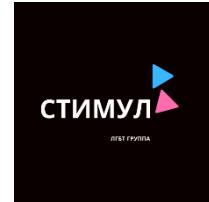


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Russia's Compliance with the International Covenant on Civil and Political Rights
Suggested List of Issues

**Submitted for the consideration of the 8th periodic report by
the Russian Federation for the 129th Session of
the Human Rights Committee**

June, 2020

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INTRODUCTION

This written contribution is submitted to the United Nations Human Rights Committee (“Committee”) by a coalition of civil society organizations in response to the Committee’s call for information with regard to the 8th periodic report by the Russian Federation.

This present submission has been prepared by a coalition of civil society organizations, namely:

- [Human Rights Center “Memorial”](#)
- [OVD-Info](#)
- [Stichting Justice Initiative](#)
- [Committee against Torture](#)
- [Moscow LGBT Initiative Group «Stimul»](#)
- [Charitable Foundation for Assistance to Convicted Persons and their Families \("Russia Behind Bars" project\)](#)
- [SOVA Center for Information and Analysis](#)
- [Mass Media Defence Centre](#)
- [Public Verdict Foundation](#)
- [Human Rights NGO "Citizens' Watch"](#)
- [Russian LGBT Network](#)
- [Transgender Legal Defense Project](#)

For ease of reference, this written contribution relies on in-text hyperlinks for ease of access by the Committee.

SECTION 1

Human rights violations committed in the North Caucasus federal area (para. 7 of Concluding observations on the seventh periodic report of the Russian Federation, hereinafter — Concluding observations)

Human rights violations committed during counter-terrorism operations

1. No effective investigation into human rights violations committed during counter-terrorism operations in the past has been carried out, despite the fact that the European Court of Human Rights (hereinafter — the ECHR) has delivered a number of new judgments concerning these violations.
2. Moreover, similar violations continue to occur, albeit less frequently than before. Thus, on August 23, 2016, two teenage herdsmen, brothers Gasanguseyn and Nabi Gasanguseynovs, were shot dead during a special operation in Dagestan. A case was opened into their killing, however, [no effective investigation](#) took place. On May 31, 2016, a herdsman Kuri Shirvaniyev was [seriously wounded](#) during a special operation in the Chechen Republic. The wound caused Mr Shirvaniyev's disability. The authorities refused to open a criminal case into the shooting.
3. A totalitarian regime has emerged in the Chechen Republic in recent years. , Not only the social, political and economic aspects of life are put under the complete control of the authorities, but also religion, culture, and even private life.¹
4. In his expert report presented on 20 December, 2018, Mr Wolfgang Benedek, OSCE Moscow Mechanism rapporteur, [confirmed](#) major allegations of impunity for reported human rights violations and abuses in Chechnya, including violations and abuses against persons LGBT persons, human rights defenders and independent media.
5. The practice of collective punishment previously noted in Committee's Concluding observations continues. One of the most flagrant cases occurred at the turn of 2016-2017.
6. On December 17, 2016, four young men [carried out](#) an armed attack against police officers in Grozny resulting in deaths of one policeman and four attackers.
7. As a result of this attack, mass arrests of young men took place in December 2016 — January 2017 all across Chechnya. These arrests were not documented; none of the arrested was provided with legal assistance. Some of the arrested men were released after being kept at the police stations for a few days. Some others were taken to Grozny, kept in a secret prison for more than a month, tortured and forced to plead guilty of participation in an illegal armed formation and illegal possession of weapons. At least 27 of the arrested were [allegedly executed](#) in Grozny on the night of January 25–26, 2017. Their mothers filed complaints with the investigative authorities. However, no criminal case was opened into disappearance and alleged killing of their sons.
8. In December 2018, 14 men who had been abducted by security forces in January 2017 and kept in a secret prison for about two months, were found guilty of possession of weapons and participation in illegal armed formation. They were sentenced to 9,5-10,5 years of imprisonment. During the court hearing, they made submissions that they had

¹ For the information on persecution of LGBT people in the Chechen Republic, see Section 2 of the present report.

been held in a secret prison for two months and incriminated themselves under torture. They also reported that some of the 27 people who, according to Novaya Gazeta, had been executed, were kept in a secret prison with them. However, the authorities refused to institute criminal proceedings to investigate these allegations.

Harassment of human rights defenders and activists in the North Caucasus

9. The head of Chechnya, Ramzan Kadyrov, repeatedly publicly called human rights defenders (hereinafter — HRDs) and media that criticize him «enemies of the people», and called for the persecution and even killings of HRDs and journalists. [Such an appeal was made](#) on November 4, 2019, at an expanded meeting of the government of Chechnya. Human Rights Center «Memorial» (hereinafter — HRC Memorial) [reported](#) this incident to the Investigative Committee and requested to institute criminal proceedings. The investigative authorities refused to do it.
10. In 2015-2016, the office of the Joint Mobile Group of Human Rights Defenders in the Chechen Republic (coordinated by Committee against Torture) was repeatedly [attacked and set on fire](#). On March 9, 2016, a group of masked armed men [attacked](#) a bus with journalists and human rights defenders on the border of Ingushetia and Chechnya. The bus was burned down, all passengers and the driver were severely beaten. The Joint Mobile Group had to discontinue its activities. The perpetrators of these crimes have not yet been found, and [no effective investigation](#) took place.
11. On January 9, 2018, [Oyub Titiev](#), the head of the of the Grozny office of HRC Memorial, was arrested on fabricated charges of large-scale drug possession. In March 2019 he was sentenced to 4 years of imprisonment. In June 2019, he was released on parole and had to leave Chechnya.
12. Soon after Titiev's arrest, a series of attacks on the employees and the premises of HRC Memorial's offices in the North Caucasus take place. Moreover, drugs were planted in the premises of HRC Memorial's office in Grozny, and its employees were intimidated. As a result, they had to leave Chechnya, and HRC Memorial's Grozny office was closed down.
13. In April 2016, a drug possession case was fabricated against [Zhalaudi Geriev](#), a journalist of an internet media Caucasian Knot. He incriminated himself under torture, and on September 5, 2016, was sentenced to three years in prison.
14. The editor of an independent Dagestani weekly Chernovik [Abdulummin Gadzhiev](#) is accused of participating in the activities of a terrorist organization, organizing its financing and participating in an extremist organization. The charges are unsubstantiated, and HRC Memorial recognized him as a political prisoner.
15. [Martin Kochesokov](#), a circassian activist, and a head of a local NGO Khabze, was planted with drugs and charged with drug trafficking; since June 25, 2019, he is under house arrest.
16. [On February 6, 2020](#), Elena Milashina, a journalist with Novaya Gazeta, and Marina Dubrovina, a lawyer who has been involved in cases of abduction, torture and imprisonment in secret prisons in Chechnya since 2015, were attacked by an organized group of men and women. The attackers acted blatantly, and did not hide their faces. However, none of the many eyewitnesses of the attack even tried to call the police. On April 13, Ramzan Kadyrov openly and [publicly threatened to kill](#) Novaya Gazeta journalists.

17. On March 26–27, 2019, a peaceful rally was held in Ingushetia against the demarcation of the administrative border with Chechnya, restricting the right to a referendum, and canceling direct elections of the head of the region. As a result of the clash provoked by police officers, [criminal proceedings were instituted](#) against 42 people. 34 residents of Ingushetia are accused of violence against law enforcement officials. Eight leaders of the Ingush opposition are accused of organizing this violence, creating an extremist community and participating in it.

Honor killings

18. In the North Caucasus, especially in Chechnya, Dagestan and Ingushetia, "honour killings" are still common practice. This term relates to the intentional infliction of death on women by their close male relatives in order to rehabilitate the honour of the family as a result of a real or suspected "misconduct" or "inappropriate" behaviour of a woman. An [analysis](#) of honour killings shows that these crimes are not based on traditions, customs (adats) or Sharia law, but on self-righteous and willful maintenance of personal and family ambitions, reinforced and incited by public opinion, gossip, rumours, and slander.
19. Between 2008 and 2017 at least 33 "honour killings" were identified. The victims of such crimes are mostly young single or divorced women, less often married women between 20 and 30 years. The victims were daughters, sisters, wives, nieces or stepdaughters of the killer. Perpetrators in most cases avoid punishment. In 14 cases (less than half of all cases), investigations were conducted and the case went to trial.

Female genital mutilation

20. In some parts of Dagestan underage girls are still subjected to female genital mutilation. Female genital mutilation is rarely performed in a hospital and is commonly [performed at home](#) by people with no medical education. According to the most [conservative estimates](#) at least 1,240 girls a year are subjected to the practice.
21. Recently, the FGMs have been performed in medical institutions, which displays a tacit acceptance of the practice. In the capital of Ingushetia a nine-year-old girl was [operated](#) on at the Aibolit clinic in the summer of 2019. In Moscow the ["Best Clinic" medical center](#) offered the service of "female circumcision" "on religious or ritual grounds".

Discrimination on the basis of gender

22. In the North Caucasus (in Chechnya and Ingushetia, less often in Dagestan), customary law (adat) on custody of children follows an extreme form of patrilineality, in which children belong to the father, and only the father's side of the family has custody of the children in the event of the parents' divorce. This rule is applied universally and without exception, even in situations where the father is dead or otherwise absent.
23. In practice, this leads to situations where women lose contact with their children after divorce, even after every effort is made to reunite with the children. In the rare cases where courts rule the child is to reside with the mother, these decisions are simply not followed by the father or relatives on the father's side, and bailiffs are passive. Regional and federal authorities, including courts and law enforcement agencies, support discriminatory practices, thereby reinforcing patriarchal attitudes and entrenched stereotypes.

We ask the Government of the Russian Federation be asked the following questions:

- 1.1. What measures are being taken to ensure effective and independent investigations into gross human rights violations committed in the past and present, including extrajudicial executions, abductions, torture and ill-treatment, secret detention, and kidnappings?
- 1.2. What measures are being taken to eliminate collective punishment of relatives and suspected supporters of alleged terrorists?
- 1.3. What measures are being taken to ensure the unhindered work of human rights defenders and journalists in the North Caucasus? How is respect for their right to freedom of expression ensured, as well as justice for the attacks against them?
- 1.4. What measures are being taken to prevent and combat all forms of violence against women, including domestic violence, "honour killings" and female genital mutilation in the North Caucasus? What measures are being taken to effectively investigate such cases and provide legal remedies to victims?
- 1.5. What measures are being taken to eliminate patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men in the family and society in the North Caucasus?

SECTION 2

Discrimination based on sexual orientation and gender identity (paragraph 10 of the Concluding Observations)

General analysis of the dynamics between sessions

24. All the points on which the Committee had expressed concern during the last session remain valid. The prohibition of discrimination on the basis of sexual orientation and gender identity (hereinafter referred to as SOGI) is not reflected in legal documents; the law prohibiting "propaganda of non-traditional sexual relations" (Article 6.21 of the Code Of Administrative Offences Of The Russian Federation) has not been repealed and continues to be selectively used to prosecute or restrict the rights of LGBT people.
25. According to the statistics collected in surveys on discrimination among LGBT+ people from [2014](#) to [2019](#), the frequency of cases of violations increased from 16.6% to 64.4%, the number of respondents who faced psychological violence increased from 47% to 56%. Data from the monitoring program of the Russian LGBT Network show that the level of physical violence remains [between 16-20%](#).

Hate crimes based on SOGI

26. Russian LGBT organizations register about 70 cases of hate crimes motivated by SOGI annually. These include attacks organized by members of radical right-wing and national-conservative movements; attacks by unknown perpetrators in public places; violence by law enforcement agencies; violence committed by relatives, colleagues and other acquaintances; and murder.
27. One of the most common crimes is "fake dates": abusers lure LGBT victims to a meet and then rob, abuse, and inflict violence, and also blackmail victims with information

about their SOGI. Russian human rights activists have registered over [70 cases](#) of such crimes since 2016. "Fake Dates" are also organized by MIA officials. In particular, six cases were reliably confirmed in Krasnodar from 2017 to 2019, where the perpetrators of the crimes were police officers operating as an organized criminal group.

28. When seeking assistance from the police, LGBT victims prefer not to inform the officers of the motive for the crime, as the disclosure of SOGI may cause animosity from police officers.
29. Fear of police violence, as well as a low level of confidence in the police and courts (73.3% and 65.2% of LGBT persons have [little or no confidence](#) in the police and courts, respectively) result in a significant number of violations not being reported to law enforcement authorities. In 2018, out of the total number of documented hate crimes against LGBT persons (67 cases), only 22 victims contacted the police, 14 of them did not have criminal proceedings initiated. Thus, only 12% of registered cases of homophobic and transphobic violence reached the investigation stage in 2018. Compared to 2015, this figure has decreased by 5%.

Year	Overall cases	Reports filed	Cases with no criminal proceedings
2015	55	23 (42%)	14 (61%)
2016	73	27 (37%)	11 (41%)
2017	68	17 (25%)	11 (65%)
2018	67	22 (33%)	14 (64%)

Table 1. Data on hate crimes based on sexual orientation and gender identity

30. When an investigation is actually initiated, the motive of hatred is still rarely taken into account by the investigation, even when the perpetrators themselves openly declare it. A minor young man was assaulted and robbed by a group of unknown perpetrators because of his bisexuality. The motive of hatred was voiced by the perpetrators, but the investigation took it into account in a peculiar way — when the victim was attempting to find out why his case was discontinued without bringing the perpetrators to justice, the head of the inquiry department referred to the fact that the perpetrators "had a reason" to teach the victim a lesson and he "was beaten not without reason but because of his "non-traditional sexual orientation"".
31. Noting positive examples of the work of the investigation, we can highlight the case of the attack in Perm on a couple of men in 2018. During the trial the prosecutor reported a homophobic motive for the crime, but the magistrate's court did not consider this fact an aggravating factor in sentencing.

State persecution of LGBT persons in the Chechen Republic

32. In 2017, a [campaign](#) of "cleansing the nation from homosexuals" was launched in the Chechen Republic. Shocking cases of state persecution, which manifested itself in illegal detentions, torture and killings of LGBT people by police under the leadership of the republic's administration, indicate that LGBT people cannot live freely in the region. The leadership of the country and the republic deny the fact of these gross

violations. The official position taken by the authorities is that "there are no gays in Chechnya and therefore no persecution either". Despite the fact that during three years the Russian LGBT network has helped 164 homosexual, bisexual, and transgender people from the North Caucasus escape persecution, only two victims openly declared themselves after leaving Russia, and only one victim, Maxim Lapunov, became a complainant in a torture case that was never initiated. In 2019 the European Court of Human Rights issued a [complaint](#) about Lapunov's torture and an ineffective investigation into his case.

33. The Chechen authorities have not only committed violence against LGBT people themselves, but have also encouraged relatives to execute them as "shameful to the family". In this regard, the situation of lesbian and bisexual women is particularly vulnerable. The [case of Aminat Lorsanova](#), a bisexual girl who filed a complaint with the Russian Investigative Committee after relatives placed the girl in psychiatric hospitals twice, where the patient was tortured and mocked, confirms that LGBT people continue to face conversion and violent "treatment for homosexuality".

Impact of the Law prohibiting “propaganda of non-traditional sexual relations”

Family law and parental rights

34. LGBT people's relatives and homophobic activists often threaten LGBT parents and guardians with reporting their SOGI to have their child taken away, citing the Federal Law on the Protection of Children from Information Harmful to their Health and Development. At the same time, families with foster children are most at risk, since the list of grounds for cancellation of guardianship or adoption, as opposed to grounds for deprivation of parental rights, is open.
35. The adopted child of E. Erofeev and A. Vaganov, a homosexual couple, [said at a doctor's appointment](#) that he had two dads, which led to the Investigative Committee's inspection into suspected rape. And after the family decided not to return to Russia from vacation, afraid of fabrication of the results of the forensic medical examination which the child had undergone, the foster parents were threatened with a criminal case for murder. The persecution was stopped after the family sought asylum in the United States.
36. In 2017 the guardianship authorities removed two adopted sons from the family of transgender man Francis (Julia Savinovskikh). The court upheld the decision of the guardianship authorities, [arguing](#) that "identification of Yulia Savinovskikh as a male, taking into account her condition marriage with a man, the desire to accept a social role inherent to the male sex, in essence, contradicts the principles of family law in our country, traditions and mentality of our society."
37. In accordance with ICD-10, as applied in the Russian Federation, "transsexuality" is a mental illness, which creates a legal possibility to restrict transgender people's parental rights with respect to biological children. Restriction of parental rights means prohibiting contact between parent and child. In 2018 a transgender woman, A.M., [was restricted](#) in her parental rights. The only reason was her transgender transition, information about which, according to the court, would have a negative impact on children.

Freedom of assembly and participation in peaceful actions

38. LGBT events that take place indoors are regularly attacked and provoked. For example in 2018-2019 several film screenings of the Side by Side International LGBT Film

Festival in Moscow and St. Petersburg were disrupted. The most common way to disrupt the events is to falsely report a bomb in the building where it is taking place.

39. Authorities continue to refuse to allow LGBT activists their right to peaceful assemblies. Most often activists are told that the requested venue is already occupied by another event and then offered to protest in deserted or remote areas of the city. In some cases activists are denied approval for public events by referencing the law banning "propagande of non-traditional sexual relations."

Persecution of LGBT activists

40. Russian LGBT activists are at risk of administrative persecution and are also increasingly targeted by the MIA and the FSB. [LGBT activist and feminist Yulia Tsvetkova](#) from Komsomolsk-on-Amur was served two protocols for violating the law banning gay propaganda, one of which resulted in a ruling and a fine. She was also charged with distribution of pornography for bodypositive drawings, which contain no signs of pornography.

Difficulties associated with replacing documents of transgender people

41. In 2018, a form of certificate of gender reassignment was established in Russia, and now the gender marker in the documents can be changed administratively without confirmed hormone treatment or surgical operations. However, according to available data, to date, commissions tasked with issuing these certificates exist only in 13 regions of the country. Some of them were private, and the cost of the examination needed for the certificate was approximately the same as the average monthly income in the country.
42. Transgender people who want to change their name without changing the gender marker in their documents often face challenges, as civil registrars arbitrarily interpret existing rules regarding the ability to take a gender-neutral name and renounce one's patronymic.
43. Russia does not have any regulations concerning the protection of information on transgender transition, as a result of which in a number of situations this information may become available to a wide range of people.

We ask the Government of the Russian Federation be asked the following questions:

- 2.1. What factors prevent the repeal of a discriminatory law banning the propaganda of nontraditional sexual relations among minors, and what is the reason for the need to preserve and assert the social inequality of relations between heterosexual and non-heterosexual people?
- 2.2. What examples can the Government of the Russian Federation provide of cases investigated considering the motive of hatred towards a social group identified on the basis of sexual orientation and gender identity, and where the circumstances of the crime would be considered by the court as aggravating circumstances under article 63, paragraph 1 (e), of the Russian Criminal Code?
- 2.3. What preventive measures are being taken to reduce intolerance and violence against homosexual, bisexual, and transgender citizens in Russia?
- 2.4. What are the obstacles to a thorough investigation of the case of mass illegal detention, torture and killings of LGBT persons in the Chechen Republic?

2.5. Are there any plans to establish new medical commissions competent to issue gender reassignment certificates, and if so, in which regions and within what time frame?

SECTION 3

Domestic violence (para. 12 of the Concluding Observations)

44. None of the concerns raised by the Committee during the last session have been resolved. The level of domestic violence against women in Russia continues to be high. Strong patriarchal traditions, sexist stereotypes, and conservative tendencies [have contributed](#) in recent years to the perception of domestic violence as a daily yet private family phenomenon and the personal problem of a particular woman.
45. There are no official statistics in Russia on the amount of victims of domestic violence, and neither is there any statistics on investigations and penalties imposed. Analysis of data from the Ministry of Internal Affairs of the Russian Federation makes it possible to assert that women and minors make up the majority of victims (21390 women and 2235 minors) of 34195 crimes in the family and domestic sphere recorded in 2018.² Between January and December 2018, 14159 persons [were recognized as victims](#) of sexual crimes, of whom 11557 were minors.
46. There is no [specific law on domestic violence](#) in the country, nor is there the institution of restraining orders. In the absence of a legal definition of violence against women or gender-based violence, many constituent elements of domestic violence (insults, threats, obtrusive harassment, economic and psychological violence) cannot be addressed by law and remain unpunished.
47. In January 2017, beatings "against close people" were decriminalized. Such beatings are now considered an administrative offence, which does not have a serious deterrent effect as administrative liability is not considered a serious penalty.
48. It is a criminal offence to beat up a close person within one year after the offender was held administratively liable for a similar act. However, prosecution can only happen based on the report of the victim. The victim herself must initiate legal proceedings, prepare all necessary documents, present evidence and defend her interests. All this shows that domestic violence is not considered a public problem.
49. Those victims who decide to defend their interests face refusals to register complaints in a timely manner, lack of effective investigation, refusals to initiate criminal proceedings, lenient sentences for perpetrators, and lack of legal and socio-economic remedies. Law enforcement agencies do not have a specific protocol for responding effectively to reports of domestic violence.
50. In the isolated cases where the case proceeds to trial, the punishment is mainly limited to a suspended sentence or fine, in rare cases to a short term of imprisonment.
51. Victims of domestic violence do not have access to state programs of free legal, psychological, medical and social assistance. Most victim support services are provided by non-profit organizations. There are not enough crisis centres and shelters in the

² Tunikova v. Russia, No. 55974/16 (ECtHR has not yet ruled on the case), reply to Government Memorandum, § 157.

country. Some State shelters require a whole package of documents, and even then it can take up to several weeks to make a decision on admission, in a situation where the victim is already in crisis and faces serious risk of further [violence](#).

We ask the Government of the Russian Federation be asked the following questions:

- 3.1. When are criminal legislation aimed at combating violence against women planned to be adopted?
- 3.2. What measures are being taken to prevent and respond to all forms of violence against women, including domestic violence, in order to effectively record, investigate, prosecute, punish and provide remedies to victims?
- 3.3. Does the Russian Federation plan to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the so-called Istanbul Convention)?

SECTION 4

Torture, ill-treatment (paragraph 14 of the Concluding Observations)

52. The report from the Russian Federation does not contain any information on specific measures taken since the presentation of the previous report to eradicate torture and ill-treatment in the country and to implement the Committee's concluding observations. We consider it necessary to draw the Committee's attention to the following key problems, which contribute to the widespread use of torture and cruel treatment.

Criminalization of torture

53. Torture as an official crime was never criminalized by the Russian Federation authorities. The absence of torture as a separate offence in the Criminal Code of the Russian Federation in practice completely excludes the possibility of organizing adequate and transparent statistical recording of complaints, prosecutions, and convictions in cases of torture and ill-treatment and, as a result, prevents not only a proper assessment by the state of the level of the problem but also the development of necessary measures aimed at its solution.

Lack of an effective system for investigating complaints of torture and ill-treatment

54. The special divisions of the Investigative Committee to investigate crimes committed by law enforcement officials, established in 2012, have never been reformed. The structure, amount of people, and financial support of these departments remains at a very unsatisfactory level, and the system of informing the public about the existence of these departments and the categories of cases they work on has not been changed. Nor have the issues of transferring this category of cases from district investigators to these special departments been regulated by rules. As a result, the departments, made up of three persons (two investigators and one supervisor) in each federal district, covering several regions, are able to deal with only a small minority of carefully selected cases. Human rights organizations are aware of isolated cases where investigations were conducted by special departments. As a rule, these are cases that have received wide public attention. For example, the case of the [torture of Evgeny Makarov](#) in Yaroslavl Penal Colony № 1. Thus, as it stands, these district special departments cannot become

a truly effective mechanism for investigating complaints of torture and other cruel and degrading treatment.

55. The experience of human rights organizations shows that the overwhelming majority of complaints of torture are rejected by investigators and have to be appealed. As a result, criminal proceedings are initiated after a considerable time passes since the event. As a result, many significant evidence is irrevocably lost.
56. Complaints of unlawful use of violence against persons in places of detention are even more complex. The main problem here is the difficulty of recording evidence of violence. Detention facilities hold the monopoly on the production and recording of such evidence, and are not responsible for its inappropriate quality, loss, damage, or denial. This is particularly true of general surveillance and individual staff video recorders, as well as medical records. In addition to this CCTV recordings are stored for an extremely time, significantly shorter than the timeline of a possible appeal against the actions/inactivity of the officials. Moreover, persons in places of detention often complain that even after a complaint of violence and bodily injuries has been filed, the medical personnel of the institutions do not properly examine them, and do not record bodily injuries in medical records. Compulsory photographic and/or video recording of the inspection of persons in places of detention that file complaints are not set out in the regulations.

Civil control over observance of human rights in closed institutions

57. Russia has not ratified the Optional Protocol to the UN Convention against Torture. Thus, there is no national preventive mechanism (NPM) in the country. It seems important to ratify the Protocol as soon as possible. When creating an NPM, the Russian authorities should take into account the existing experience of other countries and the recommendations of civil society representatives, which have already been formulated.
58. The institution of public monitoring commissions (PMCs) that has existed in Russia since 2008 to monitor human rights observance in places of forced detention, has been in deep crisis in recent years. The current mechanism for establishing regional commissions has led to the washing out of independent observers with experience in human rights work. Since 2018, the regulatory framework for PMCs has been constantly changing, with increasing restrictions of the monitoring capacity for PMC members and their independence from detention facility administrations. When the new PMCs were formed in 44 regions in 2019, many human rights defenders, in particular, candidates recommended by the Presidential Council on Civil Society Development and Human Rights, were not included in them. Lawyers from the human rights organization Committee against Torture nominated candidates in six regions in Russia, several people in each region, and only four of them, three of whom had previously had experience in public service, became members of the PMC. This was probably the selection criterion.

We ask the Government of the Russian Federation be asked the following questions

- 4.1. Are there any plans to criminalise torture as a separate offence in the Russian Criminal Code?
- 4.2. What measures are being taken by the authorities of the Russian Federation to organize adequate and transparent statistical recording of complaints about torture and

ill-treatment by law enforcement officials, prosecutions and convictions of such complaints?

4.3. What measures are being taken by the authorities to reform the system of special departments of the Investigative Committee for Investigation of Crimes Committed by Law Enforcement Officers in order to provide these departments with adequate funding, staffing, and clear regulation for the referral of cases of torture and ill-treatment?

4.4. What measures are being taken to ensure that video surveillance footage is stored in places of detention for a long time and properly? What steps are being taken to restrict the monopoly on managing these records from these institutions?

4.5. Does the Russian Federation plan to ratify the Optional Protocol to the UN Convention against Torture, and if so, what model of NPM is planned to be implemented once the Protocol is ratified?

SECTION 5

Penitentiary institutions

Labour in detention facilities (article 8 of the Covenant)

59. Under the Penal Enforcement Code, every person sentenced to imprisonment is obliged to work in jobs determined by the administration of correctional institutions. According to [official data](#) from the General Prosecutor's Office of the Russian Federation, in 2018, 180 thousand out of almost half a million sentenced to imprisonment (36%) worked.
60. The Russian Federation Penal Enforcement Code establishes minimum guarantees for the protection of prisoners' labour rights. In practice, however, the organization of work in FSIN (Federal Penitentiary Service) institutions is tantamount to slavery. According to a [study](#) conducted by the Charitable Foundation for Assistance to Convicts and their Families in 2019, 52 per cent of former inmates surveyed were aware of cases of labour slavery in the colonies or were themselves victims. In particular, the following phenomena are common in correctional labour colonies.
61. First of all, inmates work 12-14 hours a day, six days a week, at production facilities organized in the colonies. According to reports received by the Foundation, prisoners are forced, under threat of disciplinary action, to sign a "voluntary consent" for several additional hours of daily work, as well as sign a refuse of the annual leave with pay that is due by law. Such cases have been repeatedly discussed in the [media](#).
62. Secondly, prisoners' remuneration is not simply disproportionate to the work they perform, but negligible, utterly unable to cover even their minimum living needs. The Procurator General's Office of the Russian Federation officially confirms that prison labour is [paid](#) "below the minimum wage" everywhere. The Fund has been repeatedly contacted by inmates who received salaries of 200-300 rubles per month (€2.5–3.75), while working much more than eight hours a day six days a week. Similar cases were also [covered](#) by the media.
63. Thirdly, prisoners do not have a real opportunity to influence their situation, since any action based on their complaints are carried out by the monitoring bodies (procurator's office, labour inspectorates) on the basis of documents submitted by the colonies, and do not involve unscheduled activities involving members of the PMC and independent

non-governmental organizations. However, due to an explicit prohibition, prisoners may not stop working to resolve labour conflicts (article 103, paragraph 6, of the Penal Enforcement Code).

Problems of re-socialization of persons sentenced to deprivation of liberty (article 10 of the Covenant)

64. To date, there has been no systematic work in the Russian Federation to re-socialize prisoners either while they are serving their sentence or after their release. As a result, according to official statistics of the Federal Penal Correction Service of Russia, more than half of those sentenced to prison sentences [reoffend and end up](#) in colonies:

	2015	% of overall cases	2016	% of overall cases	2017	% of overall cases	2018	% of overall cases	2019	% of overall cases
Overall	524738	-	519480	-	495016	-	460923	-	423825	-
first time	238549	45,46	240807	46,36	230368	46,54	210924	45,76	195810	46,20
second time	106104	20,22	97792	18,82	91108	18,41	83707	18,16	75117	17,72
third time or more	180085	34,32	180881	34,82	173540	35,06	166292	36,08	152898	36,08

Table 2. Data on repeat offenders for the years 2015-2019

65. Among the circumstances hindering successful re-socialization, the following factors should be noted:

- *Lack of jobs and working conditions that do not meet minimum standards for those who are employed (see paragraphs 61-65 above).* Moreover, there are practically no industries operating in colonies that provide prisoners with professional skills that are in real demand on the market.
- *Lack of competitive educational programmes.* One of the key issues of educational programs implemented in the colonies is the use of outdated equipment, which is no longer used in real practice. This leads to the result that the skills acquired by convicts [will not be in demand on the labour market](#).
- *Lack of special rehabilitation and treatment programs for drug dependent convicts.* In 2019, 120 100 convicts were serving sentences for crimes related to drug trafficking, more than half of them were [drug users](#). Many of them return to drug use after serving their sentences and forced remission. According to WHO, due to the decrease in drug tolerance due to long breaks and lack of treatment, the overdose mortality rate among recently released prisoners is very high. Returning to drug use often also leads to the re-offending of and to imprisonment.
- *Lack of benefits, assistance with employment and housing for newly released prisoners.* Prisoners released from prison often lose useful social ties and lack housing and jobs. Low wages in the colony do not allow them to save up money to buy even basic things after release. However, the state does not provide assistance to such convicts in

arranging temporary residences until they find a job, assistance in seeking employment. The state does not pay a temporary allowance.

- *Prison sentences are served in regions remote from their homes.* In September 2020, a law will come into force allowing a prisoner to be transferred to an institution closest to the place of residence of his or her relatives, one time while serving the sentence. This will be possible by decision of the Federal Penal Correction Service on the basis of a written statement by the prisoner or one of their close relatives. Nevertheless, the practice of sending prisoners to regions far from their homes is still widespread. This does not allow prisoners to maintain effective ties with their families and later facilitate their reintegration into families after serving their sentences. The new law does not prohibit this practice and in fact leaves the question of choosing the place of serving the sentence to the FSIN of Russia.

We ask the Government of the Russian Federation be asked the following questions:

- 5.1. What are the reasons for the low employment rate of prisoners in colonies? Under what conditions can a higher level of employment among prisoners be achieved?
- 5.2. What is the number of jobs for prisoners in the penal system as of 2020? How many prisoners are involved in labour?
- 5.3. How many violations of prisoners' labour rights are identified annually, and what are the violations? What measures are taken when violations of prisoners' labour rights are discovered?
- 5.4. What measures are being taken to improve the working conditions of prisoners, in particular, reducing working hours and increasing wages?
- 5.5. Which areas of education are inmates engaged in? How many prisoners receive education during the course of their sentence? How many prisoners are employed in the professions learned during the course of their sentence?
- 5.6. What are the methods of rehabilitation and treatment used in FSIN facilities for inmates who use drugs?
- 5.7. What are the reasons for FSIN of Russia not organizing assistance to convicts released from places of imprisonment in getting preferential temporary housing, purchasing basic necessities, travelling to the place of their permanent residence, finding a job in the region of their residence?
- 5.8. How many convicts commit crimes again within one year from the moment of release?
- 5.9. What are the reasons for FSIN of Russia not organizing the distribution of sentenced persons to prisons located as close as possible to the region of their permanent residence?

SECTION 6

Independence of the judiciary (paragraph 17 of the Concluding Observations)

66. On March 14, 2020, the President of the Russian Federation signed a bill on improving the regulation of certain issues related to the organization of public authority. The Bill

introduces a number of amendments to the Constitution of the Russian Federation and will become law if approved by a national vote from 25 June to 1 July 2020. The amendments enshrine in the Constitution the power of the Constitutional Court to verify the enforceability of decisions of inter-State bodies and international courts.

67. The above-mentioned law on amendments to the Constitution of the Russian Federation also amends the procedure for appointing and terminating judges in courts of the Russian Federation, except for magistrates. The procedures currently in force provide for taking into account the opinion of the judiciary community, which is in line with international standards on the independence of judges. The amendments exclude taking into account the opinion of the judicial community: only the President of the Russian Federation and the Federation Council will participate in the procedure of appointment and termination of powers of judges.

We ask the Government of the Russian Federation be asked the following questions:

- 6.1. What measures are planned to ensure compliance with the obligations set forth in international treaties signed by the Russian Federation, in particular the Optional Protocol to the International Covenant on Civil and Political Rights?
- 6.2. What measures are expected to be taken after the entry into force of the amendments to ensure the independence of judges as part of the procedure for appointing and terminating judges?

SECTION 7

Freedom of expression (paragraph 19 of the Concluding Observations)

68. Of all the recommendations relating to freedom of expression made by the Committee during the previous session, only one had been implemented — the so-called "blogger law" had been repealed as of 1 August 2017. In addition, in January 2019 Article 282 of the Criminal Code, which criminalizes the incitement of hatred or enmity against a particular group, was narrowed (for details, see the section "Combating extremism", §§76-77). All other laws, including those criminalising libel; a law that extremely broadens the concept of "high treason"; a law on "insulting the feelings of believers"; and a law criminalising the distortion of the role of the Soviet Union in World War II, remain in force.
69. Moreover, a number of new laws restricting freedom of expression and allowing for extremely broad interpretations have been adopted since 2015. Among them are the following ones:
- Section 1.1 of Article 212 of the Criminal Code, which criminalizes the "inducement, recruitment or other involvement of a person" in the organization of mass riots, providing up to 10 years in prison (note that calls for mass riots were previously criminalized and under this law, for example, [people](#) who called for peaceful protest actions against the construction of a temple in one of the squares of Yekaterinburg were [prosecuted](#));
 - laws on communication and the Internet, which oblige communication operators and Internet operators to store information about user activity in the field of communications from 20 July 2016 and to store all content of communications from 1 July 2018. The information must be kept for at least six months and be available to the

security service without a court order. While the enforceability of these provisions is unclear, their existence has a deterrent effect on the exercise of the right to freedom of expression and also violates the right to privacy of Internet users;

- the law on insulting authority. It's defined as information that, in an indecent form that offends human dignity and public morality, expresses clear disrespect for society, the state, the official state symbols of the Russian Federation, the Constitution of the Russian Federation, or bodies exercising state power in the Russian Federation. A fine from 30 to 300 thousand roubles (€375-3,750) or administrative arrest up to 15 days may be imposed for insulting the authorities. During a year of this law being in effect, 100 cases of administrative offences have been initiated. Most of these cases concern publications on social networks against the Russian president. Out of a hundred cases, 51 ended in fines — a total of 1.6 million rubles (approx. €20,000).
- Fake news law — fake news are defined as false public information distributed under the guise of true reports that threatens the life, health, or property of citizens or undermines public order or security. The liability for this offence is between 30,000 and 400,000 roubles (€375-5,000) for citizens, and between 200,000 and 10 million roubles (€2,500–125,000) for legal entities.

70. In addition, blocking has become one of the main tools to combat the spread of information on the Internet. In 2012, a legal procedure for blocking Internet resources was established. In 2014, along with the blocking on the basis of a court decision, so-called "extrajudicial" blocking was introduced, which allows to restrict access to a website at the request of the General Prosecutor's Office. To date, about 20 grounds for restricting access to Internet resources have been established, and blocking has become a convenient and quick way to combat banned content. In practice, there are serious problems with the legality of the blocking procedure (for example, sites are often blocked in their entirety instead of a specific page containing prohibited information; controlling agencies do not follow the procedure established by law; due to non-compliance with the procedure, it is difficult for the site owner to determine which publication was the reason for blocking and to delete it in order to restore access, etc.). Increasingly, blocking legislation is being applied to stop political dissent. As of May 2020, almost [5 million resources](#) are blocked in Russia (see also the section "Combating extremism", §81).

71. On 1 January 2016, the so-called "right to forget" law came into force in Russia, which further restricted the free flow of information on the Internet. Under this law, citizens may request the removal from their search results of references to materials that violate Russian law, are inaccurate, outdated or irrelevant due to subsequent events or actions taken by citizens. The law does not provide for restrictions if the information in question is in the public interest and/or concerns public figures; this law is used by officials to remove online content that refers to their offences and/or corruption.

72. The authorities also seek to limit foreign ownership of media and stigmatize foreign media operating in Russia with the term "foreign agent". Thus, on January 1, 2016, Federal Law No. 239-FZ came into force, which limits the share of foreign capital in Russian media to 20%. Starting in November 2017 the legislation obliges foreign media to register themselves as "foreign agents". Currently, 11 foreign media are listed on the register, including Voice of America, Radio Liberty and its regional projects (North Realities, Siberia, the Caucasus, etc.). Foreign media agents are obliged to mark their materials with a note that they are distributed by a foreign agent, submit a report on

financial and economic activities to the Ministry of Justice of the Russian Federation, undergo an annual audit and provide information about the personal makeup of the management twice a year. Failure to comply with these requirements may result in fines ranging from 300 to 500 thousand rubles (equivalent to €3700–6300) for legal entities.

We ask the Government of the Russian Federation be asked the following questions:

7.1. Would you comment on the compatibility of the above legislative changes with the State's obligations under Article 19, as interpreted in the Committee's general comment No. 34 (2011) on freedom of opinion and expression?

7.2. Does the State plan to clarify the vague, broad and flexible definitions of key terms used in these laws and ensure that they are not used as a tool to restrict freedom of expression beyond the narrow limits permitted by article 19 of the Covenant?

SECTION 8

Combating extremism (paragraph 20 of the Concluding Observations)

Abuse of anti-extremist policies in general

73. Despite the Committee's repeated recommendations, the definition of extremism has not changed for the better in Russian legislation.
74. However, since 2018, a number of measures have been taken to reduce excessive criminal prosecutions for public speaking, namely:
- since the beginning of 2018, the number of criminal convictions for them has been reduced;
 - in the autumn of 2018 the Supreme Court had almost fully upheld the criteria for public danger of hate speech adopted in [the Rabat Action Plan](#); unfortunately, that decision had only partially affected judicial practice;
 - since January 2019 article 282 of the Criminal Code on incitement of hatred has been narrowed: this act is punishable as [an administrative offence for the first time](#).
75. [The number of those convicted for "extremist statements"](#) (only on the main charge; articles 148 (parts 1 and 2), 205.2, 280, 280.1, 282, 354.1 of the Criminal Code) from 2014 to 2017 increased from 328 to 659, and then decreased to 244 in 2019. SOVA Center estimates that the number of definitely wrongfully convicted persons on charges of this nature was similar: from 4 in 2014 to 18 in 2017 and further to 4 in 2019.
76. However, there are also negative trends. The main trend is the increasing use of Article 205.2 (propaganda or justification of terrorism), from 12 convicted in 2014 to 126 in 2019. Of particular concern is the application of this article to statements that definitely do not justify terrorism. This may be [a neutral discussion of the war in Syria](#), or [the disagreement of members of the radical Islamist party Hizb ut-Tahrir with its ban as a terrorist organization](#); persecution has begun just for [discussing terrorism as such](#).
77. Non-legislative sentences may continue to be handed down under other articles of the Criminal Code for public statements, including those related to peaceful and even [minor separatist statements](#).

78. The use of anti-extremist administrative sanctions has expanded dramatically. Two of the most common anti-extremist articles of the Code of Administrative Offences (CAO) — on distribution of prohibited materials (Article 20.29) and demonstration of Nazi and extremist symbols (Article 20.3) — have long been criticized for the vagueness of the offence: Article 20.29 is based on the Federal List of Extremist Materials, which contains more than five thousand items, largely incomprehensible, making it virtually impossible to enforce the law; Article 20.3 ignores the motive and context for the use of symbols. The number of people punished by them has increased from 1133 in 2014 to 3979 in 2019; the number of apparently wrongful punishments is also growing. In March 2020 Article 20.3 was amended for clarification, but not enough, and practice in March and April has already shown that people who did not promote any radical ideas [are still being punished](#).
79. In 2019, new offences were added to the CAO, in particular part 3 of article 20.1 on expressing disrespect for the authorities in an indecent form. Several dozens of people have already been punished under it. The practice of judicial and especially out-of-court blocking of "extremist content" on the Internet is also growing: in 2019 about 100 thousand pages were blocked. Many were clearly blocked by association with banned organizations. Often not even a specific page was blocked, but [search results in a search engine for certain words](#).

Abuse of anti-extremist policies in relation to religious groups and movements

80. The practice of banning peaceful religious associations as extremist organizations without due cause and subsequent criminal prosecution of believers for "continuing the activities" of these organizations remains (article 282.2 of the Criminal Code). Such organizations include followers of Said Nursi (banned as "Nurjular"; SOVA Center knows about 18 convictions in 2015-2019), the Tabligi Jamaat movement (59 convictions in the same years), and the Muslim group of "Fezrahmanists" in Kazan (five convictions in 2019). In April 2017 bans on local Jehovah's Witnesses organizations were replaced by a ban on all Jehovah's Witnesses organizations. A year later this gave rise to a wave of criminal cases, which resulted in 18 convictions in 2019 and 14 in January-April 2020 (with about 300 others are now under investigation). Punishments for members of these associations reach six and a half years in prison.
81. A special case is the aforementioned Hizb ut-Tahrir party. According to the ECHR, its activities may be limited by the state, as its ideology contradicts the values of the Convention for the Protection of Human Rights and Fundamental Freedoms. But in Russia Hizb ut-Tahrir was erroneously banned as a terrorist organization in 2003. This led to [severe sentences](#) for involvement in the organization, up to 24 years in prison, for hundreds of participants (at least 92 in 2019), although they were not involved in any violent activities.

Abuse of anti-extremist policies in protecting "feelings of believers" and battling "the justification of Nazism"

82. The criminal punishment for "insulting the feelings of believers", which justly caused the concern of the Committee, is applied less and less frequently: in 2014-2019, 30 people were convicted under parts 1-2 of Article 148 of the Criminal Code, three of them in 2019. But almost all charges are still based on a broad understanding of possible restrictions on freedom of speech. For example, an 18-year-old citizen was fined and deprived of his phone and computer [for seven joking pictures](#) on a social network.

83. Basically the same can be said about the use of Article 354.1 of the Criminal Code ("Justification of Nazism"): 25 convicted since 2015, two of them in 2019. This applies not only to the vague norm about criticizing the policy of the USSR during the Second World War, but also to [the abuse of the norms about the justification of Nazi crimes and the public desecration of symbols of Russian military glory](#).

We ask the Government of the Russian Federation be asked the following questions:

8.1. Does the Russian Federation plan to reconsider the definition of extremist activity in the law on counteracting it, as recommended, with a view to narrowing it down and making it clearer?

8.2. What changes are planned in the legislation and its comments to exclude punishment for statements and other acts that do not pose a significant public danger as extremist crimes and offences? This applies primarily to the application of the Criminal Code articles on the justification of terrorism, calls for extremist activities and the continuation of the activities of a banned extremist organization (including religious).

SECTION 9

Freedom of association (paragraph 22 of the Concluding Observations)

Law on "Foreign Agents"

84. As of May 6, 2020, the register of non-profit organizations (hereinafter referred to as NGOs) operating as a foreign agent contained 71 organizations (171 organizations have been in the register during the whole period of the law's existence).
85. On June 2, 2016, amendments were made to the definition of "political activity", which essentially legalized the existing practice of arbitrary application of the law regarding "foreign agents". According to the original definition, political activity was the act of influencing the decisions of state bodies and public opinion in order to change state policy. This made it possible, when challenging the decision to include NGOs in the register of "foreign agents", to insist on the illegality of the decision, since many NGOs do not change the state policy, but try to make the state bodies follow the declared policy (aimed, for example, at combating torture). According to the 2016 definition, political activity is any public activity, including "dissemination of opinions about the decisions taken by public authorities and the policies they pursue". In fact, expanding the notion of "political activity" means that the only way to avoid the inclusion of an NGO in the register of "foreign agents" is to refuse all foreign financing. However the concept of "foreign financing" is also widely interpreted. Thus, for example, the Ministry of Justice recognized as foreign financing of an organization the fees received by an employee of the organization from a foreign organization (and not from an NGO-employer).
86. "Foreign agents" NGOs are classified as subjects of special control as part of countering extremism and include the tacit investigation of NGO employees.
87. "Foreign agents" NGOs are prohibited from nominating candidates for elections or initiating a referendum, as well as from "participating in other forms of election campaigns", such as election monitoring. They are prohibited from nominating candidates for public observation commissions. Non-profit "foreign agents" are prohibited from receiving subsidies and grants from regional and local budgets.

88. Over the last year, the practice of applying the law regarding NGOs considered "foreign agents" has shifted from active inclusion of new NGOs in the register to increasing pressure on organizations already included in the register. Several NGO "foreign agents" and their leaders were fined for a lack of required markings on the social media accounts of NGOs, although the authorities have not demanded marking of social networks yet. In 2019 28 protocols for administrative violations were drawn up against the International Memorial and the Human Rights Center "Memorial" and their leaders. The total amount of fines imposed was 5,200,000 rubles (approx. €66,715). In May 2019 five criminal cases were initiated against the head of the Kaliningrad organization "Ecoprotection!-Women's Council" under part 2 of article 315 of the Criminal Code of the Russian Federation (the maximum penalty under this article is up to two years' imprisonment) — malicious evasion of implementing a court decision. The reason for this was non-payment of fines for not submitting reports by NGOs included in the register of "foreign agents". The head of the organization was forced to leave Russia and received political asylum in Germany.
89. Federal Law No. 426-FZ from December 2, 2019 introduced a norm allowing classification of individuals as foreign agents. This was possible in two cases:
- If an individual distributes messages and materials to an unlimited number of people and receives money or other property from foreign sources or from Russian organizations that receive money from these sources, such a person will be considered a foreign media outlet that performs the functions of a foreign agent.
 - If an individual distributes messages and materials created and/or distributed by a foreign media "foreign agent" and receives money or other property from foreign sources or from Russian organizations receiving money from the said sources, such person may be recognized as a foreign agent.
90. So far, no person has been recognized as a foreign agent. It is expected that by-laws will be adopted defining and detailing the procedure for tracking and listing such persons in the register. However it is already clear that both the purpose of the new law and its quality create serious obstacles to freedom of information dissemination and are a powerful deterrent to freedom of speech in Russia.

The Law on Undesirable Foreign and International Non-Governmental Organizations

91. Starting from June 3, 2015, the activities of a foreign or international non-governmental organization may be deemed "undesirable" in Russia if they pose a threat to the foundations of the constitutional order, defense, or security of the state. Recognition of the organization as "undesirable" means a complete ban on its operation in Russia, including a ban on the participation of Russian citizens in its activities, including distribution of its materials. As of May 9, 2020, 22 organizations are on the "undesirable" list.
92. The decision on recognizing an organization as "undesirable" is made by the Prosecutor General of the Russian Federation or his deputy, in coordination with the Ministry of Foreign Affairs of the Russian Federation. The legislation does not require a motive for the decision, and organizations found to be "undesirable" will learn about the decision post facto. Challenging such a decision in a general court of law will not suspend its validity. At the same time, any activity of an organization recognized as "undesirable", as well as any cooperation with it (including receiving funding from them) should be terminated as soon as the organization appears on the appropriate list. Otherwise

administrative and even criminal liability may follow, with a maximum penalty of up to 6 years' imprisonment.

93. To date, three criminal cases have been initiated and are being considered by the courts in the Russian Federation under article 284.1 of the Criminal Code, namely "the activities of a foreign or international non-governmental organization in the Russian Federation in respect of which a decision has been taken to declare its activities undesirable in the Russian Federation". All of them are related to the accusation of participation in the activities of Open Russia Civic Movement, Open Russia (United Kingdom), which was declared "undesirable" at the end of April 2017.
94. Consideration of cases on administrative offences under Article 20.33 of the Code of Administrative Offences of the Russian Federation (carrying out activities on the territory of Russia by a foreign or international non-governmental organization in respect of which the decision was taken to recognize its activities as undesirable) is mostly connected to violations of the prohibition on distribution of information materials from organizations recognized as "undesirable". According to the data received by the "Public verdict" Foundation from open sources, the courts in 32 subjects of the Russian Federation considered about 130 cases under Article 20.33 of the Code of Administrative Offences of the Russian Federation. At least 17 of them were terminated, and the rest were found guilty — individuals, officials and legal entities. The overwhelming majority of the cases were related to participation in the activities in the Open Russia movement or distribution of movement materials on the Internet.

We ask the Government of the Russian Federation be asked the following question:

9.1. When will national legislation be brought in line with international standards on the protection of freedom of association?

SECTION 10

Peaceful assemblies (paragraph 21 of the Concluding Observations)

95. At present, the situation with freedom of peaceful assembly in the Russian Federation remains difficult. The suppression of peaceful assemblies continues: mass arrests, criminal and administrative prosecution of organizers and participants of protests. Dissemination of information on unapproved actions is also limited, and the approval procedure remains unbalanced and disproportionately complicated. Legislative changes introduced since 2015 show a prohibitive trend in law.

Mass arrests and administrative prosecution

96. Detentions at peaceful gatherings are in the [thousands](#). In Moscow in 2019, 3637 people were detained at public rallies. In 2019, Russian courts [considered](#) 4974 cases of violation on the procedure for holding gatherings. The total amount of fines for participation in peaceful gatherings in 2015-2019 was 168,465,500 rubles (approximately €2,161,353 as of June 2020). The [largest number of arrests](#) and prosecutions were observed at the following gatherings: protests in Ingushetia against the establishment of an administrative border with Chechnya in 2018-2019, anti-corruption protests on March 26, 2017, a rally against the persecution of journalist Ivan Golunov on June 12, 2019, protests against the refusal to register candidates for the Moscow City Duma elections in summer 2019.

Criminal prosecution of peaceful protesters

97. Starting in 2015 a criminal article introduced in 2014 has begun being applied. It defines liability for repeated participation in peaceful non-agreement actions — [212.1](#) of the Criminal Code of the Russian Federation, which is punished by up to 5 years in prison. In December 2015 Ildar Dadin³ [was sentenced](#) to three years in prison. In September 2019 Konstantin Kotov⁴ [was sentenced](#) to 4 years of imprisonment for five peaceful gatherings. In [2017](#) and [2020](#) the Constitutional Court of the Russian Federation deliberated the constitutionality of such harsh responsibility for participation in peaceful gathering, but both times the article was not found to contradict the Russian Constitution.
98. Participants and organizers of public events are also held criminally liable under other articles: organization and participation in mass riots, hooliganism, and use of violence against police officers. Examples of "violent" acts include touching a police officer's helmet, throwing a paper cup or an empty plastic bottle at police officers. Between 2015 and May 2020 dozens of people [have been prosecuted](#) and have received prison sentences or fines (see attachment 1).
99. Police officers disproportionately used force when apprehending demonstrators. For example, at least 36 people (of whom at least three were minors) were injured in [arrests](#) on 27 July 2019. Complaints regarding the use of force by police officers have generally been [unfruitful](#).

Restrictions on the dissemination of information about rallies

100. Dissemination of information about unapproved gatherings may lead to entire internet resources being blocked without a court decision. For private citizens it may [entail](#) administrative responsibility, while "repeated" actions may lead to up to five years in prison.

Procedure for approval of public events

101. The procedure for coordinating public events in Russia is unbalanced and unfavourable for the organizers. This is evidenced by the following problems:
- Strict deadlines for approval of events and a ban on spontaneous events, even with a small number of participants;
 - broad powers for the authorities in practice [lead](#) to [arbitrary refusals](#) and offerings of inadequate alternatives for locations and terms for events (see attachment 2);
 - the courts take a formal approach and do not assess the proportionality and necessity of refusals;
 - opacity of the system: the authorities do not publish statistics on how many applications are approved, which only encourages abuse.

³ On February 22, 2017 The Russian Supreme Court overturned the sentence and released Dadin after a year in prison.

⁴ On April 20, 2020 Moscow City Court commuted the sentence to one and a half years in prison.

We ask the Government of the Russian Federation be requested to provide the following data related on the state of freedom of peaceful assembly from 2015 to now:

10.1. the real negative consequences of the specific actions of participants in public events who have been prosecuted under article 212.1 of the Criminal Code and those involved in other cases listed in the attachment 1;

10.2. the specific actions aimed at investigating cases of the use of force by law enforcement officials against participants in public events, the protocol of action in obtaining such information, the sanctions imposed in this regard, and the measures taken to prevent such situations in the future;

10.3. the annual amount of submitted applications for public events and the decisions the authorities have handed down, detailed by region.

We also ask the Government of the Russian Federation be asked the following questions:

10.4. Which aspects of public events may be restricted in connection with international sporting events (to specify the following) paragraph 7 part 14.2 Article 20 of the Federal Law from December 4, 2007 N 329-FZ "On Physical Culture and Sports")?

10.5. How is the boundary of the territory on which these restrictions will be applied determined (a specific locality, region, several regions, the whole country)?

10.6. What are the criteria for imposing restrictions in a particular territory (location of sporting events, location of training bases, etc.)?

10.7. Provide a list of events planned before 2030 for which these restrictions may be imposed.

SECTION 11

COVID-19 pandemic and human rights

102. Human rights organizations are also concerned about the disproportionate restriction of human rights in the Russian Federation in the context of the global pandemic. We would therefore like to propose the following topics for the Committee's consideration and ask the Government of the Russian Federation the following questions:

Penitentiary institutions

103. Human rights organizations, lawyers, and journalists are extremely concerned about the complete informational isolation of the penitentiary institutions of Russia against the backdrop of the spread of the coronavirus infection epidemic and the lack of timely and comprehensive official information about the epidemiological situation in the Federal Penitentiary Service institutions (hereinafter — FSIN).

104. The lack of official information has been compounded by obstacles for lawyers and members of public monitoring commissions (PMCs) to access FSIN institutions, and in a number of regions by the introduction of a complete ban, as well as a ban on visits from relatives, as part of the measures taken by the authorities to combat coronavirus. At the same time the media regularly published news on the unfavorable epidemiological situation in Russian pretrial detention facilities, colonies and prisons.

Human rights defenders and lawyers received reports from inmates and their relatives from different regions of the country daily about the deteriorating health of people in detention and the lack of adequate measures by the administrations of the institutions. On the basis of these reports human rights defenders sent requests to regional administrations of the Federal Penitentiary Service and to the prosecutor's office, demanding they perform inspections, carry out checks and provide security measures to protect both prisoners and FSIN employees, and prevent the distribution of infection, as well as provide adequate medical help to the infected. However in reply to these inquiries there were lightning-fast refusals and formal replies from FSIN representatives confirming that the situation was under control, cases of infection have not been found, and medical offices work round the clock. The established practice of information blockade and the complete closure of FSIN institutions from society during the COVID-19 epidemic has increased the risks for illegal violence against people in institutions. More information on rights restrictions in the context of the Russian pandemic can be found [here](#).

105. The new sanitary regulations set out by FSIN violated the confidentiality of negotiations: lawyers communicated with the defendants either by phone, which was [tapped by the administration](#), or in the [presence of investigators](#). The barring of lawyers from visiting their clients in correctional colony № 15 in Angarsk after a riot broke out from April 9 to 10 [was justified](#) by the administration by referencing the sanitary rules on coronavirus prevention. From April 13 to 20 2020 lawyers [were not allowed to visit](#) the prisoners.

We ask the Government of the Russian Federation be asked the following questions:

- 11.1. What compensatory alternative measures have been introduced as a result of the restrictive measures introduced, in particular, the ban on short and extended visits? To what extent were all those held in detention facilities able to benefit from those compensatory measures? Please provide statistics.
- 11.2. How was the public informed about the situation with COVID-19 and other respiratory diseases in detention facilities? At what frequency and on what resources?
- 11.3. What are the statistics on COVID-19 and other respiratory diseases (by region, severity of disease)?

Domestic violence

106. The self-isolation regime implemented during the pandemic created a perfect storm for an increase in cases of domestic violence. The civil society as well as State Duma deputies Oksana Pushkina, Irina Rodnina, and Olga Sevastyanova asked the government to take measures to protect victims of domestic violence, pointing to an upsurge in domestic violence. The Russian Interior Ministry refused to toughen punishment for beatings. Federation Council Speaker Valentina Matviyenko [stated](#) that there will be no outburst of domestic violence and "families, on the contrary, are experiencing this difficult period together."

We ask the Government of the Russian Federation be asked the following question:

- 11.4. How many cases of domestic violence have been registered during the self-isolation regime?

Disproportionate measures in the justice sector

107. A number of restrictive measures been implemented in the justice system. Since 18 March 2020 courts have been advised to hear only urgent cases and to use [videoconferencing](#) (VCN) and [web conferencing](#).
108. These measures have resulted in violations of the right to a fair trial. Court sessions via videoconferencing and web conferences were held without the presence of visitors or journalists; video and written recordings of the sessions [were not published](#). The courts [could not provide](#) communication without technical hindrances that would allow full participation in the proceedings. Most cases involving the election and extension of a remand order were heard [in absence of the accused](#). Such proceedings violate the principle of equality of participating parties and the right to effective participation in court proceedings.

We ask the Government of the Russian Federation be asked the following question:

11.5. What measures are being taken to ensure that all courts in the Russian Federation have the technical capacity to hold court sessions remotely, in accordance with procedural legislation and without technical hindrances degrading effective participation in court; who is responsible for the implementation of these measures and when will this process be completed?

Freedom of assembly

109. On March 10, 2020 [restrictions](#) on public events were introduced in Russia. On March 16 all public events, including individual one-person picketing, were banned in Moscow, while leisure activities of up to 50 people were allowed. By the end of March, public events were [completely banned](#) in at least 45 Russian regions. These restrictions [were not imposed](#) by laws, but by acts of executive authorities of the constituent entities of the Russian Federation. Subsequently, Russia introduced general self-isolation and administrative responsibility for its violation — a fine of up to 50 thousand rubles. (approximately €625). These restrictions coincided with the constitutional reform, which resulted in significant difficulties in public debate on an important issue. In early June, the authorities in most cities gradually began to lift restrictions, but bans on public mass events still remain. In the second half of April 2020 restrictions related to the pandemic directly led to protests in a number of Russian cities ([Vladikavkaz](#), [Krasnoyarsk](#)).

We ask the Government of the Russian Federation be asked the following questions:

- 11.6. How many public events were disbanded during the restrictive measures period and how many participants of the gathering were detained?
- 11.7. How many individual one-person pickets have led to the picketer being detained?
- 11.8. What alternative forms of expression (such as online platforms, state media) were provided to citizens during the period of restrictions in order to balance out prohibitive measures, particularly in relation to the debate on constitutional reform?
- 11.9. Have all restrictions, including on public mass events, been lifted, and if not, when are they scheduled to be lifted?

Freedom of expression

110. During the pandemic there was a significant increase in publications related to coronavirus, which in turn led to stricter legislation in this area and had a major impact on its enforcement.
111. New grounds for administrative liability have been established and administrative fines have been increased. Citizens may be fined from 30 to 400 thousand rubles (€380–5,155), and organizations may be fined from 200 thousand to 5 million rubles (€2,580–64,450).
112. Starting from 1 April 2020, criminal liability was also introduced for any public dissemination of knowingly unreliable information presented as reliable information of public importance, which endangers the lives and safety of citizens. Specifically regarding the circumstances of the spread of a novel coronavirus infection (COVID-19) and (or) on measures taken to ensure the safety of the population and territories, methods and means of protection against such circumstances (Criminal Code, article 207.1).
113. Article 207.2 of the Criminal Code provides for criminal punishment if the dissemination of knowingly inaccurate information under the guise of truthful information has resulted in causing harm to human health, death, or other serious consequences through negligence. Liability for these criminal offences is a fine of 300,000 to 2 million roubles, or compulsory work, correctional or compulsory labour for various periods, or restriction of liberty for up to 3 years, and deprivation of liberty for up to 5 years.
114. The amount of cases of administrative and criminal liability is increasing rapidly. In two months dozens of administrative cases involving the distribution of fake news and 10 criminal cases were initiated. The activity of the police is clearly illustrated by the fact that the first criminal case for distribution of fake news was initiated just two days after the criminal liability was established. Practice shows that any information on the coronavirus situation (number of infected and deceased, healthcare problems, lack of masks, gloves, disinfectants or ventilation devices) that does not correspond with official data from the State falls under the definition of fake and its distribution is closely monitored by the police. There have been absurd cases of prosecution, where police reactions have been based on jokes, for example. Thus, one of the first criminal cases to be initiated was against a video blogger who ridiculed conspiracy theories regarding the virus.
115. The practice of forced apologies and corrections is also of concern. Various situations are being discussed online where the police had forced users who had disseminated inaccurate information to record a refutation or to publicly apologize for their actions. Video recordings of such public apologies can be found online.

We ask the Government of the Russian Federation be asked the following question:

11.10. How many people were prosecuted under Article 207.1 of the Criminal Code of the Russian Federation during the pandemic?