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FOLLOW UP TO THE PREVIOUS REVIEW

1. Since the last review in 2018,¹ Russia's record on the rights to freedom of expression, association, peaceful assembly, and religion and belief has continued to worsen, a trend ongoing since Russia's first review in 2009.² Recommendations to address these problems in practice and in the constitutional and legislative framework, including some partially accepted,³ were not implemented. This has included progressive restriction of free media and of access to information online, persecution of all dissent, and severe reprisals against political and civic activists and NGOs.⁴
2. Contrary to numerous recommendations,⁵ the scope of application of counterextremism and counterterrorism legislation was vastly expanded, and relevant penalties increased overall to crackdown on peaceful political opposition, investigative journalists, bloggers, critics of the government and certain peaceful religious groups (see paras. 13 and section on freedom of expression below).
3. The many recommendations⁶ to adopt legislation on domestic violence and protect its survivors were not implemented. The 2019 bill on domestic violence remains stalled.⁷
4. Russia partly implemented recommendations concerning social security⁸ by ratifying parts of the 1952 ILO Social Security (Minimum Standards) Convention (No. 102) in 2019.⁹ It also partly implemented some recommendations on measures against discrimination against women:¹⁰ it retained the list of "prohibited professions" for women, but reduced it from 456 to 100 professions in 2021.¹¹
5. In violation of its human rights obligations, Russia accepted — and in effect implemented — the non-human rights compliant recommendation to "[c]ontinue to provide support to the traditional family and contribute to international efforts in the promotion and preservation of traditional ethical and family values,"¹² including by making a discriminative amendment to the Constitution (see para. 7) and employing the narrative on "traditional values" and "traditional family" to resist adopting domestic violence legislation, suppress calls for protection of women's rights, advance homophobic legislation and practice (see paras. 15 and 30) and to attempt to undermine international protections for gender rights in international forums such as the UN.¹³
6. Russia has not implemented supported¹⁴ and partially supported¹⁵ recommendations relating to the facilitation of international observers to areas of Ukraine (including illegally occupied Crimea) and of Georgia. Regrettably, it merely noted other still pertinent recommendations relating to international humanitarian law¹⁶, including to end its illegal occupation of Crimea. In February 2022, Russia further invaded Ukraine, committing the crime of aggression.¹⁷ Since then, Russia has announced the annexation of four Ukrainian regions, killed thousands of civilians in Ukraine and Russian forces have committed war crimes and other crimes under international law with impunity.¹⁸

THE NATIONAL HUMAN RIGHTS FRAMEWORK

7. 2020 Constitutional amendments stipulate that "decisions of interstate bodies" shall not be "subject to enforcement in the Russian Federation" if they run counter to the Constitution;¹⁹ and further undermine the independence of the judiciary to the detriment of the right to a fair trial.^{20 21} The amendments also define marriage as "a union between a man and a woman"²², thus enforcing discrimination against same-sex marriage.
8. In March 2022, Russia was excluded from the Council of Europe (COE) and, simultaneously, announced that it was leaving the organization. In June, it unilaterally decided not to implement decisions of the European Court of Human Rights.²³ In September 2022, it ceased to be a party to the European Convention on Human Rights²⁴. Russia has also decided to leave other COE conventions.²⁵
9. Undue legislative restrictions on the right to freedom of peaceful assembly were repeatedly further increased. The recent changes prohibited certain groups of people, including foreign nationals, stateless people, those designated

“foreign agents” etc., from organizing assemblies; banned public assemblies in many areas, including near any governmental buildings, and on the grounds of educational and healthcare institutions; empowered authorities to unilaterally change place and time of protests. There are no legal provisions for spontaneous protests.²⁶

10. National legislation contains provisions that effectively penalize realization of the right to freedom of peaceful assembly. Under the Code of Administrative Offences, a participant or organizer of a peaceful protest may face serious fines or detention for up to 30 days for various infringements of the unduly restrictive regulations, however minor or nominal.²⁷ Repeated “violations” are criminalized and punishable by up to five years’ imprisonment.²⁸
11. National legislation related to freedom of expression has been revised many times, consistently introducing new undue restrictions or harsher punishments. In 2020, criminal sanctions for libel were considerably increased, to up to five years’ imprisonment.²⁹ In 2019, Russian authorities prohibited and, in 2020, criminalized “dissemination of knowingly false information”.³⁰ In March 2022, following Russia’s full-scale invasion of Ukraine, criminal liability for “dissemination of knowingly false information about the use of the Russian Armed Forces” was introduced, with a maximum penalty of 15 years’ imprisonment³¹, while “discreditation of the Russian Armed Forces” was made an administrative³² and criminal³³ offense, with a maximum penalty of five years’ imprisonment.
12. In one positive legislative development concerning the right to freedom of expression, some “extremism” offences were partially decriminalized in 2018.³⁴ Yet, other similar “offences” (such as “demonstration of extremist symbols”) were criminalized.³⁵ Relevant definitions are very broad, vague and open for abusive interpretation.
13. New legislation on “foreign agents” passed in 2019 introduced the notion of “individual foreign agents” and “unregistered NGOs–foreign agents”.³⁶ Together with new laws passed in 2022,³⁷ these changes further broadened the definition of a “foreign agent”, allowing for its arbitrary application and severely restricting the right to freedom of expression and freedom of association. NGOs, media outlets and individuals arbitrarily targeted by the Russian authorities via their designation as “foreign agents” are prohibited from taking public offices, supporting election campaigns, teaching and many other activities; they have extensive reporting requirements and must mark all their publications, regardless of their topic, with special notifications stating that the author is a “foreign agent”. The legislation also has a serious chilling effect on human rights defenders, activists, journalists and civil society organizations.
14. Domestic legislation related to “undesirable organizations”³⁸ remains in effect and continues to seriously hinder the right to freedom of association. Amendments to the Criminal Code in 2021³⁹ and 2022⁴⁰ have made it easier for authorities to prosecute individuals for the “crime” of cooperation with such organizations, with increased maximum sanction of six years’ imprisonment.
15. Homophobic legislation adopted in 2022 prohibits “propaganda of non-traditional sexual relations and (or) preferences, sex change” as an administrative offence.⁴¹

THE HUMAN RIGHTS SITUATION ON THE GROUND

16. Since the last review, and especially from 2021, the human rights situation has significantly deteriorated. The crackdown on all dissent, including government critics, human rights defenders, independent media and other elements of the civil society has become even harsher since February 2022, following Russia’s full-scale invasion of Ukraine.

Freedom of expression

17. Russian authorities use counterextremist and counterterrorist legislation, “high treason” and other charges to clamp down on those expressing dissenting views. In 2021, Russian authorities arrested Aleksei Navalny, a prominent political activist and government critic, and have since charged him and his associates with numerous politically motivated charges, ranging from fraud to “extremism”.⁴²
18. Authorities used “fake news” legislation to prosecute individuals and media for their criticism of their response to the Covid-19 pandemic.⁴³ Under the newly introduced “crimes” of “discreditation of the Armed Forces” and “dissemination of knowingly false information” about them, authorities clamped down on critics of Russia’s war of aggression against Ukraine and of war crimes and other violations committed by the Russian forces. Approximately 4,500 individuals have been fined under administrative proceedings or expressing opposition to the war as of February 2023, and over 180 prosecuted under criminal proceedings for the same “offence” or for contradicting or disputing official information about the war.⁴⁴ Cultural workers, celebrities and ordinary individuals who have spoken out against the war face politically motivated dismissals, designation as “foreign agents” and other forms of persecution.⁴⁵ As of March 2023, more than 250 individuals have been arbitrarily designated as “foreign agents” in an apparent retribution for their criticism of the authorities or journalistic work.
19. Leading independent news outlets have been stripped of their licenses,⁴⁶ declared “foreign agents”⁴⁷ and/or “undesirable organizations”⁴⁸ or faced threats of retribution for publishing critical information about the government, especially for covering the war. Independent media workers are routinely harassed, arbitrarily arrested and tortured and otherwise ill-treated by security forces, including while reporting from protests, with complete impunity.⁴⁹
20. Critics of local authorities in Chechnya have been arbitrarily arrested and forcibly disappeared, with impunity. In 2020, blogger Salman Tepsurkaev, moderator of a Telegram channel critical of Chechnya’s head Ramzan Kadyrov, was abducted from his home in Krasnodar Krai, tortured⁵⁰ and, according to his colleagues, killed by law enforcement officials in Chechnya.⁵¹ In 2022, Zarema Musaeva, mother of Chechen human rights defender Abubakar Yangulbaev, was arbitrarily arrested Nizhny Novgorod by Chechen police officers, brought to Chechnya and falsely charged with attacking one of these officers, in apparent retribution for her son’s work.⁵²

Freedom of association and human rights defenders

21. Similarly to its use against free media, legislation on “foreign agents” and “undesirable organizations” is used ever more extensively against domestic and international NGOs working in or on Russia as well as informal groups and individual human rights defenders. Russian authorities cited violations of the “foreign agent” legislation to arbitrarily shut down Memorial, the country’s oldest human rights organization, in 2021.⁵³ In 2023, they arbitrarily liquidated Moscow Helsinki Group, another old and well-known human rights association, for purported infringements of NGO laws.⁵⁴ Many other human rights groups were forced to shut down or leave Russia under pressure from authorities.
22. Opposition political groups are arbitrarily banned as “extremist”, like Aleksei Navalny’s Anti-Corruption Foundation⁵⁵, or “undesirable”, like Open Russia movement,⁵⁶ or targeted with criminal sanctions for purportedly “undermining citizens’ rights”, like Vesna youth group.⁵⁷ In some cases, authorities used counterterrorism legislation to prosecute human rights defenders under trumped-up charges, like Bakhrom Khamroev who was accused of involvement with Hizb ut-Tahrir,⁵⁸ a group which Russian authorities have designated as “terrorist”.
23. In 2019, Oyub Titiyev, head of Memorial’s office in Chechnya, was sentenced to four years’ imprisonment on fabricated drug-related charges.⁵⁹ Meanwhile, crimes against human rights activists, including the murder in 2009 of Titiyev’s predecessor Svetlana Estemirova, remain unsolved.⁶⁰

Freedom of assembly

24. Russian authorities use both old and new laws to further undermine the right to freedom of assembly. Anti-Covid-19 measures are often cited as a pretext to ban protests while pro-government rallies and non-political events are permitted. Reliant on the notification procedure, the authorities arbitrarily refuse permission for public assemblies. “Unauthorized” peaceful protests, even solitary pickets, are regarded illegal and often brutally dispersed by police, their participants often arrested and severely penalized with detention and fines. Violations by police remain uninvestigated and unaddressed.⁶¹ More than 47,000 protesters were arrested in 2018–2022, at least 38,000 of them in the last two years,⁶² including with the use of mass surveillance and facial recognition technologies to identify individuals.
25. Those arrested are usually given serious fines or detention (so-called administrative arrest). Some peaceful protesters face charges and lengthy prison terms under Article 212.1 of the Criminal Code (“repeated violations of the established procedure of organizing or holding public events”), their “violations” being nominal infringements of the overly restrictive legislation or resulting from arbitrary enforcement of the vaguely worded, ambiguous legislation.⁶³ Activists are targeted with punitive civil lawsuits by government bodies or government-friendly companies and ordered to pay huge, unjustified sums to cover purported “losses” associated with rallies (such as temporary loss or earnings by a restaurant) or reimburse costs of policing.⁶⁴

Freedom of religion and belief

26. In 2017, the Supreme Court arbitrarily designated Jehovah’s Witnesses an “extremist organization.” The authorities have since targeted individual Jehovah’s Witnesses with arbitrary arrests, torture and other ill-treatment and lengthy prison sentences, for their religious beliefs. Approximately 120 Jehovah’s Witnesses reportedly remained incarcerated at the end of 2022.⁶⁵

Torture and other ill-treatment

27. Torture and other ill-treatment in penitentiary institutions remains pervasive. Beatings and humiliation of “non-cooperative” inmates by members of penitentiary personnel or other cellmates under their acquiescence are commonplace, as are sleep deprivation, denial of medical required help, and arbitrary disciplinary punishments such as prolonged confinement in inhumane conditions.⁶⁶
28. Impunity for torture perpetrators is near total. Law enforcement bodies routinely arbitrarily refuse to investigate torture complaints. Formal investigations, when opened, are unjustifiably slow. In rare cases of conviction, perpetrators often receive lenient sentences. In a resonant, widely reported case, 12 prison guards from the Corrective Colony 1 (IK-1) in Yaroslavl were sentenced to prison for the video-documented beating of Evgeny Makarov, but the acting warden and his deputy were acquitted.⁶⁷
29. Forced “confessions” are commonplace, increasingly so in “terrorism”-related cases and criminal cases against street protesters. Courts almost invariably admit such “confessions” as incriminating evidence. In politically motivated cases, videos of self-incriminating testimonies are sometimes posted online. Thus, in 2022, poet Artyom Kamardin was arbitrarily arrested for publishing a pro-Ukrainian poem, beaten and allegedly raped, and forced “to apologize” on camera.⁶⁸

Discrimination against LGBTI people

30. Discrimination against and persecution of LGBTI people in Russia continues, including through hefty fines, discriminatory dismissals and harassment. The widely reported and well-documented campaign of abduction and enforced disappearance, secret detention, torture and, in some cases, unlawful killings of men believed to be gay, in Chechnya in 2017, has never been formally investigated and no-one brought to justice. In 2022, bookstores⁶⁹ and video streaming services⁷⁰ were forced to remove LGBTI-related content. A rare positive development was the acquittal in 2022 of an LGBTI and feminist activist Yulia Tsvetkova on “pornography” charges, following years of harassment.⁷¹

War crimes

31. Supported by credible evidence, Amnesty International has documented war crimes committed with impunity by Russian forces following their invasion of Ukraine,⁷² including the bombing of the drama theatre in Mariupol that was known to provide shelter to hundreds of civilians.⁷³

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the Russian authorities to:

Freedom of expression

32. Repeal articles of the Criminal Code and the Code of Administrative Offences that prohibit and penalize “discreditation of the Armed Forces”, “dissemination of knowingly false information” and other forms of protected speech.
33. Revise “counterextremist”, “counterterrorist” and “high treason” legislation to ensure that it does not use overly broad or vague language open to abusive interpretation and end its use to target government critics and release and clear of all charges all those wrongfully imprisoned or fined under such legislation and provide them with adequate reparation.
34. Decriminalize libel.
35. End the prosecution of Aleksei Navalny and immediately and unconditionally release him, his associates and everyone who has been deprived of liberty solely for their exercise of the right to freedom of expression, including criticism of war of aggression against Ukraine.
36. Ensure effective, impartial and transparent investigation of all cases of arbitrary arrest, torture and other ill-treatment, enforced disappearance and unlawful killing in Chechnya and elsewhere, and bring those responsible to account in fair trial proceedings.

Freedom of association and human rights defenders

37. Repeal all legislation on “foreign agents” and “undesirable organizations,” and end all harassment of civil society organizations.
38. Stop the campaign to liquidate, harass and persecute human rights groups and other civil society organizations, reinstate registration of those unlawfully liquidated and return their confiscated property.

Freedom of assembly

39. Abolish the excessive restrictions on public assemblies introduced during the Covid-19 pandemic.
40. Bring legislation governing public assemblies and relevant policing practice in line with Russia’s human rights obligations, including by lifting all undue restrictions on organizers and places of public assemblies, and allowing for spontaneous peaceful protest, and ensuring that law enforcement agencies do not use unnecessary or excessive force when dealing with public assemblies and face justice when they do so.
41. Ensure, in law and practice, that only recognizable offences clearly defined in law are penalized, and that penalties for any such offences are fully compliant with Russia’s international human rights obligations, including by decriminalizing “repeated violations of the established procedure of organizing or holding public events”.

Freedom of religion and belief

42. Stop the persecution of Jehovah's Witnesses, immediately and unconditionally release all individuals detained solely for practising their religion and provide them with adequate reparation.

Torture and other ill-treatment

43. Ensure effective, impartial and transparent investigations into all reports of torture or other ill-treatment, bring those responsible for all such violations to account in fair trial proceedings, and ensure full and adequate reparation for their victims.

Discrimination of LGBTI people

44. Repeal all homophobic legislation, including penalization of "propaganda of non-traditional sexual relations and (or) preferences, sex change".

International cooperation

45. Cooperate fully with international and regional human rights and international justice mechanisms, including the International Criminal Court.

¹ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Russian Federation, 12 June 2018, UN Doc. A/HRC/39/13, and its Addendum UN Doc. A/HRC/39/13/Add.1

² See Amnesty International's submissions for the first and second cycles of the UPR and its annual report entries on the country, all available at amnesty.org/en/search/?qcategory=1149&qlocation=1995

³ UN Doc. A/HRC/39/13/Add.1, recommendations 147.53, 147.165, 147.194, 147.157, 147.150, 147.199, 147.161, 147.183, 147.188, 147.181, 147.26, 147.41, 147.50, 147.206, 147.162, 147.176, 147.164, 147.163, 147.72, 147.45, 147.90, 147.207, 147.145, 147.153, 147.154, 147.16, 147.167, 147.185, 147.169, 147.170, 147.123, 147.155, 147.175, 147.177, 147.159, 147.180 (supported), 147.51, 147.62, 147.190, 147.192, 147.193, 147.195, 147.65, 147.205, 147.64, 147.68, 147.43, 147.54, 147.55, 147.63, 147.156, 147.67, 147.196, 147.200, 147.201, 147.203, 147.204, 147.168, 147.174, 147.160, 147.61, 148.2, 147.178, 147.158, 147.189, 147.184, 147.186, 147.187, 147.191 (noted)

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⁵ UN Doc. A/HRC/39/13/Add.1, recommendations 147.105, 147.199, 147.185 (supported), 147.190, 147.78, 147.66, 147.63, 147.67, 147.104, 147.136, 147.203, 147.204, 147.184 (noted)

⁶ UN Doc. A/HRC/39/13/Add.1, recommendations 147.56, 147.89, 147.121, 147.122, 147.245, 147.116, 147.119, 147.246, 147.273, 147.57, 147.92, 147.114, 147.117, 147.242, 147.120, 147.238, 147.243, 147.240, 147.244, 147.247, 147.250, 147.241, 147.279, 147.239, 147.252 (supported), 147.115, 147.263 (noted)

⁷ Council of Federation, Федеральный закон «О профилактике семейно-бытового насилия в Российской Федерации» (проект), council.gov.ru/media/files/rDb1bpYASUAxolgmPXEFkLUlq7JAARUS.pdf

⁸ UN Doc. A/HRC/39/13/Add.1, recommendations 147.216, 147.217, 147.218 (supported)

⁹ Ratification status available at: ILO, Ratifications for Russian Federation, ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102884

¹⁰ UN Doc. A/HRC/39/13/Add.1, recommendations 147.121, 147.260, 147.262, 147.263, 147.261, 147.220, 147.264 (supported)

¹¹ Министерство труда и социальной защиты Российской Федерации, Приказ «Об утверждении перечня производств, работ и должностей с вредными и (или) опасными условиями труда, на которых ограничивается применение труда женщин», 2019 (amended in 2021), docs.cntd.ru/document/560835581

¹² UN Doc. A/HRC/39/13/Add.1, recommendation 147.214 (Egypt)

¹³ See for example, United Nations, *Third Committee Approves Nine Draft Resolutions, Including Texts on Gender-Based Violence, Right to Development, Unilateral Coercive Measures*, 10 November 2022, press.un.org/en/2022/gashc4366.doc.htm

¹⁴ UN Doc. A/HRC/39/13/Add.1, recommendation 147.40 (United Kingdom of Great Britain and Northern Ireland)

¹⁵ UN Doc. A/HRC/39/13/Add.1, recommendations 147.32 and 147.307,

¹⁶ UN Doc. A/HRC/39/13/Add.1, recommendations 147.308, 148.1, 148.3, 148.4, 148.5, 148.6, 148.7, 147.5, 147.6, 147.309, 147.39, 148.8, 147.136, 147.28 (noted)

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- ²⁰ Constitution, Articles 83(e), 83(e.3), 128(1), 128(2).
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- ²⁸ Уголовный кодекс, consultant.ru/document/cons_doc_LAW_10699, Article 212.1.
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- ³⁰ Уголовный кодекс, Articles 207.1, 207.2.
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- ³³ Уголовный кодекс, Article 280.3.
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