

Flygtningenævnets baggrundsmateriale

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Submitting organizations:

1. [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.
2. [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.
3. [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.
4. [The Movement for Defence of Voters' Rights Golos](#) – a leading Russian organization for public observation of elections.
5. [Transparency International-R](#) – an NGO working to counteract corruption and uphold the principles of transparency, accountability, integrity and honesty.
6. [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.
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.
15. [Public 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.
16. [Stichting 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.
17. [Human Rights House Foundation](#)

Executive Summary:

The coalition of submitting organizations welcomes the opportunity to contribute to the fourth cycle of the Universal Periodic Review 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.

The submitting organizations will raise concerns in connection to the following issues:

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Recommendations

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

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.

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 and ensure their ability to work in their own country;

- Allow Russian citizens to receive information from various sources, including not state-owned;
- Repeal all legislation restricting freedom of expression, in particular, the legislation adopted after February 24, 2022.

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.

Corruption

1. In the previous cycle, Russia accepted a number of recommendations on corruption (namely 147.148 – 147.148). None of them were implemented.
2. As to the judicial and legislative corruption level, all polling agencies stopped publishing polls on corruption in Russia in 2019-20¹ 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 2020.² According to the World Justice Project, Russia scored 0,54 in judicial corruption and 0,23 in legislative corruption in 2018 and 0,52 and 0,22 in 2022, respectively.³ In the Corruption Perceptions Index, the Russian score remained at 28

¹ p. 219 <https://drive.google.com/file/d/1y1HM3s3cOYAEu-4hcGtfZXo-QR8gS3Z0/view>

² <https://fom.ru/Bezopasnost-i-pravo/14459>

³ Out of 1, the more is better <https://worldjusticeproject.org/rule-of-law-index/country/2022/Russian%20Federation/Absence%20of%20Corruption/>

points out of 100 in 2018 and 2022. The Russian government made several top-figure arrests,⁴ 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,⁵ 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 5020,⁶ this barely demonstrates the level of registered crimes since Russia has a very high latent crime rate.⁷ Thus, the level of judicial and legislative have not changed significantly.

3. 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.⁸ Courts almost always refuse to proceed with cases on courts' public information access, considering that as an intervention into judicial independence. In December 2021, all the courts were obliged to create their pages on Russian social networks, yet they usually just post press releases, which barely contributes to judicial transparency.
4. 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.⁹ The term of office has been limited to two consequent.¹⁰ 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.
5. 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.

⁴ <https://web.archive.org/web/20220705055500/https://relay.mbk-news.appspot.com/suzhet/kto-bolshe-samye-gromkie/>

⁵ <https://t.me/vchkogpu/36949>

⁶ <http://crimestat.ru/>

⁷ <https://www.vedomosti.ru/opinion/articles/2018/06/14/772694-realnaya-prestupnost-otlichaetsya>

⁸

<https://www.facebook.com/tirussia/posts/pfbid0dTCvEj27xAn7uRiz8UHimMLFcGCMkbt7zt1Ajk0NZomEZMuJ2pjFmBTqzxSXUBuql>

⁹ https://rapsinews.ru/judicial_news/20191018/304913404.html

¹⁰ <https://www.advgazeta.ru/novosti/v-proekt-sudebnoy-reformy-vveli-ogranichenie-sroka-prebyvaniya-v-dolzhnosti-predsedateley-soyu/>

Torture and ill-treatment

Torture in prisons

6. 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.
7. 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.
8. 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.
9. 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.
10. 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.¹¹

Effective investigation of torture

11. 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

¹¹ For details see

<https://tbinternet.ohchr.org/layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fRUS%2f47730&Lang=en>

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.

12. 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.¹²

People with disabilities in places of detention

13. 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.
14. 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.¹³ However, no specific actions to implement its provisions were adopted.¹⁴
15. In practice, persons with disabilities face various obstacles in places of detention.¹⁵ 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.
16. 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

¹² For details see PVF submission to UN CHR

<https://tbinternet.ohchr.org/layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fRUS%2f47730&Lang=en>

¹³ Order No. 1138-r of the Government of the Russian Federation of April 29, 2021

¹⁴ For example, the new Internal Regulations of the Penitentiary Institutions adopted in July 2022 contain, like the previous version of the Internal Regulations, a section titled "Special conditions for the detention of suspects and accused persons with disabilities". Practically no changes were made to this section.

¹⁵ For example, a person with amputated legs complained to the court about the failure of the administration of a place of detention to implement his rehabilitation program. The court established the fact that the plaintiff's rehabilitation program was not being implemented, at least not in full, but, in the court's opinion, this did not violate the plaintiff's rights.

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.¹⁶ 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

17. 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.
18. 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.
19. 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.
20. Online commenting on news about Mikhail Zhlobitsky caused several shockingly severe criminal sentences.¹⁷ 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.¹⁸ Overall, as of March 2023, 50 criminal cases for “justifying terrorism” are initiated in connection with publications about this explosion.
21. 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.

¹⁶ The court indicated that "in such a case the illness was not an obstacle to the commission of a new crime and does not reduce the social danger of the prisoner"

¹⁷ The teenager who placed a bomb in front of the local Federal Security Agency (FSB) in Arkhangelsk and died of the bomb

¹⁸ The Lyubshin case concerns a short comment that the teenager did the right thing, Pavel Bondarenko denied posting anything. Both cases involve rough arrests, Ivan Lyubshin reported torture, the Pavel Bondarenko case lacked materials that would directly prove him posting a message of terrorism ideology support.

Independent media and journalists

22. 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.
23. 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.
24. 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.
25. During these years a number of journalists and bloggers were convicted for "extremism" and "justification of terrorism", Ivan Safronov, former journalist of Kommersant, was imprisoned for 22 years being accused of treason.¹⁹ 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

26. The ongoing military conflict with Ukraine, spurred manifold federal laws aimed at further suppression of freedom of speech.
27. 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.²⁰ Plus, almost 6000 people were fined for minor offence under the Article 20.3.3 of CAO (discreditation), the second fine under this Article is a criminal offence under Article 280.3.
28. On February 24, 2022 Roskomnadzor basically introduced military censorship.²¹ Subsequently Roskomnadzor blocked the websites of all existing independent media outlets – over 250 of them specifically 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. Five media have been listed as undesirable organizations.

¹⁹ <https://ovd.news/express-news/2022/09/05/zhurnalista-ivana-safronova-prigovorili-k-22-godam-kolonii>

²⁰ <https://en.ovdinfo.org/antiwar-ovd-info-guide>

²¹ The agency claimed that media may use only official press releases and information of Russian governmental bodies when reporting on "special military operation"

29. Overall, since February 24th, 2022, by March 20th, 2023, there are at least 481 people criminally prosecuted for anti-war stance.²² 119 people have already been sentenced, 31 of them are currently serving prison sentences.²³ The longest sentences are – 8,5 years to opposition politician Ilya Yashin²⁴ and leader of student protest organization in MSU Dmitry Ivanov,²⁵ 7 years to independent municipal deputy Alexey Gorinov,²⁶ 6 years to independent journalist Maria Ponomarenko.²⁷ 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).²⁸

Historical speech

30. 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.²⁹ 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."
31. 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."
32. 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."³⁰

²² Full infographics: <https://en.ovdinfo.org/antiwar-infographics>

²³ <https://en.ovdinfo.org/summary-russian-wartime-repression-one-year-full-scale-invasion#3>

²⁴ <https://ovd.news/express-news/2022/12/09/politika-ilyu-yashina-prigovorili-k-vosmi-s-polovinoi-godam-kolonii-iz-za>

²⁵ <https://ovd.news/express-news/2023/03/07/avtor-protestnogo-mgu-dmitriya-ivanova-prigovorili-k-85-godam-kolonii-iz-za>

²⁶ <https://en.ovdinfo.org/first-un-wgad-opinion-suppression-anti-war-expression-russia>

²⁷ <https://ovd.news/express-news/2023/02/15/zhurnalistsku-mariyu-ponomarenko-prigovorili-k-6-godam-kolonii-iz-za-posta-o>

²⁸ <https://en.ovdinfo.org/wasnt-caught-will-be-judged-ant-war-activists-put-trial-absentia>

²⁹ Known in Russia as the 1941 — 1945 Great Patriotic War

³⁰ Article 67.1 (3) of the Constitution of the Russian Federation.

33. 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.”³¹ 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.”³²
34. 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.
35. 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.
36. 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.
37. 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 2013³³, in violation of the prohibition of non-retroactive application of the law.
38. 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.

³¹ Federal Law of 05.04.2021 No. 59-FZ “On Amendments to the Article 354.1 of the Criminal Code of the Russian Federation.”

³² Federal Law of 16.04.2022 No. 103-FZ “On Amendments to the Code of Administrative Offences of the Russian Federation.”

³³ First post contained the phrase: “Hitler is absolute evil, but Stalin is even worse. The SS are criminals, but the NKVD is even worse, because the Chekists killed their own”, another one was equating the Soviet and Nazi power structure.

Digital rights

39. 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.
40. 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.
41. 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. Nothing convinced the Russian judges not to rule for the Tor Project access restriction in Russia.³⁴
42. 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.
43. 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.³⁵

Equality and non-discrimination

LGBT+ people

44. 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

³⁴ Engels v. Russia, No. 61919/2016, <https://hudoc.echr.coe.int/fre?i=001-203180>

³⁵ Repressions in Russia in 2022, <https://en.ovdinfo.org/repressions-russia-2022#17>

citizens based on their sexual orientation and gender identity.

45. 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.
46. On November 24, 2022, State Duma adopted the law about complete ban of the so-called “LGBT+ propaganda” among all age groups. New law shows that the state equates the dissemination of information about LGBT+ people with the distribution of child pornography. The articles contain a poor choice of legal wording and 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.
47. 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.³⁶
48. 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.³⁷ The involvement of the FSB shows us that countering information about LGBT+ is part of high-level government policy.³⁸
49. 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.

³⁶ Federal channels spoke about the participation of representatives of the LGBT+ community in the war on the side of Ukraine as a negative characteristic of the quality of the armed forces. State representatives have started habitually demonising being LGBT+, associating it strictly with Western influence, equating it with an issue of national security.

³⁷ LGBT activists complained about the involvement of the FSB in cases of "gay propaganda" <https://newizv.ru/news/2021-01-21/lgbt-aktivisty-pozhalovalis-na-uchastie-fsb-v-delah-o-gey-propagande-320830>

³⁸ FSB letters started the “propaganda” cases of Aleksey Pavlov from Naberezhnye Chelny, Ekaterina Topchiy and Sergey from Khabarovsk, Yulia Tsvetkova from Komsomolsk-on-Amur. Sphere's lawyers applied to FSB with the question, why they but not the police were in charge of this work.

50. 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.³⁹ Often the victims of hate violence are the part of other vulnerable groups (such as migrants).⁴⁰ 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+.⁴¹
51. Disruption LGBT+ events created by Russian police is also of high concern. Often such disruptions happen after complaints of pro-government activists.⁴²
52. 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

53. 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

54. 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.⁴³ Sociological study showed that the police check passports of foreign citizens at the

³⁹ Hidden hatred: how hate crimes against migrants and gays are investigated in Russia. Available at <https://news.ru/society/skrytaya-nenavist-kak-v-rf-rassleduyut-prestupleniya-protiv-migrantov-i-geev/>

⁴⁰ According to Delo.LGBT practice. URL: <https://news.ru/society/po-prikrytiem-religii-kak-u-geev-musulman-vymogali-dengi-v-moskve/>

⁴¹ According to the Russian Criminal Code hate motive is a ground for harder punishment, there is also a punishment for inciting hatred or enmity. Although Russian laws contain common provisions against discrimination. Relevant provisions in Russian legislation: Art. 20.3.1 of the Code of Administrative Offences, Art. 282 of the Criminal Code, Art. 5.62 of the Code of Administrative Offences, Art. 3 of the Labour Code, etc.

⁴² In this way in December 2020, 5th Russian police and the workers of Rospotrebnadzor federal agency visited the seminar organized by LGBTQ+ activists in Yaroslavl. The organizers and members of the seminar were detained for some hours and had to take tests. In April 2021, 24th policemen visited the LGBTQ+ party in Community Center in Nizhniy Novgorod and detained the people who took part in this party. In June 2022, 14th police visited the “Open space” place (this is the human rights project working to support citizen activists). The LGBTQ+ brochures, stickers and a part of paintings were confiscated by police and 2 activists were detained and taken to police office.

⁴³ Grigoryeva, K.S. (2019). Ethnic discrimination in the fight against crime and terrorism - a matter of common sense? Sociological Review, 18(1), 107-139. URL: <https://www.readcube.com/articles/10.17323%2Fdemreview.v6i4.10429>.

entrance to Moscow metro stations.⁴⁴ A study of the court practice shows that the police practice racial profiling under Article 19.3(1) of the CAO.⁴⁵ 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.⁴⁶ Police officers target people of "Asian (Caucasian) appearance (nationality)" or "natives of Dagestan, Tajikistan, Uzbekistan".⁴⁷

55. 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.⁴⁸ 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.⁴⁹
56. At present, data for algorithmic profiling is collected through compulsory fingerprinting.⁵⁰ Those detained during mass arrests at public assemblies are subjected to forced fingerprinting and photographing, in violation of the requirements of this law.⁵¹ 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

57. 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.

⁴⁴ Ethnically Selective Approach in Police Actions in the Moscow Metro (2006). Moscow: Novaya Justitsiya. <https://lib.memo.ru/book/13820>. Monitoring aimed at examining the ethnically selective approach of police to document checks was conducted within the framework of a joint project of the Legal Initiative, the non-governmental organization Lawyers for Constitutional Rights and Freedoms (JURIX) and the consulting firm Lambert Consulting.

⁴⁵ Racial Profiling in Russia, Citizens Watch, January 2023. URL.: <https://citwatch.org/en/racial-profiling-in-russia/>.

⁴⁶ Usually named as "Illegal Migrant", "Migrant", "Emigrant", "Residential Sector", "Anaconda", or "Ethnicity"

⁴⁷ Racial Profiling in Russia, Citizens Watch, January 2023. URL.: <https://citwatch.org/en/racial-profiling-in-russia/>.

⁴⁸ Face recognition: a premonition of dystopia, Web Freedoms, Report, p. 4. URL.: https://runet.report/static/core/doc/Facial_recognition.pdf.

⁴⁹ Countering local risks falls to the regions, RBK, 24 May 2021. URL.: <https://www.rbc.ru/newspaper/2021/05/24/60aa28f19a794721e6bcaa1c>.

⁵⁰ Of a number of categories of state officials, civil servants suspected of committing a crime; those accused of committing a crime and convicted; those subjected to administrative arrest and some other categories of persons, named in the Federal Law of 25.07.1998 No. 128-FZ "On State Dactyloscopic Registration in the Russian Federation", Art. 9.

⁵¹ St. Petersburg' Ombudsman on fingerprinting in police departments, 21.05.2021. URL.: https://ombudsmanspb.ru/news/27_05_2021_peterburgskiy-ombudsmen-o-daktiloskopiroyanii-v-otdelakh-politsii/.

58. 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.
59. 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.
60. 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.
61. 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.
62. Everyday racism in Russia is noted everywhere, 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.
63. 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

64. The Russian government does not disclose the ethnic composition of their military forces, nor do they have complete and up-to-date lists of military personnel. The true scale of Russian casualties during the 2022 invasion of Ukraine is largely unknown, with the government deliberately covering up the losses. However, as of February 23, 2023, activist groups and research journalists have confirmed the deaths of at least 15,136 military personnel, despite the official count being much lower.
65. 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 2022.⁵²

⁵² Using a Mediazona database, along with data on casualties among ethnic minorities collected by regional and ethnic activists and organizations from Buryatia, the Chechen Republic, Kalmykia, Sakha (Yakutia), Tatarstan and Tuva

66. 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, as well as for Chechens, Dagestani and Kalmyks — 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.
67. 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

68. 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.
69. The Russian Federation's current law on extremism, adopted in 2002, defines extremism as any activity aimed at inciting hatred, as well as the establishment of supremacy of one group over others. However, this definition is too broad and imprecise, allowing the government to use it to suppress dissent and stifle political opposition.
70. 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.