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Maat for Peace's Report on the UPR of the Russian Federation (2023)

Executive summary:

Maat for Peace, Development and Human Rights submits this report to the Universal Periodic Review mechanism (UPR) in order to assess the progress made by Russia in implementing the recommendations submitted to it during the periodic review of its human rights record in May 2018. During its review, Russia received 317 recommendations, 192 were accepted, 98 recommendations were taken note of, and further clarification was provided on another 27 recommendations. In November 2023, it's supposed to undergo a review of its human rights file for the fourth time.

The legal and legislative framework:

In its national report, the Russian government emphasized that it is constantly working to improve its human rights regulatory framework. However, the period following the last review witnessed new laws that would undermine human rights as:

On March 4, 2022, Russia's parliament expeditiously adopted new laws effectively banning anti-war speech and protest. The laws, entered into force immediately, criminalize spreading information about the conduct of the Russian armed forces which deviates from official information and discredits them or calls for them to withdraw. The maximum penalty is 15 years imprisonment. Two weeks later, amendments expanded these provisions to penalize "discrediting" any Russian state agencies abroad.

On June 29, 2022, the State Duma passed a new law that would make it easier for the authorities to label critics as foreign agents. Since 2012, Russia has used the "foreign agent" designation to identify individuals and entities believed



to be engaging in political activities with foreign funding. The new law contains 18 new prohibitions for foreign agents and expands the interpretation of the term. Anyone 'under foreign influence' or receiving any kind of support from abroad, can now be declared a foreign agent¹.

Also, a number of laws have been issued that would undermine and monitor Internet usage. Since December 2020, the President has signed a large number of laws that pressure social media platforms and websites to remove content to comply with the government:

In December 2020, the president signed a law imposing fines for failure to remove content banned by Roskomnadzor. Fines for the first case of violation range from 800,000 to 8 million rubles (\$10,000 to \$100,000). In the same month, he also signed a law introducing sanctions for the alleged censorship of Russian media outlets by foreign online platforms. The general penalties for such violations were fines ranging from 600,000 to 3 million rubles (\$7,900 to \$39,000) for each particular content-removal action.

In February 2021, a law regulating content moderation policies for Internet platforms came into force. It compels social media sites to coordinate content moderation efforts with Roskomnadzor, which has been tasked with creating a special e-service for that purpose.

In March 2021, a new law was signed aiming at counteracting electoral violations that empowers the Central Electoral Commission and regional electoral commissions to send content removal requests to Roskomnadzor, and increases fines for illegal electoral campaigning by up to 500,000 rubles (\$6,600). The most obvious target of these amendments was the Smart Voting website launched by Navalny's organization².

It is also known that the Russian Federation is still not a party to a number of international agreements, namely:

¹ - الرابط، 2022 يوليو 13 روسيا تستخدم القوانين والقيود الصارمة لإسكات المدافعين عن حقوق الإنسان، الأمم المتحدة، <https://news.un.org/ar/story/2022/07/1106702>

² Russia: Freedom on the net 2022, Freedom House, link, <https://freedomhouse.org/country/russia/freedom-net/2022>



- ✓ Convention for the Protection of All Persons from Enforced Disappearance (CED).
- ✓ The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (CCPR-OP2-DP).
- ✓ The Optional Protocol to the Convention against Torture (OPCAT).
- ✓ Article 32 – Interstate Communication Procedures between States under the International Convention for the Protection of All Persons from Enforced Disappearance.
- ✓ The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)³.

Attacks against journalists:

In the recent years the space for independent reporting has narrowed. This space has almost completely closed since the Russian-Ukrainian war in February 2022, with most of the remaining outlets shutting down under legal and regulatory pressure, and thousands of journalists fleeing the country amid a crackdown that has been disastrous for the press in Russia. Novaya Gazeta was once one of Russia's leading investigative outlets. However, in 2022, like hundreds of others, the outlet confirmed that can no longer meaningfully operate in Russia due to the complex threats⁴.

In September 2022, the Moscow City Court sentenced journalist I. S. to 22 years in a maximum-security prison and a heavy fine on charges of high treason. The case materials were classified and the trial closed, but independent journalists who obtained the indictment concluded that the information he supposedly passed on to foreign intelligence could have been obtained from open sources. Defense lawyers were also under tremendous pressure from the authorities: two had to flee the country and another was being held for commenting on social media about Russia's armed forces.

Russia's independent media was also devastated as scores of journalists fled onerous new media restrictions in their homeland, and dozens of journalists

³ Ratification, Reporting & Documentation for Russian Federation, OHCHR, link, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx

⁴ Killing with impunity: Vast majority of journalists' murderers go free, CPJ, 1 November 2022, link, <https://cpj.org/reports/2022/11/killing-with-impunity-vast-majority-of-journalists-murderers-go-free/>



who had earlier found refuge in Ukraine from their own country's media crackdown were forced to flee again⁵.

On the other hand, at least 15 journalists were killed in Ukraine during the year 2022 as a result of the Russian-Ukrainian conflict on February 24, 2022. Also, the situation on the ground remains precarious: members of the press crew are frequently injured by shelling while covering the conflict, and some of them reported that they were targeted by the Russian forces⁶.

The Right to Health:

Although the Russian Federation has affirmed its strong commitment to the human right to health by ratifying several major international human rights laws. Current public healthcare policies also show that the Russian Federation has committed to providing the right to health protection for those who stay in its jurisdiction. The entire Russian residents are eligible for free medical care as medical services are provided directly to patients by state healthcare providers⁷.

However, the reality contradicted these claims. The 2021 Health Care Index listed the Russian government in 58th place out of 89 countries with a very low degree of infrastructure quality. The Bloomberg report also ranked Russian healthcare last among 55 developed countries based on the efficiency of government healthcare systems⁸. Like many countries, public hospitals in Russia struggle with long wait times and overcrowding. Unlike others sometimes this reaches extremes and has a significant impact on the quality-of-care patients receive. Compounding the problem is the fact that public hospitals are few and far between outside the large cities. Sometimes patients feel stuck between being in a very crowded hospital or no hospital at all. In general, health care in Russia is underfunded. The country spends between 5% and 6% of its annual Gross

⁵ Russia-Ukraine War, CPJ, link, <https://cpj.org/invasion-of-ukraine/#:~:text=At%20least%2013%20journalists%20have,were%20related%20to%20their%20journalism>

⁶ Deadly year for journalists as killings rose sharply in 2022, CPJ, 24 January 2023, link, <https://cpj.org/reports/2023/01/deadly-year-for-journalists-as-killings-rose-sharply-in-2022/>

⁷ Right to health in Russian Federation: identification of its current stage of constitutional and legal recognition, R. Dir. sanit., São Paulo, v. 14, n. 3, p. 10-41, Nov. 2013/ Feb. 2014

⁸ Countries With The Best Health Care Systems, 2021, Ceo world Magazine, 27 April 2021, link, <https://ceoworld.biz/2021/04/27/revealed-countries-with-the-best-health-care-systems-2021/>



domestic product (GDP) on healthcare. This is well below the global average of around 10%, and puts Russia near the bottom of all European countries⁹.

Civil Society and Human Rights Defenders:

Russia claimed it is committed to protecting civil society actors and working with them to improve its legal framework. The compulsory registration of civil society organizations that receive funds from abroad is also aimed at ensuring transparency and openness in their activities. However, amid a crackdown on critical voices in the Russian Federation, on January 25, 2023, after a court ruling on the liquidation of Russia's oldest human rights non-governmental organization, the Moscow Helsinki Group (MHG), founded in 1976 to ensure the Soviet Union's compliance with its human rights obligations.

This decision came following a lawsuit filed by the Russian Ministry of Justice submitted at the end of December 2022 to dissolve the Moscow Helsinki Group (MHG) and ban its activities on Russian land. The MGH was accused of carrying out activities outside the Moscow region in violation of its territorial character, including sending observers to trials and events in other regions of the country. The lawyers of this organization immediately announced their intention to appeal the dissolution¹⁰. The MHG was not given the opportunity to challenge the claims of the Ministry of Justice. Before the Moscow City Court issued its ruling, the Gagarinsky District Court of Moscow rejected a request by the MHG to consider the lawfulness of the inspection, during which the Ministry of Justice found the alleged violations the organization is accused of. The MHG was banned from publishing the court's ruling on this issue. Clearly, such an extreme measure is a punishment due to the activity of this organization in discovering violations committed by the authorities. The court's decision violates the international legal obligations of the Russian Federation on the right to freedom of association and fair trial guarantees, as the MHG was denied the opportunity to challenge the

⁹ - Understanding Russia's Healthcare System, International Insurance, link, <https://bit.ly/3JFyh5I>

¹⁰ Liquidation of the non-governmental organization Moscow Helsinki Group, OMCT, 25 Jan 2023, link, <https://www.omct.org/en/resources/urgent-interventions/russia-liquidation-of-the-non-governmental-organisation-moscow-helsinki-group>



actions taken by state bodies against it¹¹.

Also, in early 2022, the Memorial Organization was dissolved. It was also one of the most prominent human rights organizations specializing in documenting violations since the Soviet period¹². In April 2022, the Russian authorities revoked the registration of 15 foreign non-governmental organizations and foundations, forcing them to close their offices in Russia, including Human Rights Watch and Amnesty International.

As for human rights defenders, the Russian government continued to use criminal provisions of up to five years' imprisonment simply for repeated participation in completely peaceful, albeit unauthorized, public gatherings. In August 2022 a Kaliningrad court sentenced V. K. to one year in prison for attending a protest in support of imprisoned opposition politician A. N..

K. U. also remains in pre-trial detention, where he has been since April on the same charges over protests over workers' rights. The new law on classifying critics as foreign agents and other sweeping restrictions on freedom of expression and association in Russia are being used to silence human rights defenders, journalists, and civil society representatives¹³.

In August 2022, a court sentenced opposition politician L. G. to a maximum sentence of 15 days, to the maximum penalty, 15 days' detention, on these charges for an old social media post, in which he stated that Stalin was worse than Hitler because he unleashed a total war on his own people. After 15 days authorities immediately re-arrested and sentenced him on the same charges for another 15 days for a similar 2013 social media post. In September 2022, the Petersburg court sentenced I. M. to 44 months in prison on charges of hooliganism aggravated by "political hatred" and burning a wicker statue dressed in military uniform to protest the war; and in October 2022 the authorities

¹¹ Russian authorities must stop persecution of Moscow Helsinki Group, and broader civil society, Human Rights House, 30 JAN. 2023, link, <https://humanrightshouse.org/statements/russian-authorities-must-stop-persecution-of-moscow-helsinki-group-and-broader-civil-society/>

¹² - القضاء يأمر بحل اقدم منظمة حقوقية غير حكومية، موقع DW بالعربي، 25 يناير 2023، الرابط، <https://bit.ly/3joPcyp>

¹³ - روسيا تستخدم القوانين والقيود الصارمة لإسكات المدافعين عن حقوق الإنسان، الأمم المتحدة، يوليو 2022، الرابط، <https://news.un.org/ar/story/2022/07/1106702>



charged Kara-Murza with treason for criticizing the Kremlin publicly while abroad; it was the first time they invoked a provision of treason that equates “assistance to the international or foreign organization”.

It can be said that over the past decade, Russia has carried out a resolute and systematic crackdown on civil society, human rights defenders, and politicians. The characterization of civil society actors and human rights defenders as foreign agents, their harassment, imprisonment, closure of human rights organizations, and severe restrictions on freedoms of expression, peaceful assembly, and association have all contributed further to the narrowing of an already shrinking civil system.

Women's Rights:

In 2017, the Russian Parliament voted by 380 votes to partially decriminalize domestic violence against 3 votes, so that it was converted to an administrative offense if it did not occur more than once a year, and according to the law, if domestic violence leads to “minor” injuries, then there is no punishment for the offender; it is only when domestic violence causes such severe injuries that it sends the victim to the hospital does it become a criminal act. First-time offenders often receive fines of only 5,000 rubles (US\$88). The number of domestic violence reports to police dropped by nearly half after the law was passed. At the same time, one of Russia's few remaining domestic violence centers reported an increase in calls from 20,000 in 2016 to 27,000 a year later¹⁴. In recent years, many cases have sparked anger in the country, which makes the situation of those who reject domestic violence stronger, including the case of a woman whose husband cut off her hands with an axe, who was later sentenced to 14 years in prison¹⁵.

Although domestic violence is not the highest in Russia compared to Europe or the United States, the problem is that it's not considered dangerous by the state, and therefore there are no specific legislations to prevent and assist its

¹⁴ Other War: Domestic Violence, Traditional Values, and Masculinity in Modern Russia, HIR: Harvard International Review, 03.AUG.2022, link, <https://hir.harvard.edu/putins-other-war/>

¹⁵ - مشكلة العنف الأسري.. نساء روسيا يناضلن ضد مرشحي بوتين، الحرية، 15 سبتمبر 2021، الرابط، <https://arbne.ws/3DFq5Oz>



victims. Consequently, the decriminalization of domestic violence has resulted in impunity for the perpetrators and led to increasing it¹⁶.

Data from the Russian National Statistical Agency also confirmed that there are nearly 17 million victims of domestic violence, while one study indicates that two-thirds of those killed in Russia during 2011-2019 were victims of domestic violence. On October 30, 2019, according to the Russian Ministry of Internal Affairs: In 2018, 253 women were killed in family disputes, and overall, this number was about 300 women annually during the past decade. Polls conducted in 2020 indicate that 80% of Russians support the need for legislation to reduce domestic violence, especially since 54 % of the population are women. The population's interest in domestic violence comes in fifth place, after corruption, high prices, lack of health opportunities, and the Corona epidemic¹⁷.

It is reported that one in five Russian women face domestic violence every year. And in 2018, 5,000 Russian women died at the hands of their abusers. Of all those who die from domestic violence each year, 10% are in Russia, a country that accounts for less than 2 % of the world's population. Also, 10 % of abused Russian women go to the police; and only three percent of these cases go to court. The police failures are part of a larger systemic failure of the Russian government to protect women¹⁸.

Recommendations

- Reviewing laws related to human rights and making them compatible with Russian obligations in this regard.
- Promoting the effective criminalization of domestic violence and imposing penalties on perpetrators.
- Russia should work to conduct effective investigations into human rights violations in the areas under its control.
- Releasing of all detainees and prisoners who have exercised their right to assembly and demonstrate peacefully.

¹⁶ القانون لا يحمي الروسيات من العنف الزوجي، الجزيرة نت، 18 ديسمبر 2019، الرابط، <https://bit.ly/3l7MYUz>

¹⁷ مشكلة العنف الأسري.. نساء روسيا يناضلن ضد مرشحي بوتين، الحرة، 15 سبتمبر 2021، الرابط، <https://arbne.ws/3DFq5Oz>

¹⁸ Putin's Other War: Domestic Violence, Traditional Values, and Masculinity in Modern Russia, HIR: Harvard International Review, 03.AUG.2022, link, <https://hir.harvard.edu/putins-other-war/>



- Suspension or restriction of procedures for the closure of civil society organizations and revision of laws based on which such decisions are made.
- Repealing, reviewing, or reforming legislation to allow free use and access to the Internet while lifting restrictions on blocked sites.