Refugees in large cities were also sent to other regions to apply there or were urged to return to their country of origin. Applications for the extension of temporary residence permits are also often rejected, also increasingly from Syrians<sup>620</sup> and Ukrainians. According to one lawyer associated with an NGO, obtaining a licence is like winning the lottery due to the low probability and inexplicable logic.<sup>621</sup>

<sup>616</sup> Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 30th Session, 2018; US Department of State, Russia 2019 Human Rights Report, p. 44. Civic Assistance Committee, *What is temporary asylum?*, 11 December 2019; see specifically the right to schooling for children: Civic Assistance Committee, *How to get a child enrolled in school and what to do when school won't admit the child*, 12 May 2020;

<sup>617</sup> UNHCR figures 2019 and 2020, in Russian: [https://www.unhcr.org/ru/wp-content/uploads/sites/73/2020/06/GLOBAL-STATS\\_RUS-2.png](https://www.unhcr.org/ru/wp-content/uploads/sites/73/2020/06/GLOBAL-STATS_RUS-2.png); Civic Assistance Committee, *Statistics: over the course of 2020 only 28 people were given refugee status*, 9 March 2021; Civic Assistance Committee, *487 Refugees in Russia. Is this a lot or a little?*, 8 April 2020; Confidential source, 25 January 2021.

<sup>618</sup> Ibid.

<sup>619</sup> The Russian Immigration Service and Alien Police GAMI (General Administration for Migration Issues of the Ministry of Internal Affairs of Russian Federation)

<sup>620</sup> Reuters, *Russia tells Syrian asylum seekers: You need to go home*, 28 February 2019;

<sup>621</sup> US Department of State, Russia 2019 Human Rights Report, p. 44; Russia Beyond, *Is Russia refugee-friendly?*, 5 September 2019; Meduza, *'Better this than war'*, 1 September 2020.

### *Countries of origin*

Most of the refugees in Russia come from neighbouring countries, especially Ukraine. The vast majority of both types of permits are therefore issued to people from Ukraine; Syrian refugees usually only receive a temporary permit; Afghan refugees were granted both types of permits. As of 1 January 2020, 40,274 temporary permits had been issued to Ukrainian refugees out of a total of 41,946, and 119 out of a total of 487 permanent permits for refugees; Afghan refugees had received 543 temporary residence permits and 252 permanent permits; and Syrians had been issued 591 temporary residence permits and 2 permanent permits.<sup>622</sup>

### *Syrians*

During this reporting period, Russia continued to refuse initial applications and applications for extensions to refugees from Syria. This meant that in addition to losing their residence permit, they also lost the right to a work permit, training or shelter, amongst other things.<sup>623</sup>

### *Ukrainians*

According to the US State Department, the Russian authorities do provide some government services to Ukrainian refugees, while other refugees and asylum seekers have been denied these services. The vast majority of permits issued are issued to Ukrainians. Yet there are also reports that the authorities also issued fewer residence permits to people from Ukraine.<sup>624</sup> For Ukrainians from Crimea and Sevastopol and the Donetsk and Luhansk regions, simplified naturalisation procedures or the acquisition of Russian citizenship by operation of law apply; see section 2.3.1. These Russian passports are not recognised by Ukraine and are controversial internationally.<sup>625</sup>

### *Deportations*

There are reports that refugees and asylum seekers have been deported by Russia to their countries of origin despite the risk of torture. In some cases, those involved were deported or taken away by officials of their countries of origin without a formal ruling.<sup>626</sup> For example, an Azerbaijani refugee was extradited in February 2019 on the basis of an extradition request from Azerbaijan before a formal ruling on his appeal was made.<sup>627</sup> In July and September 2020, four Tajik and Uzbek refugees were deported pending their appeal proceedings, despite alleged fears of torture and granted interim measures by the ECtHR to prevent their deportation. According to HRW, at least 39 people are in immigration detention awaiting deportation, despite interim measures by the ECtHR.<sup>628</sup> In a joint intervention in a case before the ECtHR, the *International Commission of Jurists* and the *European Council of Refugees and Exiles* claimed that there are serious human rights flaws in extradition from Russia to Central Asian states, and more specifically in this case in the extradition of a Kyrgyz national of Uzbek ethnicity to Kyrgyzstan.<sup>629</sup> The NGO *Civic*

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<sup>622</sup> Civic Assistance Committee, yearly report 2019, p. 16 e.v.; UNHCR website, consulted on 31 January 2021 (**Error! Hyperlink reference not valid.**).

<sup>623</sup> Reuters, *Russia tells Syrian asylum seekers: You need to go home*, 28 February 2019; Meduza, *'Better this than war' 12 asylum seekers describe the challenges of living in Russia while stuck in immigration limbo*, 1 September 2020.

<sup>624</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 44.

<sup>625</sup> Jamestown Foundation, *Moscow Pressures Ukrainian Authorities by Stepping Up Passportization Efforts*, 1 July 2020; TASS, *Kiev expands list of unrecognized Russian passports*, 25 November 2020.

<sup>626</sup> US Department of State, *Russia 2019 Human Rights Report*, p. 44.

<sup>627</sup> Amnesty International, *Human Rights in Eastern Europe and Central Asia*, p. 27;

<sup>628</sup> HRW World Report 2020, Russia.

<sup>629</sup> Written Submissions on behalf of the International Commission of Jurists (ICJ) and the European Council of Refugees and Exiles (ECRE), *T.K. and S.R. v. Russia* Application no. 28492/15,, 11 September 2020.

*Assistance Committee* also says there is a real risk of *refoulement* for both legal and illegal refugees and asylum seekers in Russia.<sup>630</sup>

In 2020, at least 39 asylum seekers were in immigration detention with no prospect of release, according to HRW. The ECtHR has ordered Russia to release them because of the risk of torture or inhumane treatment if they return to their home country. Russia has suspended their deportation pending the judgement of the ECtHR but is not considering alternatives to detention.<sup>631</sup>

### *Detention*

In addition to the criminal detention facilities (see section 4.7 on arrests and detention), 85 immigration detention centres and an unknown number of border detention facilities fall under the Ministry of the Interior.<sup>632</sup> According to NGOs, the conditions are often dire, with the most serious problem being overcrowded cells, inadequate sanitation and lack of medical care. Due to travel restrictions following the Covid-19 virus outbreak, around 8,000 migrant workers were held in detention in 2020, while continuing arrests meant that detention centres were even more crowded.<sup>633</sup>

In addition to detention facilities for refugees and asylum seekers, there are also reception locations where migrant workers await their departure. These include Uzbek and Kyrgyz migrant workers who are trying to return home through Kazakhstan because they no longer have an income in Russia due to the Covid-19 outbreak. These locations consist of temporary overcrowded tent camps without electricity or food, according to media reports.<sup>634</sup>

### *International organisations*

A number of international organisations are active in the Russian Federation, including UNHCR, ICRC, OSCE, IOM and the Council of Europe. During the reporting period, there was no change in the activities of these organisations. In the future, it will have to be seen whether, under the stricter legislation, local partners and NGOs may be impeded because they are being financed by these international organisations.

### *UNHCR*

UNHCR wants to help the Russian government find solutions to the situation involving asylum seekers, refugees and stateless persons by providing expert support, training programmes and funding for a number of projects aimed at assisting vulnerable persons – particularly legal advice and social support to persons with special needs. UNHCR is trying to work with local partners to help persons who have been granted refugee status or a temporary asylum permit to integrate in Russia. The latest UNHCR position paper on returning to Russia dates from 22 October 2004 and dealt exclusively with asylum seekers and refugees from Chechnya.<sup>635</sup>

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<sup>630</sup> Report to the UN Human Rights Committee Submitted by the Civic Assistance Committee (the CAC) for the List of Issues and Problems Regarding the Rights of Refugees and Migrants in Russia within the Scope of Articles 6, 7 and 13 of the ICCPR in Relation to the Review of the 8th Periodic Report of the Russian Federation CCPR/C/RUS/8 Session 129 (**Error! Hyperlink reference not valid.**)

<sup>631</sup> HRW World Report 2021, Russia.

<sup>632</sup> Citizens' Watch and Human Rights Monitoring Institute, *An overview of torture prevention systems in Russia, Lithuania, Sweden and Norway*, 2019, p. 10.

<sup>633</sup> HRW, *As Pandemic Grows, Migration Detention Deadlock*, 16 April 2020.

<sup>634</sup> Novaya Gazeta, *Newsletter Russia, Explained #51*, 32 September 2020; The Moscow Times, *Six Months Into Pandemic, Migrant Workers in Russia Live in Makeshift Camps as They Wait to Go Home*, 2 October 2020; HRW World Report 2021, Russia.

<sup>635</sup> UNHCR: *Information for Persons who wish to seek asylum in the Russian Federation* (**Error! Hyperlink reference not valid.**); Country of origin information report for the Russian Federation 2018, p. 86.

### *ICRC*

*The International Committee of the Red Cross (ICRC)* in Russia supports people who have been victims of the conflicts in Ukraine and the Northern Caucasus. The ICRC works closely with the Russian Red Cross and helps the Russian authorities with cases involving missing persons and internally displaced persons. ICRC also provides economic and psychological assistance to people affected by conflicts and offers support to Ukrainian refugees in southern Russia, amongst others. In St. Petersburg, for example, the Red Cross provided a hotline, a social worker and a legal adviser for vulnerable migrants.<sup>636</sup>

### *IOM*

The International Organisation for Migration (IOM) provides direct assistance to migrants to help them settle in their new place of residence in Russia. It also helps the Russian authorities develop migration mechanisms and migration legislation and provides medical assistance to migrants. In addition, IOM supports the Russian government in addressing border control issues and develops IOM programmes to prevent human trafficking, particularly trafficking in women and children destined for the sex industry.<sup>637</sup>

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<sup>636</sup> ICRC, Annual Report 2019, p. 417; Country of origin information report for the Russian Federation 2018, p. 86.

<sup>637</sup> <http://moscow.iom.int/en/iom-mission-russia> consulted on 25 January 2021.

## 11 Russians returning to Russia

There is a shortage of information about possible problems with the Russian authorities of migrants after their return to Russia. There is also no information available about problems that migrants face when they return as part of the Return and Readmission Agreement. It is therefore not known whether there are special groups that run a greater risk of problems on their return.<sup>638</sup>

There is no information available about whether the submission of an asylum application in the Netherlands on returning to Russia is known to the Russian authorities, and whether this asylum application itself has consequences for the person concerned.

Illegal border crossings – for example in violation of an exit ban or with false documents – is stipulated as an administrative offence in Chapter 18 of the Russian Administrative Offences Act, and additionally as a criminal offence in Article 322 of the Russian Criminal Code. People who return to Russia after exiting the country illegally can therefore be prosecuted under administrative law<sup>639</sup> or criminal law<sup>640</sup>. However, according to a confidential source the grounds<sup>641</sup> on which an overrun exit ban was imposed would determine the type of treatment upon the person's return. For example, illegal travellers who had an exit ban due to debts would be prosecuted on their return on the basis of administrative laws because their exit causes less social damage<sup>642</sup> to Russia; illegal travellers whose departure could have greater social consequences despite an exit ban could indeed be prosecuted. This would be the case, for example, for people with access to state secrets. However, according to the source, prosecution for other crimes, namely for leaking state secrets in this case, is more likely than prosecution for illegal exit under Article 322.<sup>643</sup> It is not known whether and how many people who have left the country illegally are actually placed in detention after their return.

For detention conditions and judicial process, see sections 4.5, 4.7 and 4.8.

For returnees from Chechnya, one source says that if their return is known to the Russian authorities, the Chechen authorities will also be informed and await them upon return, with an immediate forced return to Chechnya.<sup>644</sup> Amnesty International says they are aware of several cases of returning Chechen asylum seekers who have disappeared after their return.<sup>645</sup> Chechen asylum seekers and political refugees are summoned by Kadyrov to return to Chechnya. According to two researchers, Kadyrov is attempting to increase his control over the Chechen diaspora; see

<sup>638</sup> Confidential source, 15 January 2021.

<sup>639</sup> Chapter 18 Administrative Violations Act (Administrative Code) specifies administrative fines for violating border crossing regulations.

<sup>640</sup> Article 322 of the Russian Criminal Code stipulates that penalties for returnees after illegal exit include a fine of up to 200,000 roubles, attachment of earnings for up to 18 months, community service of up to 2 years or imprisonment for up to two years. Confidential source, 18 September 2020.

<sup>641</sup> As described in section 6.2, an exit ban may have been imposed for a variety of reasons, including an ongoing bankruptcy or occupational access to state secrets.

<sup>642</sup> In July 2020, the Supreme Court ruled that Article 322 of the Russian Criminal Code can only be used in the event of major social consequences. See **Error! Hyperlink reference not valid.** (in Russian)

<sup>643</sup> Confidential source, 7 April 2021.

<sup>644</sup> Confidential source, 15 May 2020.

<sup>645</sup> Amnesty International, additional information to

sections 5.6.11 (LGBTI in Chechnya) and 5.5.4 (activists in the Northern Caucasus).<sup>646</sup>

Returnees who are on a joint list of member states of the *Shanghai Cooperation Organisation (SCO)*<sup>647</sup> as suspects of extremism, separatism or terrorism are virtually assured of arrest upon their return. An expert for the Committee for Security and Cooperation in Europe (OSCE) cites human rights organisations saying that the Member States are using these lists to deport each other's political refugees. The number of organisations and individuals on this list grew significantly between 2006 and 2016<sup>648</sup> and, according to this expert, is used by courts in Member States to evict people who are being persecuted for political reasons, despite the principle of *non-refoulement*.<sup>649</sup>

Returnees from certain areas also have an increased risk of arrest on suspicion of extremism or terrorism. For example, Chechen women returning from Syria are often subject to criminal prosecution, although cases of pardons by President Kadyrov have also been reported.<sup>650</sup>

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<sup>646</sup> The Central Asia-Caucasus Analyst, Emil A. Souleimanov en Huseyn Aliyev, *Kadyrov Continues to Target Enemies Abroad*, 25 February 2020.

<sup>647</sup> The Member States are Russia, China, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, India and Pakistan.

<sup>648</sup> Alexander Cooley mentions a growth from 15 organisations and 400 individuals in 2006, to 42 organisations and 1,100 individuals in 2010, to 69 organisations and 2,500 individuals in 2016.

<sup>649</sup> Alexander Cooley, *The International Dimensions of the New Transnational Repression, Written Testimony before the Commission on Security and Cooperation in Europe*, 12 September 2019.

<sup>650</sup> Center for Strategic and International Studies, Irina Kosterina, *Civil Society in the North Caucasus*, January 2020, p. 12; France24, *Russia pioneering return ISIS children*, 18 February 2019.

## 12 Appendices

### 12.1 Abbreviations and terms in other languages

CSIPN	<i>Center for Support of Indigenous Peoples of the North</i>
EHRM	European Court of Human Rights
FBK	Alexei Navalny Anti-Corruption Fund
FGM	Female genital mutilation
FSB	<i>Federal'naya sluzhba bezopasnosti Rossiyskoy Federatsii</i>
Gongo	<i>government-organized non-governmental organisation</i>
HRW	Human Rights Watch
ICRC	<i>International Committee of the Red Cross</i>
IOM	International Organisation for Migration
IWGIA	<i>International Work Group for Indigenous Affairs</i>
JPG	online portal for government services or <i>Jedinij Portal Gosoesloegi</i>
KUSP	register of reports of crimes or <i>Kniga Utchota Sobshchenij o Proishchestvijach</i>
LGBTI	Lesbian, gay, bisexual, transgender, intersex
MVD	Ministry of the Interior or <i>Ministerstvo Vnutrennikh Del</i>
NGO	non-governmental organisation
OM	Public Prosecution Service or <i>Prokuratura</i>
OVSE	Organisation for Security and Cooperation in Europe
POC	Public Oversight Committee
RFERL	Radio Free Europe / Radio Liberty
RSF	Reporters Without Borders
RSFSR	Russian Soviet Federative Socialist Republic
SCO	Shanghai Cooperation Organization
TOR	<i>Terms of Reference</i>
UNHCR	UN High Commissioner for Refugees
VPN	<i>Virtual Private Network</i>
ZAGS	Russian Civil Registry Office

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