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## **Report on non-implementation of previous UPR cycles' recommendations**

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**SUBMITTING ORGANIZATIONS:**

- 1 OVD-Info** — leading Russian human rights project, focusing on monitoring political prosecutions and violations of basic political rights, as well as helping the victims of such violations.
- 2 Movement of conscientious objectors (MCO)** — non-profit organization since 2014 helping young people to legally exempt themselves from conscription to the army. MCO develops materials for recruits, provides consultations and collects information about the conscription.
- 3 The Movement for Defence of Voters' Rights Golos** — a leading Russian organization for public observation of elections.
- 4 Mass Media Defence Centre** — a Russia based media freedom NGO, promoting freedom of expression since 1996. MMDC is providing legal assistance and court defense on domestic and international levels to Russian media, journalists, bloggers.
- 5 FIDH (International Federation for Human Rights)** — an international human rights NGO federating 188 organizations from 116 countries. Since 1922, FIDH has been defending all civil, political, economic, social and cultural rights as set out in the Universal Declaration of Human Rights.
- 6 Transparency International-R** — an NGO working to counteract corruption and uphold the principles of transparency, accountability, integrity and honesty.
- 7 Roskomsvoboda** — the first Russian public organization active in the field of protecting digital rights and expanding digital opportunities.
- 8 Sphere** — a human rights organization bringing systemic changes to the daily realities of the Russian LGBT community.

**9 Coming Out** — a regional nonprofit initiative group founded in 2008 in St. Petersburg, working for universal recognition of human dignity and equal rights of all regardless of sexual orientation or gender identity by lobbying and advocacy, educational and cultural events, and providing psychological and legal services to LGBT\* people.

**10 Citizens Watch** — a St. Petersburg based human rights NGO established in 1992 by a group of Russian human rights activists, lawyers and journalists. The goals were to establish parliamentary and civic control over police, security service, and armed forces, and to help prevent violations of constitutional rights by these governmental agencies.

**11 Delo LGBT** — a Russian LGBTQt rights organization working to provide legal aid for the LGBTQ community to help form a culture of protecting their rights and interests.

**12 Moscow Helsinki Group** — the eldest existing human rights organization in Russia, founded in 1976. The mission of the Moscow Helsinki Group is to promote respect for human rights, protect from human rights abuses, build and develop democratic institutions in Russia. To achieve this goal MHG conducts constant monitoring and documentation of human rights violations, provides expert analysis for the Government and civil society, organises public campaigns and participates in legislative processes.

**13 Free Buryatia Foundation** — an advocacy group focused on the Russian federal subject of Buryatia and solving the problem of racism and xenophobia in Russia.

**14 European Prison Litigation Network (EPLN)** — a network of 25 national NGOs and bar associations from 18 CoE Member States. EPLN's aim is to enhance the judicial protection of the fundamental rights of prisoners. EPLN holds a participatory status with the Council of Europe.

- 15Public Verdict** — a Russian human rights organization that combines legal protection for victims of law enforcement arbitrariness with in-depth law enforcement research and professional media support for human rights work.
- 16Equality Now** — global network of lawyers, activists, and supporters who hold governments responsible for their international obligation to prohibit all forms of violence and discrimination against women.
- 17The Consortium of Women’s Non-Governmental Associations** — the only organization in Russia that provides legal support for victims of domestic violence throughout the country. The organization contributed solely for the part titled «Violence against women».
- 18Stichting Justice Initiative Project** — organization dedicated to the legal protection of victims of human rights violations connected to armed conflict and counter-terrorism operations, torture and gender-based violence in the post-Soviet region.
- 19The regional non-governmental non-profit organization «Independent Charity Center for Survivors of Sexual Violence „Sisters“** — the organization that provides free, anonymous psychological assistance to all survivors of sexualized violence and their loved ones. The organization contributed solely for the part titled „Violence against women“.
- 20Human Rights House Foundation** — a coalition of civil society organisations that advocate for the fundamental freedoms of assembly, association, and expression, and the right to be a human rights defender.

## **EXECUTIVE SUMMARY**

The submitting organizations welcome the opportunity to contribute to the fourth cycle of the Universal Periodic

Review (UPR) of Russia. This submission focuses on implementation of the recommendations about basic political rights and freedoms accepted by Russia since the consideration of Russia's third periodic report in May 2018 and Russia's compliance with its obligations.

## **RECOMMENDATIONS**

Below are all the recommendations made by the authors of this submission. Details for each recommendation may be found in the relevant section.

### **Torture and ill-treatment**

- Criminalise torture as a separate criminal offence compliant with the UN Convention definition and not subject to the statute of limitations;
- Place prison medical service under the authority of the Ministry of Health and ensure full independence of prison medics from the penitentiary administrations;
- Ensure immediate and automatic opening of criminal cases in relation to all prima facie allegations of torture;
- Ensure that the rights of people with disabilities are respected and protected in places of detention;
- Consider the implementation of alternatives to detention for people with disabilities.

### **Free expression**

- Amend the Constitution of the Russian Federation to remove references to «historical truth»;
- Repeal the «Exoneration of Nazism» law and other laws that penalize the expression of opinions about historical facts;
- Ensure that anti-terrorism and anti-extremism laws are narrowly interpreted in practice, and are not used to prosecute the expression of opinions about historical facts or the interpretation of historical events;
- Amend the laws targeting Nazi symbols and attributes so that their use is proscribed only in cases where it amounts to propaganda of Nazi ideology;
- Terminate pending criminal cases concerning expression of opinions about historical facts; review completed criminal cases concerning expression of opinions about historical facts;
- Review and bring into line with the Constitution and international treaties the practices and restricting laws adopted in the last decade that impede the normal work of journalists;
- Unblock all media resources and outlets, access to which is now restricted;
- Stop persecuting journalists for their professional activities;
- Allow Russian citizens to receive information from various sources, including not state-owned;
- Ensure the safety of journalists to work in their own country.

## **Digital rights**

- Ensure that its laws and practices do not restrict freedom of expression and access to information online;
- Protect online journalists and bloggers from harassment and intimidation, and ensure that they are not prosecuted for expressing their opinions online;
- Ensure that individuals have the right to privacy online, and that any surveillance activities are carried out in accordance with international human rights standards;
- Eliminate any laws, regulations, or practices that result in the censorship of online content or the blocking of websites;
- Promote digital literacy and ensure that individuals have the necessary skills and knowledge to make informed decisions about their online activities;
- Protect human rights defenders working on digital rights issues from harassment, intimidation, and violence.

## **Equality and non-discrimination**

- Ensure that the rights of LGBT people are respected and protected in Russia, including protecting them from discrimination, violence, and hate crimes based on their sexual orientation or gender identity;
- Create a legal mechanism to ensure that family rights of LGBT people are respected;
- Repeal laws and policies that discriminate against LGBT people, including the «LGBT- propaganda» law;
- Ensure that LGBT individuals can exercise their right to freedom of peaceful assembly and expression without fear of retaliation;
- Ensure that LGBT individuals have access to healthcare services without discrimination;
- Take steps to ensure that LGBT individuals have access to legal protections, including anti-discrimination laws, and that they can seek legal remedies for human rights violations.

## **Racial and ethnic discrimination**

- Stop the practise of racial profiling, train the police officers on the rights of migrants and minorities;
- Adopt legislative guarantees on protection of privacy while using technologies including artificial intelligence in law enforcement and ensure their application in practice;
- Take concrete steps to eliminate discrimination against ethnic and racial minorities;
- Implement and enforce effective anti-discrimination laws and policies that ensure equal access to education, employment, housing, and other basic services;
- Take steps to prevent and punish hate crimes against ethnic and racial minorities;
- Strengthen the legal framework to address hate crimes and ensure that law enforcement agencies are trained to respond effectively to such incidents;
- Promote cultural diversity and tolerance by supporting the preservation and promotion of the cultural heritage of ethnic and racial minorities;
- Ensure equal political representation of ethnic and racial minorities in all levels of government;
- Engage in constructive dialogue with representatives of ethnic and racial minorities, civil society organizations, and international human rights bodies.

## **Religion and belief**

- Ensure the right of religious groups to fully practice their religion or belief without fear of persecution;
- Release all unjustly persecuted Jehovah's Witnesses;
- Define precisely the crime of extremism and apply it only in relevant cases in full compliance with international obligations.

# **Association and assembly**

- Take measures to ensure that civil society organizations are able to operate independently without fear of harassment or interference from the authorities;
- Revise or repeal legislation that hinders the freedom of association, including the laws on «foreign agents», «undesirable organizations» and «extremism»;
- Release all people unjustly persecuted for exercising their freedom of association and ensure the effective investigation of such human rights violations;
- Repeal the decisions to liquidate prominent civil society organizations and ensure that registration and liquidation processes are transparent and non-discriminatory, and should not be subject to arbitrary or politicized decision-making;
- Ensure that spontaneous events and events with few participants may be held without prior notifications of the authorities;
- Exclude the possibility of criminal liability and administrative arrests for repeated participation in non-approved peaceful assemblies;
- Substantially reduce fines for violation of the rules concerning public assemblies;
- Reform system of approval of public assemblies, so as to make it more flexible and favorable to organizers;
- Remove local laws that prohibit solo demonstration due to the pandemic;
- Stop the practice of preventive detentions and post-factum detentions with the use of facial recognition systems;
- Avoid from using excessive force against protesters and effectively investigate the cases of police violence;

- Stop detentions and prosecutions for participation and organizations of anti-war public events, acquit and release prosecuted anti-war activists;
- Repeal the laws prohibiting «discrediting» and «spreading fakes» about the use of Russian armed forces.

## **Participation in public and political life**

- Ensure that all elections are conducted freely and fairly, and that all citizens are able to participate in the electoral process without fear of intimidation or discrimination;
- Ensure that opposition candidates have equal access to media coverage and campaign financing, and are not subject to arbitrary detention or harassment;
- Ensure the independence of the Central Election Commission and regional election commissions to prevent political interference and ensure impartiality;
- Strengthen the legal framework for elections, including the Electoral Code and other relevant laws, to ensure that they conform to international standards and best practices.

## **Violence against women**

- Adopt comprehensive legislation to prevent and address domestic violence and ensure that it criminalises all forms of domestic violence, including physical, sexual, economic and psychological in accordance with international and regional standards, in particular General Recommendations of the CEDAW Committee Nos. 19, 33 and 35 and the Istanbul Convention.
- Amend the definitions of rape and other acts of sexual nature (CC Articles 131-133), in order for these definitions to be based on free, genuine and voluntary consent, in the context of the surrounding circumstances and include a wide range of coercive circumstances where consent cannot be considered to have been given, in accordance with international human rights standards. Ensure that force is not a required element of the crime of rape but rather an aggravating factor;
- Address the issue of harmful practices in the North Caucasus region, through extensive work with local elites, the judiciary and law enforcement. Eliminate loopholes in the criminal law that prevent prosecution in cases of abduction of both women and girls, adopt a law banning FGM, eliminate the use of mitigating circumstances in cases of «honor killings».

## **Due process**

- Ensure that the courts at all times observe the principle of a public hearing and undertake compensatory measures if the circumstances require limitations of the principle;
- Ensure that the defendant and their lawyer are provided with conditions enabling confidential negotiations, and defense lawyers always able to enjoy their professional rights even in case of adoption of anti-pandemic measures.

## **People with disabilities**

- Adopt a human rights model of disability, stop using term «invalidi» in official documents and discourse,
- Promote the possibilities of persons with disabilities to live independently and participate in the life of society including the choice of supported decision-making;
- Involuntary hospitalization and treatment should not be used to pressure activists and human rights defenders; physical restraint should be used in accordance with international standards; conditions in places of detention should meet the needs of persons with disabilities.

## **Corruption**

- Ensure public access to polls on corruption perception and engagement, including regionally disaggregated;
- Redevelop judicial IT systems to ensure easy and free access to all court dockets and rulings, as well as court hearings;
- Develop a national strategy on open government and public info access;
- Design a body in charge of public information access;
- Promote civic participation in judicial councils.

## **Enforced disappearances**

- Create an ad hoc humanitarian body to search for missing persons using modern scientific knowledge in a procedure complementary to investigations;
- Urgently address the problem of abductions in Chechnya, provide information, including available statistics, on recent complaints about kidnappings involving state agents in the region and their investigation;
- Cease the practice of enforced disappearances of Belarusian citizens residing in Russia on political grounds, and ensure that all individuals are afforded due process and protection under the law;
- Investigate and prosecute any officials or individuals who engage in or facilitate enforced disappearances.

## **Human rights obligations**

- Ensure the implementation of all ECtHR decisions and interim measures of UN HRC and recommendations of all other relevant international mechanisms;
- Repeal the legislation non-compliant with international obligations.

## **Military service**

- End the practice of forced conscription and ensure that individuals have the right to choose whether or not to perform military service;
- Ensure that conscripts have access to legal assistance and can challenge decisions related to their military service.

## **TORTURE AND ILL-TREATMENT**

### **Torture in prisons**

The informal merger of the operative services of the Federal Penitentiary Service (the FSIN) and investigative agencies contributes significantly to the violence in the Russian prisons. As a result of this merger of services that are fundamentally different in nature, the prisons are controlling and manipulating the investigation. Prison services' operatives suppress or eliminate testimonies of prisoners, extract confessions, and force inmates to cooperate with investigative and law-enforcement services.

A characteristic feature of the atrocities against prisoners in Russia is the active recruitment of «enforcers» from among other prisoners by the prison administration and law-enforcement agencies.

Another decisive factor of impunity for torture in Russian prisons is the subordination of the medical staff of prisons to the FSIN, which results in the absence of recording of torture-related injuries and the systemic failure to alert the external authorities about the situation in prisons.

The authorities are taking no measures to support the Public Monitoring Commissions, independent bodies monitoring the places of detention. «Inconvenient» members of PMCs are being replaced with former law-enforcement officers. In 2019-2021 the PMCs and legal counsels were prohibited from freely using audio- and video-equipment during prison visits. Prison staff on the other hand was allowed to check any documents and records and determine their «relevance to the protection of the rights of the detainees», and interrupt interviews with prisoners.

Despite the repeated recommendations from the UN CAT and the CSOs, the Russian authorities are reluctant to criminalise torture as a separate criminal offence, thus failing to create a basic legal framework necessary for effective investigation of torture and prosecution of those responsible. According to the information of the Russian Government, in 2018, 2,680 criminal complaints of torture

and ill-treatment led only to 64 opened criminal cases against prison staff. There is no detailed domestic protocol for the investigation of torture-related cases.

## **Effective investigation of torture**

In Russia, instances of torture and ill-treatment reported by human rights organizations often occur in isolated environments where victims have no outside contact. This makes survivors of torture vulnerable, particularly in formal proceedings where they confront their perpetrators who often have full control over evidence. Victims may face pressure to discourage them from filing a formal complaint, and no state rehabilitation programs are available for survivors of torture to help them with official proceedings. While victims can file complaints using official channels, subsequent proceedings are often inaccessible, and investigations into torture reports are limited.

Fundamental standards of effective investigation are violated, as complaints of torture are often not registered or investigated in a timely manner, leading to the loss of critical evidence. Criminal charges have sometimes been brought against those who report torture, which is intended to pressure victims to discourage them from complaining and seeking a remedy. Ineffective investigation of torture complaints is a key contributor to the practice of bringing retaliatory false denunciation charges against torture victims. This practice could establish criminal charges against torture victims as a standard method to discourage people from exercising their right to file a complaint.

## **People with disabilities in places of detention**

In general, condition of detention in Russia are often inconsistent with international law prohibition of torture and inhuman and degrading treatment, major judgements of the

ECtHR on the topic has not been implemented since 2002, in particular, there are no effective preventive and compensatory remedies.

In April 2021, Conception on the Development of the Penal and Correctional System until 2030 was approved, which provides for improving the conditions of detention for persons with disabilities and creating an accessible environment. However, no specific actions to implement its provisions were adopted.

In practice, persons with disabilities face various obstacles in places of detention. People deprived of their liberty also often complain about the prolonged failure to send them to a medical and social expert evaluation for the purpose of establishing a disability or re-certifying them. Because of this, they cannot receive the necessary treatment and/or are deprived of social payments for disability.

A prisoner cannot always be assured of release due to illness, as courts check whether the illness meets the severity of the course and degree of functional impairment provided by the specific list. If in their opinion it does not, then no release occurs. Second, the courts assess not only whether the illness prevents a prisoner from serving his sentence, but also other factors that should not be considered under the law, such as whether the illness was acquired before the conviction. Judges also take into account the existence of penalties; the likelihood that release will «significantly improve the health» of the person; «the behavior of the convicted person, his attitude toward the treatment conducted, his compliance with medical recommendations, the regime requirements of the penitentiary institution, as well as data about the personality of the convicted person, the availability of a permanent residence, relatives or close persons who can and agree to care for him.

## **FREE EXPRESSION**

The overall trend of the recent legislative developments in the Russian Federation can be summarized as an on-going encroachment on the freedom of speech, right to seek and access information freely.

In 2018 UPR, it was recommended to amend legislation related to amending anti-extremist legislation, 'ideology of terrorism', 'degrading human dignity' on various bases, and 'calls aimed at violating the territorial integrity of the Russian Federation'. However, these whole body of laws have been expanded in their scope recently. Such expansion of their scope is characterized by their arbitrary enforcement quite often relying on extrajudicial measures and vague wording.

These laws get enforced in quite unpredictable and unbalanced manner. For example, at least 47 people planning to run for municipal office in Moscow in 2022 were prosecuted for «distributing extremist content», mainly for posting symbols of Navalny's organizations. Such prosecution blocks the passive electoral right for the persecuted person for 2 years.

Online commenting on news about Mikhail Zhlobitsky caused several shockingly severe criminal sentences. For instance, the cases of Ivan Lyubshin and Pavel Bondarenko, who were sentenced for 5 years and 2 months and 6 years in common regime colonies respectively. Overall, as of March 2023, 50 criminal cases for «justifying terrorism» are initiated in connection with publications about this explosion.

Besides, the Article 148.1 of the Criminal Code on 'insulting religious feelings' mentioned in the preceding UPR was not repealed. The same is true for the defamation (both slander and libel), namely Articles 128.1, 298.1 and 319 of the Criminal Code, was not even partially decriminalized.

## **Independent media and journalists**

From 2019 to 2023, the independent Russian media community was subjected to a large number of repressions from the Russian authorities. None of the previous recommendations (namely, 147.127, 147.150, 147.159, 147.163, 147.166 — 147.174) were implemented.

The number of laws restricting the work of journalists and media increased: the law on foreign agents, on undesirable organizations, on «sovereign Runet», on «fake news» and «disrespecting the authorities» increased the list of grounds for content restrictions, including extrajudicial blocking of websites.

According to the amendments to the Law on Mass Media adopted in July 2022 the General Prosecutor's office received the right to demand the suspension of the work of Russian media without any prior court decision. Same could be applied to bureaus of foreign media accredited in Russia: closure of foreign media bureau, withdrawal of accreditation, blocking of website for life and without the right to challenge this decision of governmental body in the court of law.

During these years some journalists and bloggers were convicted for articles of «extremism» and «justification of terrorism», Ivan Safronov, former journalist of Kommersant, was imprisoned for 22 years being accused of treason. Since February 24, 2022, more than 30 journalists have had criminal cases of military fake news initiated against them.

## **Freedom of speech after full-scale invasion in Ukraine**

The ongoing military conflict with Ukraine, spurred manifold federal laws aimed at further suppression of freedom of speech.

Amendments to the Criminal Code (hereinafter — CC) and Code of Administrative Offences (hereinafter — CAO) were enacted. The former cover «public acts aimed at discreditation of» and «dissemination of deliberately false information about» the Armed Forces' operations and activity of the Russian governmental authorities abroad. In particular, Articles 207.3 and 280.3 of the CC prescribe from 3 up to 15 years of imprisonment. As of March 20, 2023, there are 144 people criminally prosecuted for «fakes» and 57 — for «discreditation» of Russian Armed Forces. Plus, almost 6000 people were fined for minor offence under the Article 20.3.3 of CAO (discreditation of Russian Armed Forces), the second fine under this Article is a criminal offence under Article 280.3.

On February 24, 2022 Roskomnadzor basically introduced military censorship. Subsequently Roskomnadzor blocked the websites of all existing independent media outlets — over 250 of them have been blocked for covering the war in Ukraine. Emerging media projects also get blocked swiftly. Over 700 Russian journalists had to relocate from Russia to continue their work safely. 4 media outlets and 82 journalists have been recognized as foreign agents since February 24, 2022, imposing on them a whole range of limitations and bans, stigmatising them in the public domain. Five online media have been listed as undesirable organizations.

Overall, since February 24th, 2022, by March 20th, 2023, there are at least 481 people criminally prosecuted for anti-war stance. 119 people have already been sentenced, 31 of them are currently serving prison sentences. The longest sentences are — 8,5 years to opposition politician Ilya Yashin and leader of student protest organization in MSU Dmitry Ivanov, 7 years to independent municipal deputy Alexey Gorinov, 6 years to independent journalist Maria Ponomarenko. Cases under article 207.3 against people who

left the country began to be considered in courts in absentia (a very rare occurrence in Russia).

## Historical speech

Russia's crackdown on freedom of expression has particularly targeted historical speech. Since the previous UPR cycle, the authorities have adopted at least seven «memory laws» restricting public expression of certain interpretations of historical events, particularly surrounding the Soviet period and the Second World War. In addition to stifling scholarly debate on important historical issues, and promoting historical revisionism, these laws have been used to persecute human rights defenders and CSOs working on commemorating victims of Soviet-era atrocities, as well as to foment propaganda justifying Russia's aggression and other international crimes committed in Ukraine under the guise of «denazification.»

Russia's most notorious «memory law» is Article 354.1 of the CC, which, at the time of its adoption in 2014, prohibited among others the approval or denial of Nazi crimes, as established by the Nuremberg Tribunal, and the «dissemination of knowingly false information about the activities of the USSR during the Second World War.»

This law has been expanded after the adoption of the 2020 amendments to the Constitution. The Constitution cemented the official historical narrative of the Soviet past, namely that the Russian Federation is the «successor» of the Soviet Union, that it «honours the memory of defenders of the Homeland» — an obvious reference to the Great Patriotic War — and «protects historical truth». The Constitution also prohibited «diminishing the significance of the people's heroism in defending the Homeland.»

Since then, several more «memory laws» have been adopted. An amendment to Article 354.1 criminalized «the public dissemination of knowingly false information regarding the

veterans of the Great Patriotic War, ” and insults of the „memory of the defenders of the Homeland or degrading the honour and dignity of the veterans of the Great Patriotic War.“ Another law, adopted on 16 April 2022, prohibited the public comparisons of the „goals, decisions and actions“ of the leadership of the USSR with those of Nazi Germany, as well as the denial of the „decisive role of the Soviet people in the defeat of Nazi Germany and the humanitarian mission of the USSR during the liberation of European countries.“

These amendments have practically outlawed any discussion of crimes committed by the Soviet Union during the Second World War and allowed the State to prosecute those who disclose the truth about or question these policies.

To date, 125 cases have been initiated under Article 354.1 of the Criminal Code, most of which have resulted in convictions, including for historically accurate statements regarding the Soviet Union’s period of collaboration with Nazi Germany during the Second World War.

In March 2023, Russia’s Investigative Committee opened a criminal investigation against employees of Nobel prize-winning NGO Memorial on the basis of this Article for the fact that three alleged Nazi criminals were included in the database of victims of Stalinist repression, which the organization compiles and which contains almost four million names. The offices of Memorial and the homes of all Memorial staff remaining in Russia were searched, without court authorisation, in connection with the case.

The authorities also make extensive use of Article 13.15(4) of the CAO, to prosecute opposition activists. In 2022, politician Leonid Gozman served 30 days of arrest in total under this article, for his Facebook posts from 2020 and 2013, in violation of the prohibition of non-retroactive application of the law.

Russia's «memory laws» serve no legitimate public purpose. They are used to suppress historical expression related to the Soviet past, which undermines the state-sponsored historical narrative. Domestically, their enforcement has impeded the work of local NGOs and activists that advance justice and reparations for victims of Stalinist and other Soviet-era atrocities. Internationally, these laws, and the rhetoric they help to amplify, have also facilitated Russia's aggression by perpetuating a false rhetorical equivalency between the war Russia now wages in Ukraine and the Soviet Union's drive to liberate European territories occupied by Nazi Germany.

## **DIGITAL RIGHTS**

Recommendations of the preceding 2018 UPR regarding digital rights (namely, 147.65, 147.67, 147.153, 147.167 and others) were not respected. The so-called «Yarovaya package», was not repealed, the SORM Programme was not reformed. Moreover, Roskomnadzor pursues the enforcement of the «Yarovaya package» by putting new organizations into relevant registry thus forcing them to comply with data retention requirements.

All the mentioned problematic legislative developments are applied both online and offline. Moreover, in certain cases online speech is punishable by more severe sanctions.

At least a couple of episodes when the government agency, Roskomnadzor, attempted to control traffic of Twitter and Youtube websites and services are known.

Roskomnadzor continues to restrict access to and use of VPN, Tor and other Internet anonymizers in order to impair the ability of the Russian citizens to access information.

As the case of the Tor showed, Roskomnadzor does not need new legislation for that. In December 2021 the Tor Project website and the Tor Browser got blocked upon the court decision of 2017. Neither the existence of special procedure, nor the position of the ECHR expressed in case of *Engels v.*

Russia, on unacceptance of putting any type of ban on anonymizing technology tools, convinced the Russian judges not to rule for the Tor Project access restriction in Russia.

Recent legal developments also touched upon the issue of genomic data processing. The Federal Assembly enacted a bill requiring mandatory genetic registration of the convicted who are imprisoned, suspects or accused of crimes and of those who were subject to administrative arrest. It is noteworthy, a number of administrative arrests are imposed on those who exercise their freedom of speech and assembly. The mandatory genomic registration or any processing of their sensitive data cause concerns about the ulterior motives behind such registration and processing as by any international and European legal standards of data protection shall be deemed excessive.

Moreover, the practice of mass blocking of online resources persisted. In 2022 alone, more than 210,000 web resources were blocked, 10,000 of them under the «military censorship» legislation.

## **EQUALITY AND NON-DISCRIMINATION**

### **LGBT people**

Over the past 4 years, the LGBT community in Russia has faced increased responsibility for LGBT propaganda. Instead of implementing the recommendations of the previous review, the Russian Federation introduces additional discriminatory restrictions for citizens based on their sexual orientation and gender identity.

In 2018 UPR, several recommendations were accepted by Russia (namely, 147.123, 147.124 — 147.129). None of them were implemented and the situation worsened.

On November 24, 2022, State Duma adopted the law about complete ban of the so-called «LGBT propaganda» among all age groups. The penalties in the new law show that the state equates the dissemination of information about LGBT people with the distribution of child pornography. The articles contain such a poor choice of legal wording. e.g. «that may cause a minor to change his gender» or «may invoke interest to pedophilia» or «obtrusion of information about pedophilia», that word-by-word interpretation in fact enables legal persecution for any public discussion about pedophilia and transgenderism, disregarding its actual character or purpose. In general, this legislation has such legal deficiencies as the absence of strict terminology, vague wording or even internal contradictions. All these deficiencies might contribute to arbitrary and inconsistent enforcement that would be innately inimical to freedom of speech.

The first goal of this law lies not in the punishment of separate individuals, but rather in the ban on all and any information about LGBT. There are already numerous cases of fines under this legislation, and the trend is expected to deteriorate. The second goal of this law is to rally citizens around the ideology of «traditional Russian values". The state propaganda machine began to use the hatred against LGBT community at the beginning of a Russian full-scale invasion.

According to the law, cases of propaganda should be investigated by the police. However, Sphere Foundation is aware that since 2019, the FSB has been systematically engaged in identifying «propaganda of non-traditional sexual relations» on the Internet. The involvement of the FSB shows us that countering information about LGBT is part of high-level government policy.

LGBT related projects started to get blocked online by mere decision of governmental body — the Federal Youth Agency, instead of court decision. This Agency is entitled to issue the blocking of information inducing children to crime and life-

threatening acts (e.g. roofing) by the Federal Law 149-FZ, the Agency adopted temporary instructions on how to identify such information and arbitrarily expanded the scope of supervised content by adding LGBT-related content.

Russia doesn't have neither national strategy nor relevant legislation related to combating discrimination of LGBT including combating stereotypes related to LGBT people. These stereotypes support the discrimination and hate violence towards LGBT people and lead to specific crimes like «fake dates». The police and the courts systematically ignore the motive of hate. Often the victims of hate violence are the part of other vulnerable groups (such as migrants). Despite the provisions supposing punishment for inciting hatred or enmity, authorized persons systematically refuse to open cases because of inciting hatred or enmity against LGBT .

Disruption LGBT events created by Russian police is also of high concern. Often such disruptions happen after complaints of pro-government activists.

In Russia same-sex unions don't have means to be recognized by law. The new judicial practice appearing in 2022 raises a lot of concerns — at least two marriages, where after the marriage one of the partners changed legal sex were invalidated by the courts.

## **RACIAL AND ETHNIC DISCRIMINATION**

In the last review cycle, Russia accepted numerous recommendations regarding racial and ethnic discrimination (namely, 147.72 — 147.80, 147.82 — 147.88). Yet, the situation worsened and none of the recommendations were implemented.

### **Racial profiling**

Russian law enforcement authorities have been practicing racial profiling since at least Chechen wars and the fight against terrorism that gained momentum in the 2000s. Sociological study showed that the police check passports of foreign citizens at the entrance to Moscow metro stations. A study of the court practice shows that the police practice racial profiling under Article 19.3(1) of the CAO. Racial profiling often takes place as part of the performance of duties of the police to protect public order and public safety, patrolling, or as part of migration or anti-terrorist and anti-extremist control or a special operational measure. Police officers target people of «Asian (Caucasian) appearance (nationality)» or «natives of Dagestan, Tajikistan, Uzbekistan».

Moreover, intensifying use of technology in the law enforcement might worsen the situation with racial profiling. Since 2011, facial recognition technology has already been used in Moscow. It is planned to extend the application of this technology to other regions. Russian courts believe that facial recognition technology does not infringe the right to respect for private life and, therefore, cannot violate human rights.

At present, data for algorithmic profiling is collected through compulsory fingerprinting. Those detained during mass arrests at public assemblies are subjected to forced fingerprinting and photographing, in violation of the requirements of this law. In the future, law enforcement authorities can use facial recognition technology to follow people who have shown their dissent to the policies and actions of the Russian state.

## **Minorities' rights**

The Russian government also did not comply with the recommendations on supporting ethnic minorities in preserving their languages and amending the national legislation in conformity with article 27 of ICCPR, but, on the

contrary, carried out actions that violated these recommendations.

In July 2018, the State Duma adopted amendments to the law «On Education in the Russian Federation», making the study of national languages in the national republics voluntary. In practice, this law has defunded all language study programs.

Census data record a steady decline in the level of native language proficiency among the population. In Buryatia, as in other national republics of Russia, grassroots efforts to preserve native languages run up against the federal government programs.

Even prior to these laws, efforts at preserving language had been challenged by the lack a coherent system of continuous learning of the native language, the underdeveloped level of national language environments, weak motivation, the lack of federal targeted programs for the preservation languages of the peoples of Russia, insufficient presence of such languages on the Internet, etc. That was especially traceable in Buryatia. After amendments to the Constitution of Russia in 2020 the Kremlin has openly promoted the primacy of the Russian people as a state-forming one. The purposeful destruction of national languages is one manifestation of this policy.

The Russian government has failed to ensure effective non-discrimination and equality of national minorities, including ending structural and systemic discrimination and encouraging affirmative action.

Everyday racism in Russia is noted in many parts of people's lives, and is not at all condemned by the authorities, but, on the contrary, supported. Extremes in the form of racial violence became less frequent, yet, the levels of casual xenophobia are quite strong.

Racist practices and discrimination themselves are in the zone of silence and invisibility. These practices are so embedded in institutional regimes and everyday life that they are not considered racist.

## **Russia's Ethnic Minority Casualties of the 2022 Invasion of Ukraine**

Russian authorities don't disclose any data on the ethnic composition of the Russian Army and National Guard, complete and up-to-date lists of Russian military personnel also aren't available. Information on the Russian-side casualties of the 2022 invasion of Ukraine is very scarce and fragmented as the Russian authorities deliberately cover up the true scale of Russian losses in Ukraine. In one of the few official information pieces, on September 21 the Russian Minister of Defense announced that 5,937 Russian troops had died in Ukraine. Yet, as of February 23, 2023, the death of at least 15,136 military personnel has been confirmed by activist groups and research journalists.

From the first days of the 2022 Russian invasion of Ukraine, it became obvious that ethnic minorities are overrepresented both in the Russian invasion force and among the Russian-side casualties. The Free Buryatia Foundation analyzed the ethnic composition of confirmed casualties from the Russian side in 2022.

The majority of Russian-side casualties are ethnic Russians; however, Russians make up 80,9% of Russia's population and only 70,6% of Russia's casualties. Interestingly, a significant part (about 10%) of them have Ukrainian surnames. The percentage of ethnic Buryats among the Russian-side casualties is 2,3%, while Buryats make up only 0,34% of Russia's population. Similar disproportion as for Buryats is observed for Tuvans and Kazakhs. Chechens, Dagestani ethnicities, and Kalmyks are also overrepresented, but to a lesser degree. Indigenous peoples also appear

overrepresented, especially taking into account that they are exempted from mandatory conscription into the Russian Army.

The ethnic inequalities we have discovered stem from a number of reasons, including economic inequality, both among Russia's regions and within the regions where ethnic minorities live, discrimination, and Russian military leadership's policies.

## **RELIGION AND BELIEF**

Despite numerous recommendations regarding the usage of anti-extremism legislation to outlaw religious groups (147.199, 147.90, 147.206, 147.200 — 147.207), the practice stayed and deteriorated.

The Russian Federation's current law on extremism, adopted in 2002, defines extremism as any activity aimed at inciting social, racial, national, or religious hatred, as well as the establishment of supremacy of one social, racial, national, religious, or linguistic group over others. However, this definition is too broad and imprecise, allowing the government to use it to suppress dissent and stifle political opposition.

For example, the government has labeled several religious groups, including Jehovah's Witnesses, as «extremist» and banned their activities. Such actions contravene international human rights law, which guarantees the freedom of thought, conscience, and religion. According to a website covering the persecution of Jehovah's Witnesses, as of March 2023, 694 believers were involved in criminal cases, more than 300 are currently in prisons.

## **ASSOCIATION AND ASSEMBLY**

## Association

In spite of the earlier recommendations, civil society organizations faced unprecedented pressure by the Russian authorities since the 3rd Universal Periodic Review. By the beginning of the full-scale invasion, most of the notorious Russian human rights initiatives and independent media outlets were pushed out of the country or cracked down, their legal entities being liquidated and their employees facing risks of criminal prosecution.

The activities of Russian NGOs and other representatives of civil society are very limited due to the laws on «extremism», «foreign agents», «undesirable organizations». In 2019-2023, 110 organizations and 254 people were included in «foreign agent» registries, 63 organizations were recognized as «undesirable». As of March 20, 2023, there are 406 «foreign agents» and 81 «undesirable» organizations.

Due to the latest amendments of 2022 to the law on «foreign agents» that replaced all previous foreign agent regulation and made it even more hostile and discriminative, a person or an entity which is «under the foreign influence» can be recognized as such. The Parliament also expanded the list of restrictions that are imposed on «foreign agents» and widened legal grounds to liability for non compliance with a number of requirements and restrictions. Up to 5 years of imprisonment could be a sanction for not registering voluntarily as a foreign agent, as well as for 2 violations of «foreign agent» legislation. There is already a criminal case opened under the amended article.

The informal consequence of designation as a ‘foreign agent’ is becoming a target for a smear campaign. State-related media and public officials such as the State Duma deputies regularly mention human rights defenders, journalists and activists using such terms as ‘traitors’. The law now

is basically the main discrimination ground of associations' and media, has a huge chilling effect and is a reason for self-dissolution for 21 organizations since 2019. Thus, since 2019, these laws were used to significantly limit the freedom of association in Russia and attack all independent organizations and media outlets.

The list includes the main Russian federal and region LGBT organizations as well as vocal LGBT activists. The LGBT rights initiatives and activists faced numerous public accusations in 'propaganda' and 'manipulations with fragile children's psyche. Since 2022, the prosecutor's office has been investigating Aleksandr Voronov, the CEO of the LGBT-initiative group Coming Out, for cooperation with an 'undesirable organization'. Also, after amendments to «LGBT-propaganda» legislation, for LGBT rights initiatives any public activity may lead to a 5 million roubles (~65'000 USD) fine and 3 month suspended operations.

The broad definition of extremism was not changed and has been used to suppress legitimate political and social activities, including peaceful protests, human rights advocacy, and religious expression.

Moreover, forcible liquidation of NGOs is one the frequently used tools of Russian authorities aimed at suppression of civil society. During 2022-2023, the authorities dissolved at least 7 Russian human rights NGOs. In 2023, the same is already happening with Moscow Helsinki Group and SOVA Center.

After the full-scale invasion of Ukraine, the Russian authorities started to target NGOs and other representatives of civil society that publicly expressed their disagreement with the war with Ukraine. Further risks were introduced for the remains of Russian civil society in February 2022 with the 'war censorship' legislation.

## **Assembly**

During the last review process, Russia accepted numerous recommendations regarding upholding the freedom of assembly (namely, 147.61, 147.64, 147.123, 147.155, 147.157, 147.162, 147.165, 147.175, 147.176, 147.180). None of those recommendations have been implemented, and the situation gradually worsened. As regarding the detentions' of peaceful assemblies participants, in 2019-2022, OVD-Info documented at least 50 463 such detentions. Among them are almost 20 000 detentions during anti-war protests.

Practice of non-authorization of public events practice continues — since 2016 and by mid-2022, the courts received 6,987 complaints about refusals to authorize assemblies, many of which were considered after the expected date of the assembly.

Excessive force used by police was documented at all major rallies which happened in Russia in 2019, 2021 and 2022. In particular, in 2021, such reports included cases of targeted beatings, torture in police departments, threats of physical and sexual violence, and actual attempts of it. In 2022, OVD-Info documented at least 413 similar reports about police violence during anti-war protests. At all stages of detention, protesters face harsh conditions.

Administrative and criminal prosecution in regards to freedom of assembly continues. At least 114 criminal cases have been opened in connection with the rallies since 2019. In 2019-2022, 41 987 cases under Article 20.2 of the CAO («Violation of assembly rules») were considered by the Russian courts. After March 2022, the protesters and single-picketers are also prosecuted under the Article 20.3.3 of the CAO («Discreditation of the Russian Army»).

The defenders and attorneys are often refused entry to police departments to provide legal help to protesters, including by introducing the «Fortress» contingency plan — a secret plan to repel an armed attack on the department. In 2019–2022 alone, there are more than 200 cases of non-admission

of defenders on the pretext of such a plan. There are no effective remedies.

Facial recognition technologies have been used to find and prosecute participants in peaceful assemblies, as well as to prevent future participation. Their use is arbitrary and not based on law. In 2021-2022, at least 595 people were detained based on facial recognition technologies.

In addition, participants and organizers of public events are faced with demands for large material compensation for police work, threats of dismissal or expulsion from universities, attention from guardianship authorities and military draft commissions. The authors of posts and reposts about the assemblies are prosecuted as the «organizers» of the assemblies.

As regarding the legislation, further restrictions were introduced, such as a ban on holding or financing assemblies by entities and persons designated as «foreign agents» and cumbersome requirements to use dedicated bank accounts for expenses incurred in organizing the assembly, submitting financial statements, and returning unspent money to all of the donors. The places where assemblies are authorized were also restricted by the federal legislation, notwithstanding the Constitutional Court decision of 2019.

Since 2022, COVID-19 has been and continues to be used as a basis for refusing to approve assemblies, as well as for persecuting their participants and single-pickers. In most regions, public events were completely banned, in some — seriously limited. This ban has been selectively enforced, with pro-government rallies and events allowed to proceed while opposition protests have been suppressed. As of 2023, COVID-19 bans on rallies are still in force in some regions, including Moscow and Saint Petersburg.

## **PARTICIPATION IN PUBLIC AND POLITICAL LIFE**

One of the recommendations accepted by Russia in the previous cycle was to ensure exercise of political competition through free and fair elections. Yet, it was not implemented. Elections in Russia are not free and unequal, and are held in conditions of limited basic political rights and freedoms, including the right to be elected for a significant number of citizens. Under such conditions, it is impossible to establish the real will of the voters.

The main problem of the Russian elections in 2022, in terms of ensuring the conditions for the free expression of the will of voters, was a large-scale attack on the remnants of freedom of speech and freedom of expression in Russia. At the moment, most citizens are deprived of the opportunity to receive alternative official information about the most important issues in the life of the country, as well as to freely express their opinion.

Repressions against opponents of the government and the exclusion of candidates for elections led to the fact that the spectrum of political forces represented on the ballots differed significantly from the political spectrum of Russian society itself.

The elections held in 2022 were also characterized by: manipulation of legislation on the eve of the elections; a radical decline in the standards of openness and transparency in the activities of election commissions; forceful pressure on commission members, observers, candidates, their proxies and media representatives; mass, organized by the state, coercion of voters to vote; creation of wide opportunities for falsification of voting results.

## **VIOLENCE AGAINST WOMEN**

During the third UPR cycle, Russia received several recommendations on combating gender-based violence against women and girls, including those which Russia has accepted (e.g., 147.57, 147.114, 147.116-147.117, 147.118-147.120, 147.238-147.244, 147.272-147.273). However, Russia has not implemented these recommendations from the third cycle.

Regarding domestic violence against women and girls, despite numerous recommendations provided by the CEDAW Committee and the ECtHR, Russia is failing to adopt comprehensive legislation to prevent and address domestic violence and ensure that all cases of gender-based violence are promptly and thoroughly investigated. Women remain largely unprotected. In the study conducted by one of the authors of this submission, the analysis of verdicts from 2011 to 2019 indicates that 65,8% of women were murdered as a result of domestic violence, i.e., 12,209 out of 18,547 women died at the hands of a partner or relative. In 2020 and 2021, the rate of lethal domestic violence increased significantly. 70,9% (in 2020) and 71,7% (in 2021) of all women killed were killed by either a partner or relative. A recent study demonstrates that 21,8% (38.2% top estimate) of women reported to interviewers experiencing physical violence during their lifetime. This rate is higher than globally.

Regarding sexual violence against women and girls, Russia's legal system provides a number of opportunities for perpetrators to escape criminal liability or punishment. The definitions of sexual violence crimes fail to require lack of consent as an element of crimes of sexual violence and that any consent must be given voluntarily as the result of the person's free will. Instead, the narrow definition of rape and sexual crimes in the CC requires violence, threat of violence or abuse of the «victim's state of helplessness». Coupled with gender biases and stereotypes and victim blaming in the justice system, such definitions of sexual violence crimes

allow actual and potential impunity for perpetrators of sexual violence crimes. According to various studies conducted by the authors of the present submission, only about 3-15% victims of sexual violence file a report with the police. As a result, only 1% of the perpetrators reported by female respondents in the survey had been subjected to criminal punishment.

## **Women in North Caucasus**

Although the third cycle recommendations do not specifically mention women's rights in the North Caucasus region, a number of recommendations, namely, 147.248 and 147.251, can be attributed to the situation — they were not implemented. In the North Caucasus of Russia violence against women and children is widespread and integrated in to social and family structure, including, in the form of traditional harmful practices as honor killings, forced marriages and female genital mutilations (FGM/C) of underage girls.

SJI's reports in 2016 and 2018 revealed that FGM is practiced on girls under three years old in highland villages in the Republic of Dagestan, often performed at home with knives to control female sexuality. The «medicalization» of FGM in Russia is also becoming more prevalent, with private medical clinics offering and advertising the procedure without punishment for doctors or parents.

Honor killings are still prevalent in Chechnya, Ingushetia, and Dagestan, where close male relatives murder girls and young women for suspected «misconduct, » and in one-third of cases, the court commutes the punishment for the accused due to the victim's behavior, according to SJI's 2020 research.

Forced marriages, including bride kidnapping, pose a severe risk to girls' lives, as their own relatives may see sexual relations as a threat to the family's honor, and perpetrators

are rarely punished. In some cases, national criminal laws allow adults to avoid punishment for raping a minor by marrying the victim, which perpetuates these crimes.

In the North Caucasus, civil courts issue custody decisions in favor of women, but these decisions are often ignored by the families of former husbands, who abduct the children during meetings with the father or with the help of relatives and friends.

## **DUE PROCESS**

During COVID-19, epidemiological measures disproportionately restricted guarantees of the right to a fair trial. The principle of public trials was almost completely abolished. The courts were completely closed to the public from 19 March until 11 May 2020. From 12 May 2020, only some courts began to allow visitors, who are not participants to particular proceedings; courts occasionally adopted measures to compensate for the limitations of the principle of public hearing like broadcasting of proceedings. Moreover, the Russian courts demonstrated inability to communicate effectively with the public in a crisis situation of Pandemic.

During the COVID-19 the right to defense was limited, for instance, the confidentiality of negotiations between the defendant and his lawyers during the visits of the latter to places of detention was violated. The lawyers have faced obstacles while traveling to attend a court hearing in courts of other subjects, because of the requirements of some subjects of the Russian Federation to spend days in self-isolation.

## **PEOPLE WITH DISABILITIES**

Russia continues to use the term «invalidi» in official documents and public discourse despite the

recommendation of the Committee on the Rights of Persons with Disabilities to «amend the official translation of the Convention and use terms that fully reflect the human rights model». Russia rejects a medico-social model of disability and the use of the concept of supported decision-making instead of substitute decision-making.

Persons with disabilities face limitations to independent living and integration into society, as evidenced by sociological surveys showing low levels of employment of the persons with disabilities and higher percentage of low income households with persons of disabilities. Some spheres of life are more closed than others, for instance, persons with disabilities have limited possibilities to participate in the justice system, because of the lists of disabilities and diseases precluding a person to become a judge, a prosecutor or a juror. These lists are applied automatically without examining whether a person with a disability would be able to serve as a judge or juror. Many court buildings remain inaccessible to persons with disabilities.

Involuntary hospitalization might be used to pressure activists, and physical restraints are illegally used in psychiatric institutions. In places of detention, persons with disabilities face a lack of medical care and individualized rehabilitation tools.

## **CORRUPTION**

In the previous cycle, Russia accepted a number of recommendations on corruption (namely 147.148 — 147.148). None of them were implemented. .

As to the judicial and legislative corruption level, all polling agencies stopped publishing polls on corruption in Russia in 2019-20 for unknown reasons. In the 2020 poll, the level of public assurance that the majority of judges take bribes decreased from 61% in 2018 to 51% in 2020. According

to the World Justice Project, Russia scored 0,54 (out of 1, the more is better) in judicial corruption and 0,23 in legislative corruption in 2018 and 0,52 and 0,22 in 2022, respectively. In the Corruption Perceptions Index, the Russian score remained at 28 points out of 100 in 2018 and 2022. The Russian government made several top-figure arrests, but the public anti-corruption campaign significantly stopped after the beginning of the war. While some popular anonymous sources claimed a significant increase in judicial bribery, this cannot be firmly verified. Though the general number of convictions on passive bribery (for bribes higher than ~\$150) has increased since 2018 from 3499 to 5020 (70%), this barely demonstrates the level of registered crimes since Russia has a very high latent crime rate. Considering the above mentioned, the level of judicial and legislative have not changed significantly.

As to judicial transparency, it has remained historically high in the system of commercial courts. Meanwhile, in general jurisdiction courts, decisions are often not published, and court websites do not work properly. There is no unified search system for case dockets: Moscow uses a system not compatible with other regions. The level of transparency is not equal. E.g., in Moscow, both federal and regional courts did not publish the full names of case participants though requested by law. While regional courts have changed their behavior after a complaint, federal courts refused to comply. Courts almost always refuse to proceed with cases on courts' public information access, considering that as an intervention into judicial independence. Though in December 2021, all the courts were obliged to create their pages on Russian social networks, either VK or OK, they usually just post hard-written press releases, which barely contributes to judicial transparency.

As to judicial accountability, in 2019, the role of presiding judges in courts has significantly decreased, as their approval is no longer required for the appointment of a new judge; they

are no longer able to initiate disciplinary proceedings. The term of office has been limited to two consequent. While these amendments certainly decreased the administrative pressure on judges, the general level of judicial accountability to society has not changed. Nothing has been done to increase citizen participation in judges' selection and appointment. The President's administration plays a key role in this selection.

As to the administration accountability and federal and regional powers division, there has been a sustainably negative trend because of significant decrease in public transparency: the e-procurement system stopped publishing the names of tenders winners, assets declarations of public officials will not be published until the war ends; federal subsidies and accounts of big state enterprises have not been published as well.

## **ENFORCED DISAPPEARANCES**

### **Belarusian citizens**

Since 2020 Belarusian citizens temporarily or permanently residing in Russia have become especially vulnerable to enforced disappearances. Massive crackdown on peaceful protesters and opposition started in August 2020 did not limit itself to the territory of Belarus. The Belarusian government was allowed to hunt down political adversaries in the neighboring country both via official and unofficial routes. In the following years it has become apparent that the Russian Federation is willing to closely cooperate with Belarus, when it comes to persecution of political opponents, and that it actively utilizes alternative mechanisms and extrajudicial means in order to circumvent limitations of official procedures.

Between 2020 and 2023 the Moscow Helsinki Group managed to track down and document at least 10 cases of Belarusian citizens being *de facto* secretly extradited on political grounds to Belarus. In all cases the victims disappeared for a period of time and were removed from the protection of the law up to the moment of their discovery in pre-trial detention centers in Belarus.

In 2 cases the victims were arrested during a joint operation of security forces of Russia and Belarus. Bypassing statutory extradition procedures of Russia they were rapidly moved to Belarus and placed in detention the next day after initial arrest. As it was later revealed the operation was conducted under a secret treaty between Russian and Belarusian security services. The 'treaty' was never published but, according to the claim of FSB, it contains provisions that allow such speedy extraditions without judicial scrutiny. The Office of Prosecutor General refused to check the lawfulness of this operation.

In 3 cases the victims were forcefully abducted and delivered to the Belarusian KGB detention center. Despite numerous appeals to the Office of Prosecutor General and Investigative Committee, no criminal investigation into abductions was initiated and no explanation was provided. The latest case took place on 9 March 2023.

And in 5 cases the victims were subjected to the procedure of administrative deportation in full knowledge of the fact that they were criminally wanted in Belarus. The factual nature of such deportations may be considered as a forceful disappearance. After the decision on deportation enters into force the victims are taken away from migration prison in an unknown direction without notification of lawyers and relatives and handed over at the border to Belarusian law enforcement officers in a pre-arranged manner. In 3 cases individuals in question attempted to leave Belarus for Ukraine through Russia but were arrested either on route or at the

Russo-Ukrainian border under fabricated administrative charges and in 2 cases individuals were arrested under similar fabricated charges right after release from detainment under extradition check. In one of these cases the individual was subjected to deportation without final court judgment and his appeal was heard already after the fact without him being present. His whereabouts were identified five days later. No criminal investigation of unlawful deportation was initiated.

## **Ukrainian citizens**

The Public Verdict Foundation has been receiving reports from relatives of Ukrainian citizens captured by the Russian military and forcibly transferred to the territory of the Russian Federation. Now PVF is working on 10 cases of enforced disappearance of Ukrainian civilians. These civilians were taken either from the streets or from their homes in settlements controlled by the Russian army. In some cases, people indicate the location where their captured relatives are reportedly held, according to former captives who have been exchanged and returned to Ukraine. Most prisoners are held in pretrial detention facilities or penal colonies in Russian regions bordering Ukraine. These facilities deny lawyers access to these detainees, and relatives' attempts to contact them have been unsuccessful. PVF filed at least 50 requests to various relevant Russian state agencies, but all of them refused to provide any information on detained Ukrainian civilians.

Ukrainian civilians forcibly brought to Russia are held incommunicado: they are not granted access to a lawyer nor allowed to contact relatives. This practice poses a serious risk of torture and contravenes various Russia's international obligation.

## **North Caucasus**

In the context of contemporary Chechnya and the North Caucasus — enforced disappearances and murders have become the tool for political repressions of the regime of Chechen leader Ramazan Kadyrov. In the autumn of 2020, the Chechen opposition telegraph channel 1ADAT published statistics on their observations: between April and October alone, security forces in the republic kidnapped more than 1,500 people. Disappearances are in fact extrajudicial killings carried out by the so-called Kadyrovtsy and Chechen law enforcement agencies. A person is detained or summoned for interrogation and then disappears. Since 22 December (2021), more than 60 relatives of members of opposition to Kadyrov's regime and human rights activists have been kidnapped.

### **Recommendations:**

- Create an ad hoc humanitarian body to search for missing persons using modern scientific knowledge in a procedure complementary to investigations;
- Urgently address the problem of abductions in Chechnya, provide information, including available statistics, on recent complaints about kidnappings involving state agents in the region and their investigation;
- Cease the practice of enforced disappearances of Belarusian citizens residing in Russia on political grounds, and ensure that all individuals are afforded due process and protection under the law;
- Investigate and prosecute any officials or individuals who engage in or facilitate enforced disappearances.

## **HUMAN RIGHTS OBLIGATIONS**

In the previous review cycle, a number of recommendations considering upholding the human rights international obligations and cooperating with international human rights

mechanisms were made (namely, 147.26 — 147.28, 147.29 — 147.36). Yet, none were implemented, and the situation gradually deteriorated.

Despite the fact that Russia is a signatory to the ICCPR and to Optional Protocol to it, there exists a serious issue with implementation of Committee's decisions, especially of its interim measures under Rule 94. In 2017-2023 there are at least 7 known cases, when interim measures were either bluntly violated or simply ignored. In 4 cases interim measures requested to refrain from extradition, in 2 cases — to refrain from deportation, and in 1 case — to provide adequate medical aid to a person in detention.

The legal nature and significance of the decisions made by the Committee are not clearly defined in Russian legislation, leading to inconsistent interpretations by the Constitutional and Supreme Courts. In extradition cases, the Prosecutor General's Office does not consider the Committee's interim measures to be binding, and court practice varies in their treatment of the Committee's views.

Similar positions are taken by courts in cases of deportations. And the agency responsible for management of the deportation system also holds a view that the exact legal nature of the Committee's decisions is uncertain.

In addition, Russia was expelled from the Council of Europe due to its aggression against Ukraine. In this regard, the Russian Federation introduced a law, according to which judgments of the ECtHR adopted after 15 March 2022 will not be enforced in Russia.

Moreover, despite previous recommendations to fully implement the judgments of the ECtHR, including those related to officials accused of serious human rights violations in the North Caucasus, little progress has been made in this regard. The ECHR has issued numerous judgments related to human rights abuses in the North Caucasus. However, the

Russian authorities have failed to implement the judgments in these cases, and the perpetrators have not been held accountable.

This applies to general and individual measures, including the payments of just satisfaction. The Prosecutor General already started to refuse to pay just satisfaction rewards for victims of human rights violation on the grounds of the judgements of the ECtHR adopted after 15 March 2022. Furthermore, such judgments will no longer constitute grounds for the review of cases at the national level.

## **RIGHTS OF PRISONERS**

The Russian Penitentiary legislation does not have any specific guidelines or procedures for transgender prisoners. The main strategy the administration of penitentiary facilities uses in cases of transgender persons is solitary cells. Solitary cells make resocialization for transgender persons even more challenging after their sentence is finished.

Transgender individuals, like Nazar Gulevich, may be subjected to prolonged periods of solitary confinement throughout their sentences. Gulevich, a transgender man, spent over half of his 4.5-year sentence in solitary confinement due to safety concerns in a female detention center, and was later deported to Belarus upon release.

Despite claims that there are no alternative safety measures available for transgender prisoners, Innokenty Alimov, a transgender man sentenced to 4.5 years in prison, was able to leave solitary confinement and transfer to a medical unit and later a pre-trial detention center after his attorney's intervention. In October 2022, he was transferred to a female penal colony upon his request.

These two cases demonstrate a certain willingness of the Russian penitentiary system to not only formally ensure

safety of prisoners by keeping them in isolation, but also make further steps. Unfortunately, the solution remains to depend on the administration of the detention centre. The same applies to the medical examination of transgender persons in the penitentiary facilities, their access to gender-affirmative hormonal therapy, and other specific needs.

## **MILITARY SERVICE**

### **Current situation and illegal prisons**

Since the beginning of the war, the Movement of conscientious objectors has recorded hundreds of people who either want to stop their participation in the crime of aggression, or who make every effort not to go to the army.

Before the beginning of mobilization, it was possible to demand the termination of the soldiers' contracts with the Ministry of Defense, and hundreds of people used this right. After the start of mobilization, it became almost impossible. MCO now faces thousands of people who are either insisting on their right to alternative civilian service or demanding demobilization on medical grounds.

The reaction of the military commanders to such a big number of conscientious objectors was the creation of illegal prisons, the so-called «cellars». In these prisons, with the help of torture, conscientious objectors who refused to go to the front line are illegally detained. The most notable for the last year were the cases of Bryanka in July and Zaitsevo in November. About 300 people were illegally detained in each of these camps, more than 13 such camps are known at the moment. Officially, Russian authorities call these prisons Psychological Rehabilitation Centers.

The current persecution of Jehovah's Witnesses also affects their right to conscientious objection to military service. Jehovah's Witnesses are afraid to say anything about their

beliefs in the process of applying for alternative civil service because they are afraid of being accused of extremism.

Alternative civilian service in Russia remains punitive and discriminatory in terms of duration and conditions. The military service in the Russian Federation is 12 months, while the alternative civilian service is 18-21 months. The conditions for alternative service are punitive in nature.

## **Mobilisation**

After the announcement of mobilization, human rights defenders faced mass kidnappings of people. Raids were taking place in hostels, subways, shelters for the homeless and entrances of residential buildings. Call-up papers were issued to all caught citizens without respecting the territorial principle. This means that medical and any other documents that are in the military commissariat at the place of registration of a citizen are simply not reviewed by the military commissariat, where a person is taken after a raid. People were threatened with criminal prosecution if they refused to go to the military unit. However, the maximum punishment that is currently adopted for evading mobilization is a fine of 10 to 50 euros. Nevertheless, being in a frightened state, people agree to mobilization.

## **Ordinary conscription**

With regard to the ordinary conscription, draftees are more protected by law than the mobilised people because this is the ordinary procedure which was operated for the last 30 years without major changes.

Human rights violations persist in the alternative civil service system due to the absence of an independent civil decision-making body. In practice, the decision to replace military service with alternative civil service or deny such a replacement is made by representatives of the military

commissariat, with no funding for the Draft commission and its sessions held at the Military commissariat.

*Photo: Headquarters of the United Nations in New York /  
by Laura Jarriel*

## **More to read**



### **The strangling of Crimea**

Denis Shedov and Dan Storyev explain how the repression in occupied Crimea was structured and how it evolved