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Human Rights Watch

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Introduction

This submission highlights Human Rights Watch's key concerns regarding the Russian government's compliance with its international obligations since its last Universal Periodic Review (UPR) in 2018. From that time through 2021, the government relentlessly attacked civic activism and independent journalism, suppressed criticism of the authorities and government policies, and sought to enforce social conformity.

Since Russia's full-scale invasion of Ukraine in 2022, Russian forces committed a litany of violations in Ukraine, including those which should be investigated as war crimes or crimes against humanity,ⁱ and the authorities started a new, all-out drive to eradicate public dissent in Russia.

This submission is not intended as an exhaustive or comprehensive review of Russia's human rights record. Rather, it outlines laws and measures that:

- Curtail freedom of expression, including war censorship laws, and have resulted in the wrongful imprisonment or exiling of a growing number of government critics,
- Curtail freedom of association and assembly,
- Violate rights to privacy online,
- Undermine the right to clean, healthy, and sustainable environment;
- Discriminate against migrants.

Freedom of Expression

During the previous UPR cycle, the Russian Federation accepted recommendations to guarantee freedom of expression and freedom of media, guarantee the safety of journalists and investigate beatings and trials based on dubious charges against human rights defenders, journalists, etc.ⁱⁱ It also accepted a recommendation to ensure that its counter-extremism law is not arbitrarily used to limit freedom of expression.ⁱⁱⁱ

In practice, however, the Russian government intensified restrictions on free expression, persecution of dissenting voices, particularly online, and enforcement of its ever-expanding list of abusive laws, including on "foreign agents" and "undesirable organizations."

These efforts, aimed at discrediting, harassing, and imprisoning government critics, exploded with the start of Russia's full-scale invasion of Ukraine. In early March 2022, Russia's parliament expeditiously adopted new laws that effectively outlawed anti-war speech and protest. The laws criminalize spreading information about the conduct of Russian armed forces that deviates from official information and discrediting them or calling for them to withdraw.^{iv} The maximum penalty is 15 years' imprisonment. Other amendments expanded these provisions to penalize "discrediting" any Russian state agencies abroad, and in 2023, any "volunteers," widely understood to include private mercenary groups.^v

These laws prompted an exodus by independent Russian and foreign media outlets, due to concerns for journalists' security.^{vi} Thousands of peaceful protesters were detained, fined or otherwise punished for legitimate and peaceful anti-war criticism. Authorities filed criminal charges against over a hundred people and handed down numerous harsh prison sentences, including against such prominent opposition figures as Ilya Yashin.^{vii} They also prosecuted ordinary people, including those who reposted

information about well-documented abuses by Russian forces in Ukraine.^{viii}

Russian authorities also adopted a law that made it easier to block online content [see below].^{ix}

Since February 2022, Russian authorities designated as “foreign agents” [see below] well-known public figures who publicly opposed the war.

One law adopted in 2022 criminalizes vaguely defined public calls “against national security,” which can include public criticism of the security services. Another criminalizes “confidential cooperation with a foreign state, international or foreign organization,” reminiscent of the Soviet-era ban on contacts with foreigners.

In 2022, the Moscow City Court sentenced journalist Ivan Safronov to 22 years in a maximum-security prison on high treason charges. The case materials were classified and trial was closed, but independent journalists who obtained the indictment concluded that the information he supposedly transferred to foreign intelligence could be obtained from open sources.

Also in 2022, authorities arrested and charged opposition figure Vladimir Kara-Murza with treason for criticizing the Kremlin publicly while abroad.

In 2021, Russian authorities raided offices and homes of editors-in-chief of at least three independent Russian media outlets specializing in investigative journalism, subsequently banning those outlets or opening criminal cases against their editors.

Russian authorities also continued to abuse counter-extremism and counter-terrorism laws to persecute critics. For example, in 2020, journalist Svetlana Prokopyeva was sentenced to a hefty fine on bogus terrorism charges for arguing that Russia’s repressive policies on speech and assembly radicalized youth.^x In 2021, Russian authorities designated as “extremist” and banned three groups affiliated with imprisoned political opposition politician Alexey Navalny; he was subsequently indicted under “extremism” charges.

The Russian authorities failed to investigate attacks on independent journalists.^{xi}

During this period the Russian authorities also continued to penalize artistic expression that criticized the government or shed light on issues considered politically sensitive.^{xii}

States should recommend the Russian government to:

1. Repeal amendments criminalizing “discreditation” and “false information” about the conduct of Russian armed forces, other government bodies and “volunteers” abroad, as well as corresponding amendments to the Code of Administrative Offences introducing administrative liability for the same.^{xiii}
2. Unconditionally release individuals prosecuted under these charges, vacate charges, and provide them with a remedy.
3. Review and amend, in line with international standards, criminal provisions concerning treason. Repeal amendments introducing criminal liability on par with treason for “confidential cooperation.”

Digital Rights/Right to Privacy/Freedom of Expression online

Russian authorities accelerated excessive personal data collection and centralization,^{xiv} despite privacy concerns and data leaks, including of biometrics, health data^{xv} DNA,^{xvi} and children's data.^{xvii} In 2018, authorities created a central database of biometric data, since then gathering face images and voice samples of millions of Russians without their consent.^{xviii}

Laws adopted since 2018 give Russian law enforcement agencies virtually unrestricted powers to access such databases, as well as information stored by online service providers as required by the counter-terrorism legislation, under the pretext of public security.^{xix}

Since 2017, Russia has been expanding the use of highly intrusive facial recognition technology across the country, with no regulation or oversight.^{xx} The misuse of the technology has serious implications for human rights and fundamental freedoms and has already facilitated targeting of critics and peaceful protesters,^{xxi} including anti-war protesters.^{xxii}

In 2018, Russia accepted UPR recommendations on guaranteeing the freedom of expression online. But Russian authorities continued disproportionate and non-transparent online blockings, including of independent media,^{xxiii} rights groups websites,^{xxiv} censorship circumvention tools and entire social media platforms.^{xxv}

In 2019, Russia adopted a "sovereign internet" law, which boosted authorities' technical capacities to carry out blockings and allegedly enabled them to block access partially or fully to the internet in Russia, further violating the rights to freedom of expression and access to information.^{xxvi}

States should recommend the government of Russia to:

1. Stop excessive personal information collection in violation of the right to privacy and set up meaningful limitations and oversight for law enforcement access to such data;
2. Ban the use of facial recognition technology due to disproportionate harm such technology holds for the fundamental rights;
3. Ensure freedom of expression and access to information rights are respected online; immediately and unconditionally free those prosecuted on politically motivated grounds for expressing their opinion online.

Freedom of Assembly

In 2018, Russia accepted UPR recommendations to strengthen guarantees for peaceful assembly and protect the exercise of this right.^{xxvii} Russia also asserted that its legislation complied with international human rights standards.

However, since 2018, Russia introduced severe legislative restrictions on free assembly and took extraordinary steps against peaceful public gatherings.

New legislation outlaws involving children in “unauthorized” assemblies, bans rallies near government buildings and prohibits spontaneous, sequential single-person pickets.^{xxviii}

Regional authorities imposed blanket restrictions on assemblies, including solo pickets, with the alleged aim of curbing the spread of COVID-19 and kept them in place through 2023 while state-sponsored or pro-government gatherings received exemptions.^{xxix}

Since 2018, law enforcement detained, often using excessive force with impunity, and prosecuted tens of thousands of people for unauthorized but peaceful protests, imposing disproportionate sanctions such as large fines and administrative arrests.^{xxx} Authorities also criminally prosecuted and sentenced to imprisonment terms peaceful protest activists.^{xxxi xxxii}

States should recommend the Russian government to:

1. Repeal article 212.1 of the Criminal Code.
2. Repeal COVID-related assembly bans and requirements that amount to de facto authorization of an assembly.
3. Refrain from detaining peaceful assembly participants.
4. Ensure accountability for police who use excessive force against peaceful protesters.

Freedom of Association

During the previous UPR cycle in 2018, the Russian authorities did not accept several recommendations by different member states calling on them to repeal their “foreign agents” and “undesirable organizations” laws to ensure that media and civil society organizations can exercise their activities without fear of stigmatization or punishment.^{xxxiii}

Since then, the Russian authorities continued to expand and harshen both laws, while adding more groups and individuals to the “foreign agents” and “undesirable organizations” registries.

The “foreign agents” law requires individuals and entities to register as “foreign agents” if they accept even a cent of foreign funding and engage in broadly conceived “political activities” and comply with toxic labelling and burdensome reporting requirements. In 2022, Putin signed a new bill that drastically expands the notion of foreign agents by making it about undefined “foreign influence” rather than foreign funding.

The authorities used the “undesirables” laws to criminally prosecute and imprison people for legitimate and peaceful civic activism. This negative trend only further intensified in 2022. This law authorizes the General Prosecutor’s Office to designate as “undesirable” any foreign or international organization that

allegedly undermines Russia's security, defense, or constitutional order. The organization must then cease its activities in Russia. Russian citizens' continued involvement with them carries a criminal penalty.

In 2022, new amendments allowed Russian law enforcement to prosecute activists for anything they might have done abroad that could be qualified as affiliation with "undesirable" organizations. Also in 2022, courts handed down the first two active prison sentences on "undesirables" charges.^{xxxiv} Previously, although equally unfair and unjustified, such convictions involved suspended sentences, fines and mandatory labor.^{xxxv}

States should recommend the Russian government to:

1. Repeal its laws on "foreign agents" and "undesirable" organizations.
2. Unconditionally release, vacate charges and restore the rights of activists who were prosecuted on these charges.

Human Rights Defenders

During the 2018 UPR cycle, the Russian Federation accepted several recommendations concerning the protection of human rights defenders.^{xxxvi} The Russian authorities also claimed that its legislation does not restrict the work of human rights defenders.^{xxxvii}

In practice, the authorities targeted human rights defenders in their all-out campaign against dissent.

In 2021, the Russian Supreme Court ordered the closure of International Memorial Society and Memorial Human Rights Center,^{xxxviii} over alleged violations of the "foreign agents" law. They also blocked the website of OVD-Info, a human rights watchdog focusing on freedom of assembly. In 2023, a court evicted the Sakharov Center from its premises, citing the foreign agents' law, and another court liquidated the Moscow Helsinki Group, under other pretexts.^{xxxix} Also in 2023, police raided homes of several Memorial staff and opened a criminal case on "discreditation" charges against one of its leaders; authorities also lodged a lawsuit to forcibly shut down "Sova" – Russian xenophobia and counter-extremism think tank.^{xl}

In April 2022, Russian authorities revoked the registration of Human Rights Watch and Amnesty International.^{xli}

In 2021, human rights historian Yuri Dmitriev, who uncovered Stalin-era mass graves in Karelia region, was sentenced to 13 years' imprisonment on spurious, politically motivated charges of sexual abuse of a child.^{xlii} Valentina Chupik, who provides free legal aid to migrant workers in Russia, was stripped of her refugee status and deported. The same year, the founder of an online women's rights platform in the Northern Caucasus, was forced to leave Russia because of death threats, which authorities failed to investigate.

In 2020, a court in Chechnya sentenced Oyub Titiev, Grozny director of Human Rights Centre Memorial, to four years on bogus drug charges; he was paroled later in 2020, after 17 months behind bars.^{xliii} The same year the director of the human rights group Stichting Justice Initiative was ordered to leave Russia, where she had lived with her family for 11 years, on undisclosed national security grounds.^{xliv}

States should recommend the Russian government to:

1. Repeal its laws on “foreign agents” and “undesirable” organizations.
2. Ensure in practice that human rights defenders can work freely and without fear of reprisals.
3. Unconditionally release, vacate charges, and provide a remedy, illegal prosecutions of human rights defenders.

Environment, Climate Crisis and Human Rights, Environmental Defenders

During the 2018 UPR cycle, Russia accepted a recommendation to accede to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity in order to guarantee the right to health and to a healthy environment,^{xlv} but has since failed to do so.^{xlvi}

As one of the world’s top 10 emitters of greenhouse gases, Russia is contributing to the climate crisis . It is also the third largest producer of fossil fuels and a top gas exporter. The Climate Action Tracker rates Russia’s climate action plan as “critically insufficient” to meet the Paris Agreement goal to limit global warming to 1.5°C above pre-industrial levels.^{xlvii}

Unprecedented forest fires in Siberia and Russia’s Far East in 2021 resulted in a loss of over 17 million hectares of forests and trapped several cities in heavy smoke.^{xlviii} In 2022, nearly 4 million hectares of forests burned, over half in these regions. A large portion of Russia’s forests were explicitly excluded from fire-fighting measures.

Watchdogs continued to report physical attacks, harassment, intimidation, and prosecution of grassroots activists and environmental groups.

Russia had also accepted a UPR recommendation to step up its efforts in developing social and environmental impact assessments prior to issuing a license for mining and exploitation of natural resources.^{xlix} However, the lack of transparency and inadequacy of such impact assessments sparked sustained mass protests in in 2018 and 2019 against the construction or expansion of landfills, waste incineration plants, and waste processing plants that protesters believed would jeopardize their rights to health and a healthy environment. A number of administrative and criminal cases were opened against the activists.

Environmental defenders were also targeted by Russia’s “foreign agents” and “undesirable organizations” laws.

States should recommend the Russian government to:

1. Ensure that environmental defenders, including grassroots activists, can in practice exercise their rights to free expression and peaceful assemblies, without fear of reprisal
2. Sign and accede to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity

Right to Asylum, Prohibition of Refoulement, Migration

During the 2018 UPR, Russia rejected recommendations to ratify the Convention on the Rights of All Migrant Workers and Members of Their Families,ⁱ but accepted several recommendations on combatting racism, to protect minorities and vulnerable groups, as well as to effectively curb racial profiling, the use of racist and hate speech by officials and politicians, and the dissemination of negative stereotypes and prejudices by some media outlets.ⁱⁱ The Russian Federation claimed that their public servants are, without exception, already forbidden by law from discriminating on the basis of race and from racial profiling.ⁱⁱⁱ

Nevertheless, racial profiling migrants of non-Slavic appearance in public spaces and during special operations by law enforcement remained prevalent, as well as use of harmful tropes, incitement of xenophobia and anti-migrant rhetoric, including by politicians and state media.

Russian police routinely racially profiled and, in special operations to round up undocumented migrants, rounded up en masse migrant workers and non-Slavic Russian nationals whom they apparently presumed by their appearance to be migrants and subjected them to prolonged detentions in inhumane conditions. High-level government officials and politicians and mainstream, state-affiliated and other media routinely engaged in anti-migrant and xenophobic rhetoric.ⁱⁱⁱ In 2020, when a biracial Russian blogger discussed on her social media channel the prevalence of racism in Russia, she was subjected to bullying and threats online. Instead of responding to these threats, Russian officials cautioned her against “spreading extremist materials.”^{iv}

The Covid-19 pandemic, economic downturn and then the full-scale invasion of Ukraine supercharged these tendencies. The Russian authorities also actively lured and recruited migrant workers to fight in its armed forces,^{iv} as well as to work on the territories of Ukraine occupied by Russia.^{vi}

The Russian authorities forcibly returned several asylum seekers to their countries of origin despite a risk of torture and despite injunctions against their removal issued by the European Court on Human Rights.^{vii} In some cases asylum seekers “disappeared” from Russia and then “reappeared” in prison in their countries of origin.^{viii}

States should recommend the Russian government to:

1. Ensure in practice that racial discrimination and racial profiling of migrants, in particular by law enforcement officials is not tolerated and is prosecuted;
2. Ensure in practice that use of racist and hate speech against migrants by officials and politicians, and the dissemination of negative stereotypes and prejudices by media outlets is not tolerated;

3. Ensure access to asylum and commit to the principle of non-refoulement and ensure mechanisms are in place to prevent circumvention of extradition with deportations and other forcible removals that lack non-refoulement safeguards;
4. Sign and accede to the 1954 and 1961 Statelessness Conventions and to the Convention on the Rights of All Migrant Workers and Members of Their Families.

ⁱ HRW: Russia-Ukraine War, available at <https://www.hrw.org/tag/russia-ukraine-war>. This submission does not address violations committed by Russian forces in the war against Ukraine.

ⁱⁱ United Nations General Assembly, Human Rights Council, Report of the Working Group on the universal periodic Review: Russian Federation, A/HRC/39/13, (June 2018), para. 147.166-147.167, 147.171, 147.176

ⁱⁱⁱ United Nations General Assembly, Human Rights Council, Report of the Working Group on the universal periodic Review: Russian Federation, A/HRC/39/13, (June 2018), para. 147.185

^{iv} “Russia Criminalizes Independent War Reporting, Anti-War Protests,” Human Rights Watch Press release, March 7, 2022, <https://www.hrw.org/news/2022/03/07/russia-criminalizes-independent-war-reporting-anti-war-protests>

^v Russian private mercenary groups play a significant role in Russia’s war in Ukraine and its involvement in other conflicts abroad.

^{vi} Human Rights Watch, *World Report 2023*, Russia chapter, <https://www.hrw.org/world-report/2023/country-chapters/russian-federation>

^{vii} “Russia: Harsh Sentence For Opposition Politician”, Human Rights Watch press release, December 2, 2022 <https://www.hrw.org/news/2022/12/09/russia-harsh-sentence-opposition-politician>

^{viii} See, e.g. “Anti-War Case”, OVD-Info Report, <https://en.ovdinfo.org/antiwar-ovd-info-guide>

^{ix} “Over 10 000 internet resources blocked under war censorship”, Roskomsvoboda, February 8, 2023, <https://roskomsvoboda.org/post/10000-military-cens/>

^x Damelya Aitkhozhina, “Russian Journalist Sentenced on Bogus Terrorism Charges”, Human Rights Watch Dispatch, July 6, 2020, <https://www.hrw.org/news/2020/07/06/russian-journalist-sentenced-bogus-terrorism-charges> Due to the verdict, she was put on the government’s list of “terrorists and extremists.”

^{xi} In 2020, Russian authorities refused to investigate an incident in which police broke the arm of journalist David Frenkel, who was reporting from a voting precinct during the constitutional plebiscite. Instead, Frenkel was fined on three different counts over the same incident.^{xi} Also, in 2020, authorities in Chechnya failed to investigate the attack on journalist Yelena Milashina of Novaya Gazeta and the following year unleashed a smear attack against her and the media outlet in response to their reporting about serious human rights violations in that republic.^{xi} During mass protests in early 2021, police repeatedly detained and in some cases physically assaulted journalists covering protests, despite their explicit compliance with official requirements to wear special identifying gear.

^{xii} Damelya Aitkhozhina, “Russia Is Cracking Down on Political Performance Art. It Should Listen, Not Lash Out.”, Human Rights Watch Dispatch, December 17, 2020, <https://www.hrw.org/news/2020/12/17/russia-cracking-down-political-performance-art-it-should-listen-not-lash-out>

^{xiii} Articles 207.3 and 280.3 of the Russian Criminal Code.

^{xiv} <https://www.hrw.org/news/2020/05/26/new-database-threatens-right-privacy-russia>

^{xv} <https://www.hrw.org/news/2020/12/15/personal-data-thousands-covid-19-patients-leaked-moscow>

^{xvi} <https://www.hrw.org/news/2023/02/07/russia-legalizes-massive-dna-collection-without-oversight>

^{xvii} <https://www.hrw.org/news/2022/12/12/russia-submission-un-committee-rights-child>

^{xviii} <https://www.hrw.org/news/2022/02/04/kremlins-quest-biometric-data>

^{xix} <https://www.hrw.org/news/2020/06/18/russia-growing-internet-isolation-control-censorship>

^{xx} <https://www.hrw.org/news/2020/10/02/russia-expands-facial-recognition-despite-privacy-concerns>
<https://www.hrw.org/news/2021/09/15/russia-broad-facial-recognition-use-undermines-rights>

^{xxi} <https://www.hrw.org/news/2020/07/08/moscows-use-facial-recognition-technology-challenged>

^{xxii} <https://www.hrw.org/news/2022/10/26/russia-uses-facial-recognition-hunt-down-draft-evaders>

^{xxiii} <https://www.hrw.org/news/2021/08/05/russia-expands-onslaught-critics>

^{xxiv} <https://www.hrw.org/news/2022/01/12/russian-authorities-aim-stifle-leading-rights-group>

^{xxv} <https://www.hrw.org/news/2021/12/24/russia-year-doubling-down-internet-censorship>

^{xxvi} <https://www.hrw.org/news/2020/06/18/russia-growing-internet-isolation-control-censorship>

^{xxvii} United Nations General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review: Russia, A/HRC/39/13 (June 2018), para. 147.155, 147.162, 147.175.

^{xxviii} Human Rights Watch submission to the Committee of Ministers of the Council of Europe on the Implementation of Lashmankin and Others group v. Russian Federation (Application No. 57818/09), January 24, 2023, <https://www.hrw.org/news/2023/01/24/submission-implementation-lashmankin-and-others-group-v-russian-federation>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Russia chapter, <https://www.hrw.org/world-report/2021/country-chapters/russia#cea955>; “Russia: Student Fined for Involving Children in Protest,” Human Rights Watch news release, March 27, 2019, <https://www.hrw.org/news/2019/03/27/russia-student-fined-involving-children-protest>.

^{xxix} *Ibid.*; Human Rights Watch, *World Report 2021*, Russia chapter, <https://www.hrw.org/world-report/2021/country-chapters/russia#cea955>; Human Rights Watch, *World Report 2023* (New York: Human Rights Watch, 2023), Russia chapter, <https://www.hrw.org/world-report/2023/country-chapters/russian-federation#cea955>.

^{xxx} “Russia: Brutal Arrests and Torture, Ill-Treatment of Anti-War Protesters,” Human Rights Watch news release, March 9, 2022, <https://www.hrw.org/news/2022/03/09/russia-brutal-arrests-and-torture-ill-treatment-anti-war-protesters>; “Russia: Police Detain Thousands in Pro-Navalny Protests,” Human Rights Watch news release, January 25, 2021, <https://www.hrw.org/news/2021/01/25/russia-police-detain-thousands-pro-navalny-protests>.

^{xxxi} Under criminal code article 212.1 “Russia: Quash Conviction of Peaceful Protester,” Human Rights Watch news release, February 19, 2020, <https://www.hrw.org/news/2020/02/19/russia-quash-conviction-peaceful-protester>; “Russian Court Sentences Opposition Figure to 2-Year Suspended Sentence,” Human Rights Watch news release, December 23, 2020, <https://www.hrw.org/news/2020/12/23/russian-court-sentences-opposition-figure-2-year-suspended-sentence>; Human Rights Watch submission to the Committee of Ministers of the Council of Europe on the Implementation of Lashmankin and Others group v. Russian Federation (Application No. 57818/09), January 24, 2023, <https://www.hrw.org/news/2023/01/24/submission-implementation-lashmankin-and-others-group-v-russian-federation>.

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^{xxxiii} United Nations General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review: Russia, A/HRC/39/13 (June 2018), para 147.183-147.196

^{xxxiv} Damelya Aitkhozhina, “The UN must act now to stop Russia’s growing crackdown on activism and free speech”, Human Rights Watch Dispatch, August 2, 2022, <https://www.hrw.org/news/2022/08/02/un-must-act-now-stop-russias-growing-crackdown-activism-and-free-speech>
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^{xxxv} Damelya Aitkhozhina, “Russian Activist Spends Two Years Under House Arrest”, Human Rights Watch dispatch, January 22, 2021, <https://www.hrw.org/news/2021/01/22/russian-activist-spends-two-years-under-house-arrest>

^{xxxvi} United Nations General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review: Russia, A/HRC/39/13 (June 2018), para 147.127, 147.159, 147.163, 147.171, 147.173, 147.179, 147.180

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- ^{xxxviii} Rachel Denber, “In Closing Memorial, Russia Heralds a New, Grimmer Era of Repression”, Op-ed, *The Moscow Times*, December 29, 2021, <https://www.themoscowtimes.com/2021/12/29/in-closing-memorial-russia-heralds-a-new-grimmer-era-of-repression-a75951>
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- ^{li} United Nations General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review: Russia, A/HRC/39/13 (June 2018), para 147.74, 147.75, 147.77
- ^{lii} United Nations General Assembly, Human Rights Council, Report of the Working Group on the Universal Periodic Review: Russia, Annex 1, A/HRC/39/13/Add.1/ (unofficial translation), para. 147.175
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