

# **Human Rights Council Briefing Papers**



## **The Issue of Human Rights Violations in Russia**

Today, Russia is more repressive than it has ever been in the post-Soviet era. Using a wide range of tools, the state has tightened control over free expression, assembly, and speech, aiming to silence independent critics, including online. With the crackdown on civil society growing increasingly vicious, Kremlin-controlled broadcasters portrayed Western democracies as working to destabilise Russia and the world, urged Russians to mobilise against this threat, and branded dissenting voices as paid agents of the West working against Russia. With the use of draconian legislation, authorities demonised as 'foreign agents' over 150 independent groups.

Russian police arbitrarily detained hundreds of people during peaceful protests on 12<sup>th</sup> June 2017, in Moscow and St. Petersburg. Riot police in both cities used excessive force against protesters. If protesters questioned their detentions or refused to go willingly, the police handled them roughly and in some cases dragged them on the ground, beat them with truncheons, kicked them with booted feet, and punched them. Some of the abuse took place in full view of observers who filmed it with video cameras and mobile phones. People also experienced ill-treatment near or inside police buses. "People have a right to free assembly, authorised or not." said Tanya Lokshina, Russia programme director at Human Rights Watch.

Russia is a party to the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), both of which guarantee the right to peaceful assembly, as does the Russian constitution. The European Court of Human Rights (ECtHR), has repeatedly emphasised that a lack of authorisation for a peaceful protest does not justify infringements on freedom of assembly, but rather that the authorities should show tolerance toward protesters.

Since the 2011 State Duma elections and Putin's resumption of the Presidency in spring 2012, there has been a legislative onslaught on many international and constitutional rights, e.g. Article 20 (Freedom of Assembly and Association) of the Universal Declaration of Human Rights, which is embodied in Articles 30 and 31 of the Constitution of the Russian Federation (1993). A law was passed in December 2015 that would give national legislation precedence over international legal commitments.

Since Freedom House rated Russia as 'partially free' with poor scores of 5 on both political rights and civil liberties (1 being most free, and 7 least free) in 2004 (during Putin's first term as President) their score has since decreased to 'not free' with scores of 6 for political rights and 5 for civil liberties according to its Freedom

in the World reports in the period from 2005 to 2008, Freedom House rated Russia as, and their Freedom House rating has continued to sink.

According to the Human Rights Watch 2016 report, the human rights situation in the Russian Federation continues to deteriorate. "...the Kremlin continued a crackdown on civil society, ramping up pressure on domestic nongovernmental organisations (NGOs) and branding the U.S.-based National Endowment for Democracy and two groups backed by billionaire philanthropist George Soros as 'undesirable organisations'. The regime also intensified its tight grip on the media, saturating the information landscape with nationalist propaganda while suppressing the most popular alternative voices."

### Pussy Riot

The controversy of the actions of the Russian punk protest group Pussy Riot show both sides of the story. The group gained global notoriety when five members of the group staged a performance inside Moscow's Cathedral of Christ the Savior in 2012, and were arrested on 16<sup>th</sup> March. Denied bail, they were held in custody until their trial began in late July. On August 17, 2012, three group members (Nadezhda Tolokonnikova, Maria Alyokhina, and Yekaterina Samutsevich) were convicted of "hooliganism motivated by religious hatred", and each was sentenced to two years' imprisonment. In early July, a poll conducted in Moscow found that half of the respondents opposed the trial while 36 percent supported it; the rest being undecided.

At Pussy Riot's performances during the Winter Olympics in Sochi 2014, group members were attacked with whips and pepper spray by Cossacks who were employed as security guards.

Their right to protest was completely disregarded and highlighted the issue of Human Rights in Russia to the West, where the case was adopted by human-rights groups, including Amnesty International. They designate these women as women of conscience.

### Points to Consider:

- Have human rights ever really existed in Russia?
- Is it in the UN's jurisdiction to intervene on human rights in Russia?
- How would you go about enforcing human rights in Russia?

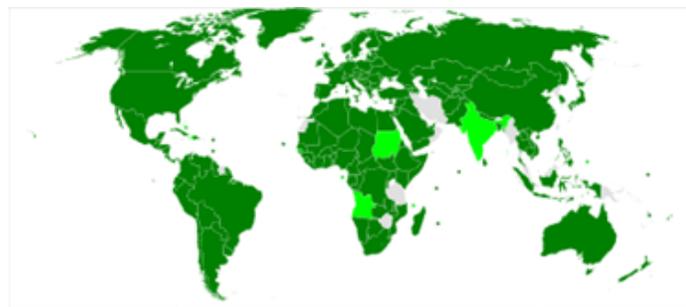
## The Issue of Respecting Human Rights and Upholding National Security

9/11 was 16 years ago. Among many others things this completely changed the issue of human rights and National security. During the past several years, the threat and reality of terrorism have grown exponentially, and countries throughout the world have been struggling to combat this problem. Terrorism is a different kind of enemy - it makes national security a lot more difficult to achieve; it tempts countries into thinking that to protect national security any measures are justified including ignoring basic human rights. Some countries turn to torture as a method to illicit false confessions and punishment. Torture is an abuse of human rights.

The UN has a United Nations Convention against Torture. A few countries have not signed and some disregard it whether they've signed it or not.

Examples of torture used justified by national security aims are:

Guantanamo Bay is an example of violation is the human right of *Habeas corpus* (literally "that you have the body"). *Habeas corpus* in this case is used to mean detention without charge. The International Committee of the Red Cross (ICRC) inspected the camp in June 2004.



Map of the world with parties to the Convention against Torture

Dark green = signed and ratified  
Pale green = signed but not ratified  
Grey = not signed and not ratified

In a confidential report issued in July 2004 and leaked to *The New York Times* in November 2004, Red Cross inspectors accused the U.S. military of using "humiliating acts, solitary confinement, temperature extremes, and use of forced positions" against prisoners. The inspectors concluded that "the construction of such a system, whose stated purpose is the production of intelligence, cannot be considered other than an intentional system of cruel,

unusual and degrading treatment and a form of torture." The United States government reportedly rejected the Red Cross findings at the time.

Waterboarding is a form of water torture in which water is poured over a cloth covering the face and breathing passages of an immobilised captive, causing the individual to experience the sensation of drowning. In an open letter in 2007 to U.S. Attorney General Alberto Gonzales, Human Rights Watch asserted that waterboarding can cause the sort of "severe pain" prohibited by 18 USC 2340 (the implementation in the United States of the United Nations Convention Against Torture), that the psychological effects can last long after waterboarding ends (another of the criteria under 18 USC 2340), and that uninterrupted waterboarding can ultimately cause death. Donald Trump stated he believed in the effectiveness of the technique. Trump also stated that it is a "minimal" form of torture, and that it was necessary. In October 2014, John Cantlie reported that ISIS had used waterboarding against prisoners, "Some of us who tried to escape were 'waterboarded' by our captors, as Muslim prisoners are 'waterboarded' by their American captors." This shows that torture can trigger revenge presenting a bigger threat to national security.

Bill Clinton stated in his speech to the 2008 Democratic National Congress "people the world over have always been more impressed by the power of our example than by the example of our power."

Do human rights and national security actually point in the same direction?

Points to consider:

- Where are the lines between national security and human rights drawn?
- How do you protect human rights from violation by justification of national security?
- Is it ever effective to violate human rights in the name of national security?
- Is it possible to have effective national security in this day and age without violating human rights?
- Can human rights be used help rather than hinder national security?

## The Issue of Media Censorship

Censorship is the suppression of speech, public communication, or other information that may be considered objectionable, harmful, sensitive, politically incorrect or inconvenient as determined by governments, media outlets, authorities or other groups or institutions.

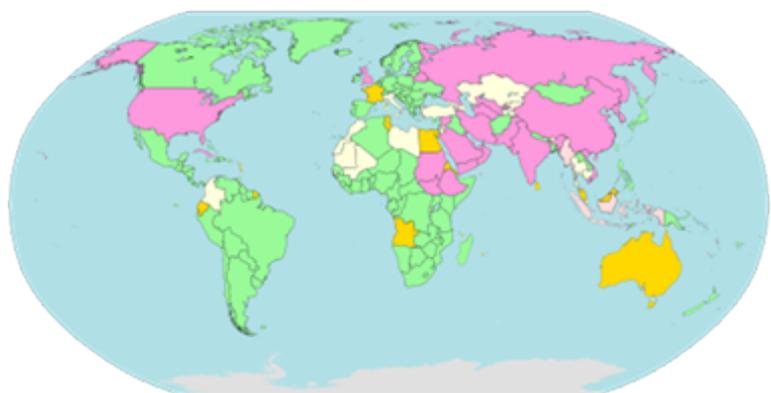
There are indeed many places in the world where there's a state controlled media classic examples include Russia, China, the Vatican, North Korea, and China.

China's central government has cracked down on press freedom as the country expands its international influence, but in the internet age, many of its citizens hunger for a free flow of information. China's Internet censorship is regarded by many as the most pervasive and sophisticated in the world. The system for blocking sites and articles is referred to as "The Great Firewall of China". According to a Harvard study conducted in 2002, at least 18,000 websites were blocked from within the country, and the number is believed to have been growing constantly. Banned sites include YouTube (from March 2009), Facebook (from July 2009), Google services (including Search, Google+, Maps, Docs, Drive, Sites, and Picasa), Twitter, Dropbox, Foursquare, and Flickr. Certain search engine terms are blocked as well. All versions of YouTube have been completely unavailable in China since April 2009.

The rising usage of social media in many nations has led to the emergence of citizens organizing protests through social media, sometimes called "Twitter Revolutions." The most notable of these social media led protests were parts Arab Spring uprisings, starting in 2010. In response to the use of social media in these protests, the Tunisian government began a hack of Tunisian citizens' Facebook accounts, and reports arose of accounts being deleted.

Today Censorship exists also in almost every country in the world. The map below shows internet censorship and surveillance, June 2014.

dark pink - Pervasive  
pale pink - Substantial  
peach - Selective



yellow - Changing situation

green - Little or no

grey - Not classified / No data

But censorship isn't always as black and white morally as it might seem. For example, British photographer and visual artist Graham Ovenden's photos and paintings were ordered to be destroyed by a London magistrate court in 2015 for being "indecent". Their copies were removed from the online Tate Gallery following the events in 2013, where Ovenden was found guilty of six charges of indecency with a child and one charge of indecent assault against a child.

Social media sites such as Facebook are known to censor posts containing things such as nudity and hate speech. As of November 2016, Twitter has been banning numerous accounts associated with alt-right politics.

Without censorship any kind of censorship people are subject to abuses of their beliefs and manipulations of the truth. This was evident in the 2016 U.S presidential election.

Points to consider:

- Can censorship be used for the good?
- Can censorship sometimes be useful or even critical?
- Where do you draw the line between filtering out false or misleading things and censorship?
- How do you fight against censorship?