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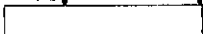
DIRECTORATE OF INTELLIGENCE

6 May 1988

Soviet Approaches to Human Rights

SUMMARY

Under Gorbachev, Soviet human rights performance has changed for the better, but thus far change has not been institutionalized and could be easily reversed. Events since the last summit underscore the General Secretary's continued interest in improving human rights in order to combat popular alienation, improve the regime's image at home, and create a favorable climate for bilateral relations. Gorbachev recognizes that allowing a diversity of views and protecting citizens against harassment from officials--while risky--is necessary to promote the initiative and creativity on which his modernization program depends, particularly in a period when economic incentives for harder work are few and demands on the workers increasing. 

The partial relaxation of repression, however, is encouraging bolder demands for more freedom to surface. The regime is having trouble keeping the pressures it has unleashed from getting out of hand. As a result, Gorbachev has made clear that the Communist Party will retain its authority to judge the proper limits for individual action. Arbitrariness continues in many areas, and the regime has reacted defensively--and in some cases resorted to repression--as citizens test the limits of tolerable political behavior. Despite some backtracking as a result of nationalist activism in the Baltics and Caucasus, the leadership has not reverted to an across-the-board repressive approach, but is still fine-tuning its human rights strategy. 

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In February and March, many dissidents felt that the hard line taken in Armenia to curb demonstrators and strikers portended a general crackdown on human rights. However, in the wake his apparent victory in the "newspaper polemics" with Ligachev, Gorbachev may again press forward with legal reform and some degree of political pluralism within the framework of a one-party state--his concept of so-called "socialist pluralism." A victory at the June Party Conference could help in this direction. [redacted]

Freedom of Expression and Free Movement of Ideas

Gorbachev's policy of glasnost has significantly increased freedom of expression in official media and exposed the Soviet public to more uncensored information from unofficial journals and the West:

- o The official media have carried uncensored remarks by Western leaders, and cessation of jamming of VOA and BBC has provided additional access to Western views.
- o Discussion of formerly taboo societal problems--such as alcohol and drug abuse--have been pushed to complement policy programs designed to eliminate slack labor discipline and corruption. Editors have mounted a broad attack on corrupt and ineffective bureaucrats and midlevel party officials and even dealt with police abuses. As a result, political lecturers have had to face stiff questions from members of the public on questions ranging from Afghanistan to the environment.
- o Several former dissidents have organized unofficial journals published openly. Some cover sensitive political topics such as human rights, religious and nationalities issues, and historical revisionism. These journals and their publishers played a key role in publicizing nationality unrest in the Caucasus despite initial near silence in the official media.
- o The inefficiencies of the centrally planned economic system and Stalinist-era political institutions have been attacked with increasing candor, although without directly challenging Marxist economic theories, particularly state ownership of the means of production.
- o A number of former "nonpersons" like Nikolay Bukharin have been rehabilitated by a special Politburo commission, and a historical debate is steadily expanding as specialists probe more sensitive issues. Stalin himself has come under renewed, bitter attack, especially in the wake of a polemic between Sovetskaya Rossiya (expressing the more conservative views of Ligachev) and the reformers' response in Pravda. These attacks on Stalin probably represent Gorbachev flexing his political muscles against those urging a slower pace of reform.

- o Moscow News has advocated setting up a Hyde Park-style "speakers corner" and disclosed that the Moscow city soviet is considering such a proposal--but with controls over "extremist" speakers." [redacted]

Glasnost still has clear limits. Direct attacks on the top leadership are taboo unless they are the consequence of a deliberate party decision, such as the attacks on Kazakh party leader Kunayev and Moscow party chief Yeltsin. General Secretary Gorbachev has been protected in the media from unfavorable remarks, although one letter published in the press warned him against falling prey to a personal cult. The media have still provided no objective exposition of many unpleasant aspects of Soviet history, such as Lenin's involvement in repression. [redacted]

The party apparatus still closely monitors the media and sources of outside information:

- o The Central Committee has occasionally criticized several liberal journals, including the provocative weekly Moskovskiye Novosti. [redacted]
- o While trying to maintain an open existence, editors and contributors of politically oriented journals such as "Glasnost" (published by released prisoner Sergey Grigoryants) have been repeatedly harassed by the security services. In March, "Glasnost" was raided by police, although its printing equipment was not touched, and strong attacks appeared in the media at that time against Grigoryants and a fairly radical informal group called "Democracy and Humanism."
- o Regime spokesmen have declared that there is no need for an independent press in the USSR now that the official press is operating under an atmosphere of glasnost.
- o Soviet officials stated recently that the regime would prohibit private publishing. A law on glasnost designed to provide more information on the workings of the bureaucracy is now being reviewed by the Supreme Soviet, but its provisions are unknown.
- o Despite the cessation of some jamming, the regime continues to jam the more politically hostile radios, notably Radio Free Europe/Radio Liberty and Deutsche Welle, and maintains the capacity to resume jamming at any time. [redacted]

Freedom of expression is still hindered by the fear of prosecution under Soviet laws prohibiting "anti-Soviet" statements and actions. Under articles 70 and 190 of the RSFSR criminal code--introduced in the 1960s--those convicted can receive stiff prison sentences of up to 10 years. Beginning in 1987, Moscow reduced its reliance on these articles, pardoned over 190 political prisoners prosecuted under them, and indicated that the articles are under consideration for change or deletion in the current revision of the

criminal code. However, reporting and public statements by Soviet officials suggest that a revised article 70 may be retained to protect national security--leaving open the possibility of its continued abuse. In the wake of recent nationality unrest, the regime is again resorting to Article 190 on occasion to deter activists. Paruir Airikyan, one of the more radical leaders who helped organize the Armenian protest of late-February, was arrested in March and is the first dissident charged under an equivalent of Article 190 for at least two years. Soviet officials have also shifted increasingly to administrative, not legal, resolution of these cases, sentencing demonstrators to short jail terms and fines. Without the abolition of these articles and some institutional guarantees against reversal, many Soviet citizens will be reluctant to express critical views lest they pay for their candor once the political winds change. [redacted]

Freedom of Association

Moscow has thus far tolerated new attempts to exercise freedom of association--in the form of informal literary, cultural, and political discussion groups. At a major speech in late April, Georgiy Razumovskiy--head of the party's personnel department and a rising Gorbachev ally--gave a positive evaluation of their work. Discussion groups are deeply rooted in the Russian intellectual tradition and quickly blossomed under Gorbachev. Thousands of groups have been formed around the country, mainly among young members of the intelligentsia. The party permitted several hundred representatives from informal groups to gather in Moscow in August 1987 and again in February 1988. [redacted]

While Gorbachev is probably sympathetic to this renewed interest in public policy, particularly among young people, the explosion of the phenomenon is fueling an effort to coopt the more moderate ones (such as those advocating environmental protection)--perhaps as a prelude to a crackdown on the more extreme and politically oriented ones:

o [redacted]

- o The Komsomol and officially sponsored Znaniye (Knowledge) Societies are offering up new political clubs as alternatives.
- o According to the Western press, Tatiana Zaslavskaya--a prominent sociologist and Gorbachev supporter--helped organize a new Central Committee commission to study unofficial groups, suggesting the party has no intention of taking a laissez-faire position on this issue.
- o While the groups have thus far been generally tolerated, several, including the Russian nationalist organization Pamyat, which has a rabidly anti-Semitic wing, have lost their access to public meeting halls. [redacted]

Freedom of Assembly

Beginning in 1987, public demonstrations--by human rights activists, environmentalists, non-conformist youth, nationalists, and others--became a common way to register political complaints in the USSR. About 130 demonstrations--including very large ones--were conducted or attempted in Moscow and Leningrad in 1987 alone, and have continued at about the same pace in 1988. While the regime showed startling restraint towards most demonstrations at first, the increase in the frequency and size of demonstrations plus the infusion of the nationalist element have resulted in a less tolerant climate. Since the Alma Ata riots of December 1986, over 70 other large nationalist demonstrations--of hundreds or thousands--have taken place throughout the country; demonstrations in Yerevan in February involved up to 1 million participants. Jewish refuseniks have demonstrated on a weekly basis in Moscow, with the police breaking up the protestors as soon as they unfurl their banners. Moscow apparently did not anticipate the quick organization of interest groups that has taken place. [REDACTED]

The regime has restricted spontaneous demonstrations and resorted to physical harassment of those who violate the new rules. In Moscow, Leningrad, the Baltic states, the Caucasus, and Siberia, demonstrators must apply for permission 7-10 days in advance. A regulation in Georgia issued a few weeks ago threatened violators with up to three years in prison. In most cases Soviet authorities have refused permission to demonstrators, but in this past winter and spring several anti-Stalin demonstrations, an anti-nuclear march in Leningrad and a march in Yerevan commemorating the 1915 massacre of Armenians by Turkey have been allowed. [REDACTED]

When demonstrators have tried to protest despite denials, police have frequently used force to disperse them. While most activists have been detained only a few hours, some have received sentences of up to 15 days (in one case, up to two months) and been fined. Police in several cities have used preventive detention to head off demonstrations. The regime is using even harsher actions to prevent large nationalist demonstrations (see below under "The Right to National Self-Expression.") When faced with large or well-publicized protests, authorities frequently resort to "patriotic" pro-regime counterdemonstrations--as was done this past autumn in the Baltic. [REDACTED]

Freedom from Arbitrary Arrest and the Right to Due Process

The improvement of "socialist legality" has been a major theme of Gorbachev's program to "democratize" Soviet society. The party theoretical journal acknowledged in May 1987 that the level of legal culture in the USSR is very low, and admitted that this culture is a prerequisite for "democratization." Several measures have been designed to limit arbitrariness in Soviet legal practice:

- o The Supreme Soviet passed a law last June "On the protection of citizens' rights" that may give citizens the ability to challenge illegal decisions by officials in court.
- o The Soviet media have published exposes of people being falsely accused and

convicted for crimes or incarcerated in psychiatric hospitals. A law unveiled in January 1988 gives those incarcerated the right to appeal and formalizes the shift of special hospitals from the police to the Ministry of Health. Moscow has also agreed to consultations with the US Government to discuss conflicting definitions of mental illness.

- o The RSFSR Minister of Justice said at the end of October 1987 that suspects will probably be granted immediate access to legal counsel, unlike current practice. [redacted]

- o [redacted]

Despite these tentative steps, the security apparatus that makes repression possible remains in place and abuses are still commonplace. Surveillance, physical harassment, illegal search and seizure, and detention are still utilized when the regime deems it expedient. While at least 22 political prisoners have been discharged from asylums in 1987, it is unclear whether the police have discontinued the use of special psychiatric hospitals. Implementation of the January 1988 law allowing patients to contest involuntary commitments and threatening prison for those who commit sane persons largely depends on local officials, many of whom are unfavorably disposed to the reform. For instance, police took one dissident to a psychiatric hospital in the Urals after doctors in Moscow refused to commit him. [redacted]

Freedom of Movement

Emigration of Jews, ethnic Germans, and Armenians increased about ten-fold in 1987 over 1986 rates to a total of over 25,000 (8,100 Jews, around 14,400 Germans, 2,700 Armenians). So far in 1988, emigration trends for Jews and ethnic Germans appear to be even more favorable than last year's figures, and departures for Armenians are dramatically higher, despite unrest there. For the first quarter of 1988, around 2,300 Soviet Jews arrived in Vienna; at an annualized rate, the total number of Jewish arrivals outside the USSR may be as high as 11,000-12,000 for all of 1988. Emigration of Germans in 1987 was the highest in over 30 years, while Jewish and Armenian emigration were still well below their peak years--over 51,000 Jews emigrated in 1979 and over 6,000 Armenians in 1980.

Most long-standing refuseniks' cases and most bilateral cases with Western countries of divided spouses and dual citizenship have been settled. According to Soviet officials, only 8 percent of all applications have been denied this year, and a Supreme Soviet commission has overturned several longstanding secrecy denials. The regime will probably let out many of the last remaining prominent refuseniks on US Government "representation lists" before the summit, although some will probably still be denied on the grounds that they have had access to state secrets. [redacted]

The regime has also taken several steps to open up opportunities for short-term

travel, hoping to improve the Soviet population's morale--primarily that of intellectuals, who have long resented limits on their ability to meet with professional colleagues abroad. Moscow also hopes to head off a rush for emigration by allowing more visits between family and friends. Jews and ethnic Germans have been able to make short-term trips to the West, and their relatives have been allowed to visit the USSR in increased numbers. [redacted]

The regime, however, has stopped well short of full freedom of movement:

- o Officials continue to assert the legitimacy of emigration denials based on previous access to "state secrets," which are interpreted in an extremely arbitrary way. While consideration is being given to placing a statute of limitations on secrecy denials, this has not yet been implemented, and the Supreme Soviet commission has thus far considered only a small portion of the cases before it. During the last summit, Gorbachev strongly defended the principle of secrecy denials in a US television interview and expressed opposition to a mass exodus of Soviet citizens on the grounds that it created a "brain drain."
- o Immediate family members also have a veto over an individual's permission to emigrate, according to Soviet law. Moreover, the inconsistency with which emigration regulations are applied by local officials remains a major obstacle. For example, Soviet boys over 16 are required to remain in the USSR for their military service--which frequently puts them in the "Catch-22" situation of gaining access to military secrets that are then used to bar their exit. In some cases, emigration officials also have taken a conservative line against emigration on the pretext that they are simply preventing the splitting up of families. [redacted]
- o While Moscow clearly has changed its tone on foreign travel, the prospects for actually securing a trip abroad have not improved for most people, as several press articles have noted. [redacted]

Freedom of Religion

Western estimates indicate that about 40 percent of the Soviet population engage in some religious practices. Gorbachev seems more willing than his predecessors to ease the treatment of "law-abiding" religious practitioners. He has apparently mandated a broad review of regime policy on religion:

- o According to several Soviet officials, a new law on religion, presently under review, will expand the legal activities of religious bodies, as Gorbachev made clear in his 29 April talk with Russian Orthodox leaders. There are hints that prohibitions on proselytizing and on public religious instruction for children may be rescinded.
- o Gorbachev's speech also portrayed church officials and ordinary Christians as

reliable, loyal, and respectable citizens. The governmental Council on Religious Affairs has stepped in to protect registered, law-abiding congregations that run into legal difficulties with local authorities.

- o The official requirement that baptisms be registered with the state has been repealed, although there are still reports of some official clergy demanding to see identity documents.
- o The Moscow Jewish ritual bath (mikvah) has been restored, and permission has been granted to begin restoring the mikvah in Leningrad. The Moscow synagogue has opened its kosher restaurant to guests. An unprecedented exchange of rabbis with the United States allowed Moscow's rabbi to study at a Jewish seminary in New York and a rabbi from New York to give the Passover service in Moscow. Jewish clubs are being registered and many other Jewish cultural activities are taking place, but on an unofficial basis.
- o Restrictions on religious publications are easing somewhat. A shipment of 5,000 scriptures in Hebrew and Russian was received from abroad at Moscow's main synagogue; arrangements are in train to import over 200,000 Bibles in various languages, and the Russian Orthodox Church has received permission to publish 100,000 Bibles and 5,000 prayer books, to import 250,000 Bibles, and to publish a new monthly journal. Soviet customs regulations have reportedly been loosened to allow tourists to carry in more than one (personal) copy of religious materials.

Despite these changes, the regime continues to view the renewed vitality of religion with concern, and its moves toward greater tolerance have been selective. The leadership also sees certain ethnically based denominations as contributing to the political threat of nationalism:

- o The regime has exiled abroad several prominent religious activists released from jail this year who could act as leaders of a religious movement with political and nationalist overtones, including Ukrainian Catholic Iosif Terelya and Baptist activist Valeriy Barinov.
- o Three Lithuanian Catholic priests are among the prominent dissidents who conspicuously were not included in pardons granted to political prisoners this year.
- o No liberalizing steps have ~~not~~ been taken for practitioners of Islam, in part because Islam is more difficult to regulate, and the regime is concerned about its confluence with Central Asian nationalism. Islamic leaders have generally not been released from jail and, in fact, there have been reports of several arrests of unofficial mullahs over the last two years.
- o The Ukrainian Catholic Church (Uniate Church) remains outlawed, a situation that has existed since Stalin banned it during World War II, despite the presentation to the government of several petitions for legalization signed by

thousands of believers. [redacted]

The Right to National Self-Expression

While both Russian and non-Russian nationalism have been simmering for many years, glasnost has given rise to a much more vocal expression of demands on the part of the many nationalities of the USSR. Non-Russian nationalist activism has been particularly boosted by the release from prison of several minority activists. [redacted]

Because of the explosive nature of nationalist demands, progress here has been slow. Movement could be retarded by the outbreak of communal violence in Azerbaijan and the massive demonstrations in Yerevan in late February, although there has been a growing application of glasnost to this and other nationality issues. Moscow continues to fend off the requests of several non-Russian nationalities that the indigenous language be declared the official language of their republics. Should other demands for a redrawing of the USSR's political boundaries be made--similar to the irredentist demands over Nagorno-Karabakhskaya oblast--Moscow is sure to deny them as well.

[redacted]

Furthermore, sensitive historical issues of salience to national minorities have not been reassessed:

- o In addressing demands by Crimean Tatars to return to their homeland, TASS repeated the official line that many Tatars cooperated with the Nazis during World War II.
- o Gorbachev's speech on the 70th anniversary of the Bolshevik Revolution portrayed the Molotov-Rippentrop pact that incorporated the free Baltic states into the USSR as a necessity caused by the West.
- o When detailing Stalin's crimes, Gorbachev said that many thousands died in the purges without acknowledging the deaths of millions of Ukrainians during forced collectivization. [redacted]

While the regime has tolerated relatively benign public protests by nationalists on environmental issues and preservation of historical monuments, they have cracked down hard on those demanding political sovereignty:

- o After initially showing restraint towards Crimean Tatars while they demonstrated on Red Square for several days in late July, Moscow authorities deported hundreds under police escort. Subsequent attempts by Tatars to demonstrate--mainly in the Crimea, Kuban and Tashkent regions--~~has~~ ^{have} been dispersed by police.
- o Unlike the tolerance shown to earlier demonstrations in the Baltic in June and August, authorities since November have broken up demonstrations by mobilizing thousands of militia and volunteer police, arresting participants, and

holding organizers under preventive house arrest.

- o Baltic and Tatar organizers have been subjected to interrogation, surveillance, short detentions, physical intimidation, arrests, call-ups for reserve military service, beatings, and in some cases, even death threats. Many nationalist activists were deported from the USSR in 1987, including Baltic nationalists, Georgian Helsinki monitors, and the foremost Ukrainian Catholic activist. As noted, Armenian activist Ayrikyan was arrested on the eve of a threatened general strike in late March on Article 190 charges, and has been held incommunicado since then. [redacted]

The Right to Political Participation

Gorbachev has proposed steps to increase political participation of the population at large with the goals of increasing pressure "from below" on officials to implement his policies and involving them more directly in a revitalized system.

- o In an electoral experiment last June, about four percent of local soviets nationwide were elected with multicandidate, secret ballots. Voters in some areas took full advantage of their chance to choose among candidates to vote against unpopular officials.
- o The new Nationwide Discussion Law that took effect January 1988 provides for solicitation of suggestions from the public primarily on local issues such as housing, schools, hospitals, consumer services, and protection of historical buildings, monuments, and the environment.
- o The new Law on State Enterprises calling for the election of plant managers by labor collectives took effect in January. Earlier, experimental elections had been held and, [redacted] resulted in a large--over 90%--turnover of managers.
- o A newly emerging form of public participation in politics is the circulation of petitions, including ones on issues of historical preservation and even the Yeltsin affair, protesting specific governmental decisions. [redacted]

Democratization of the political process, however, clearly has limits. Gorbachev has no intention of eliminating one-party rule and is only allowing for more discussion within the current framework. He has explicitly scorned "permissiveness, irresponsibility, and anarchy"--codewords for ~~for~~ Western concepts of individual freedoms:

- o Elections focus primarily on the local soviets and factories, which have little independent authority and are charged with overseeing the details of local

economic development and public services.

- o Moreover, nominations are closely controlled. Leningrad authorities used traditional harassment techniques to prevent the candidacy of the leader of an independent group that had organized large demonstrations in spring 1987.

[redacted]

- o The new Law on State Enterprises calls for the election of plant managers by the labor collective, although secret balloting is not mandatory and the results must be approved by the "superior organ," such as the responsible ministry.

[redacted]

Democratization has not proceeded far in the party or at the top of the political pyramid, although these items may be on the agenda of the June Party conference. Virtually all proposals for contested elections in the party have so far been limited to the lower levels, and the USSR Supreme Soviet has already suggested that either indirect elections be held or that a national list of candidates be offered for national elections due in 1989. The electoral experiments now approved will not break the back of the nomenklatura system--whereby the party makes appointments to all posts of major responsibility--although some recent calls for further changes, if put into effect, could significantly erode the party's control of personnel selection. [redacted]

The Right to Private Economic Activity

The Gorbachev regime has gradually introduced legislation promoting member-run cooperatives and individually-run business that--by contrast with state firms--operate with considerable independence. The measures, intended to improve the quality and availability of goods and services without major adjustments in resource allocations, have gotten off to a slow start, however:

- o Existing legislation has limited full participation largely to housewives, students, and pensioners and restricted the range of permissible cooperative activities.
- o Local authorities, given broad powers to implement the new measures, have frequently been hostile toward private businessmen. They have had little financial incentive to support private activity and appear to resent the high wages earned by private businessmen.
- o Citizens have been reluctant to register. Some fear that the new initiatives will be shortlived and that those who opt for legal activity now will suffer consequences later. Many who now operate in the illegal "shadow" economy don't want to begin paying taxes. [redacted]

In response to a slow start, the leadership has recently strengthened its support

for private activity and taken several steps that should improve implementation. The most important action has been Politburo approval of a draft law on cooperatives--to take effect later this year--which loosens the eligibility requirements for joining cooperatives, broadens the scope of their activities, and increases the financial incentives for local authorities to support cooperative development. [redacted]