



How to Promote Human Rights in Russia

Blueprint for the Next Administration

December 2008

FOR THE NEXT U.S. ADMINISTRATION

BLUEPRINT

About Us

Human Rights First believes that building respect for human rights and the rule of law will help ensure the dignity to which every individual is entitled and will stem tyranny, extremism, and violence.

Human Rights First protects people at risk: refugees who flee persecution, victims of crimes against humanity or other mass human rights violations, victims of discrimination, those whose rights are eroded in the name of national security, and human rights advocates who are targeted for defending the rights of others. These groups are often the first victims of societal instability and breakdown; their treatment is a harbinger of wider-scale repression. Human Rights First works to prevent violations against these groups and to seek justice and accountability for violations against them.

Human Rights First is practical and effective. We advocate for change at the highest levels of national and international policymaking. We seek justice through the courts. We raise awareness and understanding through the media. We build coalitions among those with divergent views. And we mobilize people to act.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in New York and Washington D.C. To maintain our independence, we accept no government funding.

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How to Promote Human Rights in Russia

Blueprint for the Next Administration

“It is important that we explain to the Russians that you cannot be a 21st-century superpower and act like a 20th-century dictatorship.”

**President-elect Barack Obama,
September 2008**

“We do no one any favors, least of all the Russian people and even their government, by abstaining from speaking out when necessary. We do so ... as a friend worried about the trends we see unfolding, not simply to wag our finger in a lecturing way. We also do so as a matter of principle.”

**David Kramer, Assistant Secretary
for Democracy, Human Rights and Labor,
May 2007**

Introduction

The U.S. relationship with the Russian Federation has become increasingly strained in recent years, marked by stark disagreements over a number of contentious issues, including the conflict with Georgia, the flawed elections that brought President Medvedev to power, U.S. plans to site elements of a missile defense system in Poland and the Czech Republic, and U.S. statements indicating an intention to further expand NATO to include Georgia and Ukraine.

But Washington has sent mixed messages to Moscow; on the one hand, it has become more critical of negative human rights trends in Russia, after a post-9/11 period in which the Bush administration was largely silent on the question, raising concerns about the disturbing rise in hate crimes motivated by racism and xenophobia, suppression of political opposition, abridgement of the right to assembly, restrictions on civil society and the decline of independent media. At the same time, however, President Bush continued to praise Putin until the very end of his term as President, inviting him, for example, to an intimate meeting at Kennebunkport Maine in July 2007, where these issues barely rated a public mention.

The new administration faces the prospect of an authoritarian Russia for the foreseeable future and limited leverage to influence Russian policies and practices. So the U.S. government and its allies must be creative in finding ways to encourage the Russian authorities to abide by the international obligations and human rights commitments that Russia has voluntarily undertaken.

It is in the U.S. interest to do so, for several reasons. Perhaps most fundamentally, promoting human rights and democracy is a matter of principle for the United States; if America gives up on these issues in places like Russia where they meet resistance, then it sends the wrong signal to other countries where human rights are under threat. Secondly and more practically, Russia's domestic policies are inextricably tied to its global posture—an authoritarian Russia cannot be a reliable strategic partner. Thirdly, Russia is a powerful and influential country that can set a negative global tone. Authoritarianism in Russia sets an example that bolsters antidemocratic movements and rulers, with attendant instability in Russia's neighbors and other parts of the world. Finally, appearances can be deceptive; the apparent popularity of a regime that resorts

to authoritarian practices in Russia may prove brittle in the face of a different global economic climate.

Human Rights First believes that U.S. action in two key areas could help to reverse the deteriorating conditions in which forces for positive change currently labor in Russia.

- 1 The U.S. government should focus attention on supporting and defending independent Russian civil society organizations and human rights defenders in the face of growing legal and administrative restrictions, official harassment, government stoked hostility, and official and private violence.
- 2 The U.S. should engage the Russian government in a constructive and cooperative effort to combat a surge in racist and other bias-motivated violence by private individuals or members of skinhead, neo-Nazi and other groups, including through sharing of best practices and offering technical assistance. Incidents of bias-motivated violence are not only human rights abuses in themselves, but also prevent migrants and members of ethnic, religious, and sexual minorities and other vulnerable communities from realizing their rights.

While these approaches address only two aspects of the deteriorating conditions in Russia, they can help open the door to improvements across the full range of civil, political, economic, social, and cultural rights by improving the capacity of Russians themselves to advocate equal justice and the rule of law, and enjoy the human rights to which they are entitled. These issues have particular importance at this time: independent human rights defenders are one of the few remaining sources of information and of public activism free of government control and are increasingly vulnerable to repression; and Russia is experiencing a serious escalation in violent hate crimes, which demands an urgent response.

While some steps can be taken to address these concerns through the bilateral relationship with Russia, multilateral institutions have an essential role to play. In particular, the Organization for Security and Cooperation in Europe (OSCE) has demonstrated its potential to promote productive and collaborative multilateral dialogue involving the United States and Russia on a range of issues that include protecting human rights defenders and combating hate crimes. We urge the Obama Administration to build on these strengths and take steps to enhance the human rights instruments of the OSCE.

SUPPORTING HUMAN RIGHTS DEFENDERS: BOLSTERING BASIC FREEDOMS IN RUSSIA

A positive cooperative relationship with Russia on a wide range of shared strategic interests will not be advanced by overlooking mounting repression and authoritarianism. Unwavering support for basic freedoms, expressed by support for human rights defenders facing restrictions and persecution, should be a central element of the bilateral relationship.

Human rights defenders in Russia continue to make clear that they attach great importance to such support from governments—especially when the United States is able to speak clearly in one voice with its democratic allies in Europe and elsewhere—and from international civil society. International attention also can offer a degree of protection to vulnerable activists who speak out against rights violations in Russia.

Independent human rights activists are increasingly vulnerable to persecution under a variety of restrictive laws and through the selective application of administrative control measures. They are also the target of threats and physical attacks from the security forces and non-state actors, as well as of defamatory press reporting and hostile official statements. The increasingly limited space available to independent civic activists is part of a broader effort by the Russian government to reign in independent power centers of all kinds. Given the circumstances and the scope of pressure put on human rights activists in Russia, it is more important than ever for the new U.S. administration to hold firm to the universal principles for which courageous independent activists in Russia today are paying such a steep price.

In standing up to the abuse of force and the strong-arm tactics of the Russian government, human rights defenders are engaged in a struggle that is not only vital to the future of democracy and human rights in Russia, but also has serious implications for the situation of independent human rights activists in other countries where Russia's example is closely watched, including former Soviet Republics like Belarus, Kazakhstan, Uzbekistan and others in central Asia, but also countries like Venezuela and authoritarian states in the Middle East.

A particular challenge of promoting human rights and democracy in Russia is that conventional efforts to mobilize international support for vulnerable or persecuted activists are distorted through official propaganda that portrays such support as evidence of the subversiveness and inauthenticity of such groups. For example, former president Putin repeatedly attacked independent civil society organizations as being “purposefully financed and therefore under control” of and “working for foreign puppet masters” or of being instruments for foreign states to interfere in Russia’s internal affairs.

Russia’s hostility toward human rights defenders and democracy activists presents a challenge to the new U.S. administration. It must find ways to support these courageous individuals without playing into Russia’s defamatory official narratives. The new administration should maintain consistent support to civil society, both through bilateral and multilateral channels, while emphasizing the principle that support for human rights does not constitute a challenge to sovereignty.

- **The new administration should demonstrate support for Russia’s independent civil society organizations by engaging in open dialogue with them inside and outside Russia, highlighting their work, providing financial support to independent human rights organizations and strongly protesting any attempts to silence them.**
- **If and when the President or the Secretary of State travel to Russia they should insist on meeting with leaders of independent non-governmental human rights organizations to underline the importance the United States attaches to the free functioning of such institutions.**

COMBATING RACISM, XENOPHOBIA AND VIOLENT HATE CRIMES

Russia is experiencing a dramatic upsurge in violent hate crimes. Racist and other violent attacks by neo-Nazi skinhead groups have been rising since 2004 by some 15 percent per year, with 2008 on track to be another record-setting year. According to the Moscow-based SOVA Center for Information and Analysis, the leading nongovernmental monitor, in 2007 there were 86 bias-motivated murders, up from 64 in 2006 and 47 in 2005. Already in the first ten months of 2008, 80 people have been killed in such attacks.

Bias-motivated violence is directed against all non-Slavic members of Russian society—citizens and noncitizens alike—as well as against defenders of hate crime victims. In recent years there has been a sharp increase in violence against migrants from the countries of the former Soviet Union. Migrant workers from Central Asian countries are extremely vulnerable to attacks; since many of them arrive in Russia without proper documents, they risk deportation if they report crimes committed against them to the police. Immigrants and visitors from Africa and Asia have likewise been common targets of neo-Nazi violence. Jews, Muslims, Roma, as well as human rights and gay rights activists have also been victims of brutal bias-motivated assaults.

Anti-immigrant and xenophobic rhetoric has risen dramatically in the past months as the global financial crisis worsens. Nationalist groups have mobilized and staged collaborative demonstrations, while some large moderate mainstream organizations have adopted new xenophobic rhetoric targeting illegal migrants. Such environment is conducive to a rise of bias-motivated violence.

The Russian government has made legal and political commitments within the framework of the UN, OSCE, and the Council of Europe to provide protection from such forms of violent discrimination. Yet the government response to the increased violence has been grudging and feeble. Political leaders have begun to recognize neo-Nazi violence as a formal matter, but their calls for action against extremism have been misdirected by law enforcement officials who have focused their attention on the nonviolent forms of speech prohibited by Russia’s deeply flawed legislation on combating extremism, which has been used to silence government critics, rather than

on investigating and prosecuting the cases of increasingly brutal violent hate crimes.

The government does not publish statistics on hate crimes. Although NGOs report that hate crime prosecutions increased steadily between 2004—2006, there was a decline in 2007. In general, the number of prosecutions pale in comparison to the increasing frequency with which the crimes are being committed.

Human rights and community organizations representing victims have been among the principal actors to address violent hate crime, despite the lack of capacity and funding for such groups. The monitoring and advocacy work of these groups is essential to promote a more effective government response.

The Russian government is not alone in the need to develop a more effective response to hate crimes. Although the scale of the problem, compounded by the still inadequate response of the government, make the situation in Russia particularly dire, other European countries are struggling to address rising incidences of violent hate crimes in their countries. In the United States—where there is a serious problem—there is a robust system in place for dealing with it.

We urge the government of the United States to promote a stronger response to violent hate crime in Russia by making clear that the United States considers this an important issue in the bilateral relationship and by taking the following concrete steps:

Advocate Bilateral and Multilateral Efforts to Address Concerns

- Communicate clearly that the U.S. and Russia have a common interest in combating violent hate crime throughout the OSCE region through developing shared solutions to the problem.
 - Maintain strong and inclusive State Department monitoring and public reporting on racist, antisemitic, xenophobic, anti-Muslim, homophobic, anti-Roma and other bias-motivated violence in Russia, as well as the government response—including by consulting with civil society groups as well as providing appropriate training for human rights officers and other relevant mission staff abroad.
- Engage in a regular dialogue with senior Interior Ministry and prosecutorial officials to raise individual hate crime cases and to encourage the following steps to strengthen the Russian response to violent hate crime. Support that dialogue with offers of technical assistance and other opportunities to exchange experiences and best practices (as described below):
 - Publicly condemn violent racist and other bias crimes whenever they occur.
 - Encourage the Interior Minister to issue an instruction on the need to prioritize combating violent hate crimes within the overall effort to combat extremism.
 - Publicly commit to investigate allegations of bias motives in specific violent crimes, and provide regular public updates into the investigation and prosecution of such crimes.
 - Systematically apply available criminal law provisions that allow for enhanced penalties for bias motivated crime.
 - Immediately undertake a review of the legal tools currently available to prosecute bias-motivated violence, consistent with international human rights standards, including witness and juror protection programs, the admissibility at trial of prior acts and convictions, as well as procedures for recognizing the testimony of suspects as cooperating witnesses. The conclusions and recommendations for change should be made public. The United States should offer technical assistance for this review.
 - Establish outreach efforts by local law enforcement to interact with victims, their communities and civil society groups to increase the confidence of hate crime victims to report crimes to the police.
 - Disaggregate public data on crimes “of an extremist nature,” collected by Interior Ministry, so as to report separately on violent crimes motivated by bias.

- In the regular dialogue with the Russian Human Rights Ombudsman, encourage the Ombudsman to request from the relevant authorities and regularly publish official information on crimes for which there is a suspected bias motivation. The Ombudsman should compare this official information with information available from other sources, including civil society groups, and inquire with the authorities as to the nature of any discrepancies.
- As part of engagement on OSCE issues in Moscow and Vienna, encourage the Russian government to:
 - Fulfill its obligation to report hate crime data to the Office for Democratic Institutions and Human Rights (OSCE/ODIHR).
 - Participate in regular meetings of ODIHR's National Points of Contact on Combating Hate Crimes and reach an agreement with ODIHR on programs of technical assistance to combat hate crime, including the Law Enforcement Officer Program on Combating Hate Crime (LEOP).
 - Invite the OSCE Chairman-in-Office's three Personal Representatives on tolerance to visit the country.

Share Best Practices and Offer Technical Assistance

- Offer appropriate technical assistance, including training of police, prosecutors and regional human rights ombudsmen, in investigating, recording, reporting and prosecuting violent hate crimes as well as translation in Russian of Justice Department and Federal Bureau of Investigation (FBI) materials. Potential mechanisms of such training include the International Law Enforcement Academy in Budapest and other aspects of the FBI's International Training Program, as well as the Justice Department's Overseas Prosecutorial Development Assistance and Training Program (OPDAT) and the International Criminal Investigative Training and Assistance Program (ICITAP). Such offers should be coordinated with other potential provider countries, the EU, the Council of Europe, and the OSCE/ODIHR.

- Organize an International Visitors Program on combating bias-motivated violence for representatives of law enforcement, victim communities, human rights groups and legal advocates.

Support Civil Society Organizations

- Expand funding and other support to build the capacity of Russian civil society groups to combat violent hate crime, by:
 - Providing extrabudgetary support to expand the ODIHR's civil society training program on combating hate crimes, and encouraging participation by Russia groups in that training.
 - Developing a program on combating hate crime as part of the next phase of USAID's democracy and governance assistance in Russia in order to expand the capacity of civil society groups to monitor and report on hate crimes, engage in national and international advocacy and to respond to cases and support victims at the local level.
 - Seeking congressional establishment of a long-term funding program at the State Department, USAID or an outside agency to provide financial support for appropriate civil society groups in OSCE countries, including Russia.

THE OSCE: AN ESSENTIAL MULTILATERAL VEHICLE FOR PROMOTING AND PROTECTING HUMAN RIGHTS

The Organization for Security and Cooperation in Europe (OSCE) is an institution built for the purpose of multilateral cooperation between the U.S. and its democratic allies to promote human rights and safeguard basic freedoms. By making full use of the mechanisms of the OSCE the United States can avoid the temptation of striking bilateral agreements on strategic issues of mutual concern while setting aside more contentious issues like human rights. The great virtue of the Helsinki process that developed into today's OSCE is that it combines a broad range of issues of mutual concern, including national security, but also democracy and human rights without prioritizing one set of issues at the expense of another. The new administration should show increased support to the OSCE so that it can implement its important mandates in the politico-military, economic and environmental, and human dimensions more effectively.

As part of the OSCE's human dimension, the organization has initiated debates on such urgent matters as discrimination and violence motivated by antisemitism, racism, xenophobia, religious intolerance, and homophobia. The OSCE has promoted the principles of democracy, fundamental freedoms, respect for human rights, and support for the work of human rights defenders becoming a model for intergovernmental institutions that aim to advance democracy and human rights in other regions of the world.

But the human rights and democracy component of the OSCE has long been under attack by Russia. At the Munich Security Conference in March 2007, President Putin criticized the OSCE as an organization that risks becoming a "vulgar instrument designed to promote the foreign policy interests of one or a group of countries." The OSCE election monitoring arm, the Office for Democratic Institutions and Human Rights (ODIHR), was unable to reach an agreement with the Russian authorities to send observer missions to both the State Duma elections in December 2007 and the presidential election in March 2008 because of restrictions imposed by the Russian authorities in violation of OSCE commitments.

In recent years the Russian government has been highly critical of what it appears to view as the disproportionate focus on the human dimension within the OSCE's activities. It has put forward proposals to undermine ODIHR's independent election monitoring activities and to control and limit the participation of independent NGOs in OSCE activities. Western officials rightly fear that Russian proposals to replace the existing multifaceted OSCE structure with a new treaty on European security would risk diluting OSCE commitments in the field of human rights to which the Russian government has agreed.

The OSCE is entering a perilous period. Russia is actively trying to undermine the OSCE's human rights and democracy promotion efforts, and Kazakhstan—an authoritarian country with a poor human rights record—is scheduled to serve as OSCE chair in 2010. There are a number of steps that the new administration can take to ensure the continued viability of this important institution. The Obama Administration should:

- Hold a firm line on the importance of establishing and implementing OSCE commitments in the field of human rights, including combating all forms of discrimination and intolerance and supporting the work of independent human rights defenders. OSCE commitments are arrived at through consensus. Once established, all OSCE member states, including Russia and the United States, should abide by them.
- Hold the Russian government accountable to its existing OSCE commitments. While being prepared to listen to and discuss Russian proposals to reform the OSCE, U.S. officials should make clear that the central role of human rights promotion and protection through the OSCE's human dimension cannot be diluted in any way.
- Use U.S. influence in the OSCE to build a broad consensus in support of the human dimension commitments relating to the work of human rights defenders as a safeguard against attempts by the Russian authorities to marginalize specific organizations and activists. The U.S. should insist that independent Russian NGOs continue to have full access to all relevant OSCE meetings.

- Immediately signal its intention to send the Secretary of State to attend the OSCE ministerial meeting in 2009 in order to signal the importance that the new administration attaches to the OSCE and its vital functions of promoting peace, security and human rights throughout Europe and the former Soviet Union.
- Provide for extrabudgetary contributions, secondment of personnel and other in-kind support for OSCE programs in the human rights field, including on combating hate crimes.
- In the upcoming budget process for FY 2010 assess and revise the current mechanism of budget allocation by the State Department to ensure that the United States meets its funding obligations to the OSCE in a timely manner.

Conclusion

The Russian Federation is a state party to international human rights treaties and a member of international organizations that include the promotion of human rights and democratic values as part of their mission, including the Organization for Security and Cooperation in Europe (OSCE).

The new administration should insist that the obligations and commitments by which the Russian government is bound are the standard to which it will be held accountable, and that while the United States will wish to continue to work with Russia on a wide range of issues, the quality of the relationship will depend to a significant degree on whether Russia is living up to the human rights obligations it has voluntarily undertaken.



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