

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	774
Land:	Rusland
Kilde:	OSCE
Titel:	Submission of Information about an OSCE Participating State under Consideration in the Universal Periodic Review Process (the Russian Federation)
Udgivet:	5. april 2023
Optaget på baggrundsmaterialet:	7. marts 2024



**Organization for Security and Co-operation in Europe
Office for Democratic Institutions and Human Rights**

**Information Submitted to the
Office of the United Nations High Commissioner for Human
Rights as a Stakeholder in the
Universal Periodic Review of the Russian Federation**



Warsaw pril

OSCE/ODIHR Submission of Information about an OSCE Participating State under Consideration in the Universal Periodic Review Process

Participating State: The Russian Federation

UPR Working Group Session and Date of Review: 44th Session, Oct.-Nov. 2023

Background

1. The Russian Federation (Russia) has been a participating State (pS) in the former Conference for Security and Co-operation in Europe (CSCE), as the Soviet Union, and the present Organization for Security and Co-operation in Europe (OSCE) since 1973, and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE Documents.¹
2. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE pSs, including Russia, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti.
3. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Russia and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Russia.

Human Rights Concerns

Counter-terrorism and anti-extremism legislation

4. ODIHR has long expressed concern about the human rights impact of overbroad and vague counter-terrorism and so-called “anti-extremism” laws, which are prone to arbitrary or even abusive application.² ODIHR raised principled concerns pertaining to “extremism” as a legal concept and has set out its concerns about several aspects of such legislation in its *Note on the Shanghai Convention on Combating Terrorism, Separatism and Extremism*.³ Russia is a State Party to this Convention.
5. In its overview of concerns on the impact of counter-terrorism measures on civil society and civic space, ODIHR recalled that the misuse of overbroad counter-terrorism and “anti-extremism” laws and the unwarranted application of offences related to terrorism or “extremism” against people expressing dissent, journalists, human rights defenders,

¹ OSCE ODIHR, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, and *Volume 2, Chronological Compilation (third edition)*, 2011; OSCE *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010.

² See ODIHR *Submission for the Call for inputs: Global Study on the Impact of Counter-Terrorism Measures on Civil Society and Civic Space* issued by the UN Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism, December 2022,

³ OSCE/ODIHR, *Note on the Shanghai Convention on Combating Terrorism, Separatism and Extremism*, 21 September 2021

activists and other groups remains an ongoing problem, also in the OSCE region.⁴ All these concerns are valid in terms of Russia. Russia, should therefore ensure that legislation designed to criminalize terrorist-related offenses is strictly construed to minimize the risk of politically motivated or otherwise abusive application.⁵

Freedom of association

6. ODIHR has been following the gradual deterioration of freedom of association in Russia. Concerns have been expressed on the liquidations of civil society organizations (CSOs), including Memorial Society, the Human Rights Center Memorial, and the Moscow Helsinki Group, on dubious grounds.⁶ Russia has introduced so-called “foreign agents” laws for CSOs receiving funding from abroad. Such restrictive legislation is used to curtail the activities of CSOs by massive surveillance and burdensome reporting requirements. The Moscow Helsinki Group was liquidated, in part, due to members of the organizations taking part in events outside Moscow and thus overstepping their statutory limitations. This is a disproportionate sanction.

Election-related activities

7. In total ODIHR has observed nine elections in Russia. During the reporting period ODIHR observed the following elections.

State Duma Elections, 19 September 2021

8. ODIHR deployed a Needs Assessment Mission prior to 19 September 2021 State Duma elections and recommended an Election Observation Mission. In addition to a core team of analysts, ODIHR suggested to request the secondment by OSCE ps of 80 long-term observers to follow the electoral process countrywide, as well as 420 short-term observers for the observation of Election Day procedures. However, due to limitations on the number of observers imposed by the authorities of Russian Federation ODIHR was not able to send observers for these elections.

Presidential Election, 18 March 2018

9. Following an official invitation from the Permanent Mission of the Russian Federation to the OSCE, the OSCE/ODIHR has deployed an Election Observation Mission (EOM) for the 18 March presidential election.
10. The ODIHR EOM final report⁷ concluded that “*the 18 March presidential election took place in an overly controlled legal and political environment marked by continued pressure on critical voices, while the Central Election Committee (CEC) administered the election efficiently and openly. After intense efforts to promote turnout, citizens voted in significant numbers, yet restrictions on the fundamental freedoms of assembly, association and expression, as well as on candidate registration, have limited the space for political engagement and resulted in a lack of genuine competition. While candidates could generally campaign freely, the extensive and uncritical coverage of the incumbent as*

⁴ See [ODIHR Submission for the Call for inputs](https://www.osce.org/odihr/536040): Global Study on the Impact of Counter-Terrorism Measures on Civil Society and Civic Space (<https://www.osce.org/odihr/536040>) with reference to relevant ODIHR publications and, amongst others, the OSCE Moscow Mechanism Report on Russia's Legal and Administrative Practice in Light of its OSCE Human Dimension Commitments, September 2022.

⁵ *Ibid.*

⁶ See <https://www.osce.org/odihr/509498> and <https://www.osce.org/odihr/445240>.

⁷ [EOM final report](#), 6 June 2018.

president in most media resulted in an uneven playing field. Overall, election day was conducted in an orderly manner despite shortcomings related to vote secrecy and transparency of counting.”

11. ODIHR, within its mandate, offered 18 recommendations, including the following 9 priority recommendations:

- A comprehensive legal reform should be considered to ensure that any restrictions on fundamental freedoms have the character of exceptions, are proportionate with a legitimate aim and be imposed only when necessary in a democratic society. The authorities should refrain from interpreting the legislation in a restrictive manner which limits constitutionally guaranteed fundamental freedoms of assembly and expression.
- Additional and effective safeguards could be considered to ensure full impartiality and independence of election commissions. Further consideration could be given to provide more balanced representation of eligible political parties in election commissions.
- The blanket disenfranchisement of citizens serving prison terms regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense. Restrictions on the suffrage rights of persons with mental disabilities should be removed, whilst necessary support mechanisms to exercise the right to vote should be provided.
- Restrictions on the right to stand which conflict with OSCE commitments and other international obligations and standards should be removed from the legal framework. Consideration should be given to simplifying the candidate registration procedures.
- Authorities should take decisive action to prevent pressure on voters in elections. Cases of alleged coercion should be thoroughly and effectively investigated and individuals responsible prosecuted by the relevant authorities.
- Authorities should demonstrate full respect for fundamental freedoms during the campaign. The right of all electoral stakeholders to express their views, including campaigning for boycott, and peaceful assembly, should be respected as foreseen by the Constitution and the legislation and as required by paragraph 9.1 and 9.2 of the 1990 OSCE Copenhagen Document.
- Consideration could be given to establishing an independent oversight body, mandated to oversee free, impartial and fair access to state-controlled broadcasters.
- The procedure for examination of applications and complaints by the CEC could be revised, with the aim of increasing the transparency of the process. The CEC should consider posting on its website information on applications and complaints, as well as the relevant decisions and responses in a timely manner.
- In line with international standards and commitments, the legislation should be amended to guarantee independent and non-partisan citizen observation of the entire electoral process.

Tolerance and non-discrimination issues

12. OSCE pSs have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and ODIHR supports states in their

implementation of those commitments.⁸ In this context, ODIHR produces an annual report on hate crime⁹ to highlight the prevalence of hate crimes and good practices that pSs and civil society have adopted to tackle them. ODIHR also helps pSs design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of pSs' criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

13. In respect of the 2021 Hate Crime Report¹⁰ and ODIHR's key observations.¹¹ ODIHR recognizes Russia's efforts to regularly report on hate crimes to ODIHR, but regrets that information and data on hate crime were not reported for 2021. In addition, ODIHR observes that Russia would benefit from reviewing its existing legal framework to ensure that bias motivations can be effectively acknowledged and appropriate penalties can be imposed on the perpetrators. ODIHR is also concerned about the high number of anti-LGBTI hate incidents reported by civil society e.g. of 155 total incidents reported to ODIHR by CSOs for 2021 85 or 55% were anti-LGBTI incidents (84 of 182 incidents for 2020 (46%) and 123 of 209 incidents reported for 2019 (59%)). In addition, these hate incidents are most often violent attacks and threats.¹²
14. ODIHR's 2020 publication "OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic"¹³ reported that intolerance and discrimination was significantly directed towards people of, or perceived to be of, Asian descent in the early phase of the pandemic, including cases in Russia. Individuals perceived to be of Asian descent also appear to have been particularly and highly disproportionately targeted in hate incidents, including some more serious cases in Russia. There were also examples of discriminatory discourse, sometimes by politicians and mainstream media, including in the Russian Federation. Furthermore, emergency measures introduced by authorities across the OSCE region to contain the spread of the pandemic appeared to frequently affect minority communities in a disproportionate manner. Heavy-handed law enforcement raids, meant to monitor the implementation of restrictive pandemic-related policies, disproportionately affected minority communities, including instances of police violence, including in Russia.
15. ODIHR's recommendations to Russia on this basis of this publication include:
 - Condemn any form of discrimination and hate crime and abstain from any statement or action that exacerbates vulnerabilities.

⁸ OSCE pSs have committed to strongly condemn racial and ethnic hatred, xenophobia, discrimination, anti-Semitism and intolerance against Muslims, Christians and other religions, and have committed to address these phenomena in all their forms (Copenhagen Document, 1990). Since 2003, the OSCE pSs have established a normative framework of OSCE Ministerial Council (MC) decisions to reflect their commitments to address these phenomena: MC Decisions 4/03, 12/04, 10/05, 13/06, 10/07 and 9/09. Additionally, a number of OSCE human dimension commitments recognize the vital importance of pSs' realization of their binding human rights obligations under international treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

⁹ <http://hatecrime.osce.org>.

¹⁰ [Russian Federation | HCRW \(osce.org\)](https://www.osce.org/russia/hate-crime-report-2021)

¹¹ Findings on the information available to ODIHR on hate crimes in a particular pS in relation to OSCE commitments are presented as Key Observations. There are, in total, 13 Key Observations linked to OSCE pSs' commitments in the area of addressing hate crime. This [methodology](#) has been in place since the 2020 Hate Crime Report.

¹² Incidents reported by other sources: <https://hatecrime.osce.org/russian-federation>

¹³ Organization for Security and Co-operation in Europe, *OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic*, Warsaw, 17 July 2020,

- Respond swiftly to hate crimes, including those motivated by gender or sex, to record and investigate them so that the perpetrators can be brought to justice and adequate penalties imposed. Support victims as they report their experiences, and ensure the availability of all necessary psychological, social and legal support for victims, including through close co-operation with civil society. Relevant authorities should also publicly condemn any such acts and ensure that perpetrators are brought to justice.
 - Consider, where states have not done so, providing the possibility to report hate crimes online and allowing third-party reporting to police by civil society groups and equality bodies.
 - Assess and improve relevant mechanisms for hate crime recording and data collection, including gender disaggregated data and assess the existing current victim support systems.
 - Ensure that the consequences of the current pandemic, including the economic crisis, do not affect states' capacities to provide support to victims of hate including through appropriate funding to non-state actors and civil society organizations.
 - Build law enforcement and justice sector capacities to recognize and effectively investigate hate crimes and to ensure that specialized training, focused on hate crime victims and their needs, is provided for officials and civil society organizations within the victim support structures.
 - Enact policies, through inter-agency co-operation, to address hate crimes in a comprehensive manner.
 - In collaboration with civil society, celebrate and harness the strength of diversity within the country, including through awareness-raising programmes, as a means of overcoming current and forthcoming social and economic challenges of the pandemic.
16. Civil society experts participating in ODIHR events also noted that Central Asians frequently experience anti-Asian racism and discrimination in housing and employment as labour migrants in the Russian Federation. In response, Central Asian migrants often resort to isolation by creating their own communities and infrastructures in the Russian Federation.¹⁴

¹⁴ Organization for Security and Co-operation in Europe, "[Addressing Anti-Asian Racism and Xenophobia: Challenges and Opportunities](#)", 25 January 2022, p. 10.