Human Rights Committee

List of issues in relation to the eighth periodic report of the Russian Federation*

Constitutional and legal framework in which the Covenant is implemented (art. 2)

1. Please provide examples of the application of the Covenant by domestic courts. With reference to the previous concluding observations (para. 5), and the State party’s eighth periodic report (CCPR/C/RUS/8, paras. 46-50), explain the procedures that are in place to implement the Committee’s Views under the Optional Protocol, and indicate what concrete steps have been taken to implement the Views adopted by the Committee in respect of the State party concerning violations of the Covenant, and provide relevant examples of “appropriate responses” (CCPR/C/RUS/8, para. 49) and implementation statistics for the reporting period under review. Explain how the State party ensures compatibility of the recent amendments of the Constitution (articles 79 and 125 para 5b)) with its obligations under the Covenant. Please provide information about training programmes on human rights and the Covenant for law enforcement personnel, prosecutors and the judiciary.

Involvement in armed conflict situations (art. 2)

2. In connection with the previous concluding observations (para. 6), please outline any measures taken to ensure application of the Covenant in situations of armed conflict involving foreign governments, armed groups and proclaimed authorities over which the State party exercise considerable influence, to the extent that such influence amounts to effective control over their activities or the area in question, or constitutes a form of aiding and abetting conduct that is allegedly inconsistent with the Covenant.

Accountability for alleged human rights violations committed in the North Caucasus federal area (arts. 2, 6, 7, 9, 15, 16 and 17)

3. Please provide up-to-date information (including statistics) on the progress in investigation of the serious past and ongoing human rights violations, including abduction, extrajudicial killings, torture and ill-treatment, secret detention and acts of violence against women and lesbian, gay, bisexual, transsexual and intersex (LGBTI) individuals in the North Caucasus, including murder of human rights defender Natalia Estemirova. Inform about the status of investigation of enforced disappearance cases in the region, and whether family members of disappeared persons are informed of the progress of investigations and on the identification of their remains.

4. Please respond to consistent allegations of intimidation, harassment and violence against human rights defenders, community leaders, political opponents, journalists and bloggers in the North Caucasus, such as detention and sentencing of Oyub Titiev of the Human Rights Centre Memorial in Grozny on allegedly false drug charges and recent attacks against Marina Dubrovina and Elena Milashina, and inform about measures taken to protect human rights defenders, journalists and bloggers against abuses and violence. With respect to the previous concluding observations (para. 7 (b)), explain measures taken to end the

* Adopted by the Committee at its 129th session (29 June to 24 July 2020).
practice of collective punishment of relatives and suspected supporters of alleged terrorists attacks, including children and teenagers, such as in the aftermath of the reported incident in Shali District on 22 August 2018.

Racism and xenophobia, and racial profiling (arts. 2, 20 and 26)
5. Please respond to concerns of significant amount of hate speech in media and on the Internet, report on measures taken to address racist and homophobic hate speech, including by politicians and religious leaders. In connection with the previous concluding observations (para 9), outline any specific steps taken to define and prohibit racial profiling by law and to train law enforcement against resorting to such practices (CCPR/C/RUS/8, para. 353).

Discrimination on the grounds of sexual orientation and gender identity (arts. 2, 7, 9, 17, 19, 21 and 26)
6. Please report on recent measures taken or planned to prevent and combat all forms of discrimination based on sexual orientation and gender identity, including in employment, housing, health and family law; and to address harassment and violence against LGBTI individuals. Indicate whether domestic law defines attacks against LGBTI individuals as “hate crimes”. Respond to allegations of mass detentions, raids, harassment and torture of individuals due to their sexual orientation and gender identity by the Chechen authorities, reported “honour killings” of LGBTI individuals by families in Chechnya, and measures taken to address these allegations. Provide information about cases in which the laws prohibiting promotion of non-traditional sexual relations to minors have been applied and whether the State party considers to repeal these laws, including in a view of decision of the European Court of Human Rights in case Bayev and Others v. Russia. Clarify the measures taken to ensure LGBTI persons’ exercise of the right to peaceful assembly, including in a view of decision of the European Court of Human Rights in case Alekseyev v. Russia. Please respond to concerns that the recent amendments of the Constitution limit the rights of same-sex couples and may contribute to homophobic attitudes in society.

Domestic violence (arts. 2, 3, 7, 24 and 26)
7. With reference to the previous concluding observations (para. 12), outline the steps taken to adopt federal legislation prohibiting domestic violence. Please comment on concerns that 2017 amendments of article 116 of the Criminal Code decriminalising assault on close persons may lead to impunity for perpetrators of domestic violence, and more generally that the current legislation of the State party is inadequate to deal with the phenomenon of domestic violence and to provide sufficient protection for its victims. In addition, provide information on the measures taken to: (a) address social norms and attitudes condoning gender-based violence, including sexual harassment and combat the stigmatization of victims; (b) encourage reporting of incidents of such violence; (c) provide for protection orders; (d) investigate and sanction perpetrators appropriately (i.e., provide relevant statistics since 2016); and (e) provide timely, sufficient and adequate support services for all victims throughout the country, including emergency psychological support and shelters.

Sexual violence and harmful traditional practices (arts. 2, 3, 7)
8. Please explain whether the State party is considering a review of the legal provisions addressing rape, marital rape and statutory rape (articles 131-135 of the Criminal Code) in light of concerns about their conformity with international standards. Based on information on the prevalence of female genital mutilation and so called “honour killings” in some areas of the North Caucasus, indicate the measures, including legislative measures, the State party is planning or taking to address the situation.

Counter-terrorism measures (arts. 2, 7, 9, 10, 14 and 17)
9. Please respond to allegations that counterterrorism measures are being applied as a pretext to prosecute political opponents and other critics of the government, and the use of incommunicado detention, torture and ill-treatment against terrorist suspects including in the context of prosecution of members of “Network” and “Hizb ut-Tahrir” organizations. Respond to allegations of misuse of anti-terrorism legislation to limit freedom of expression
and media, including in case of a freelance journalist Svetlana Prokopyeva. Regarding previous concluding observations (para. 13), clarify whether the 2006 Federal Counter-Terrorism Act provides for independent review of counter-terrorism activities undertaken by the executive. Provide information on the scope of jurisdiction for military courts and the justification for employing them in counterterrorism cases involving civilian defendants.

**Torture and ill-treatment (arts. 2, 7 and 14)**

10. Please respond to persistent allegations of torture and ill-treatment including as a means of intimidation or for the purpose of extracting confessions, and report on measures taken to ensure that all acts of torture and ill-treatment are promptly, thoroughly and independently investigated, that perpetrators are prosecuted and sanctioned in a manner commensurate with the gravity of the offence, and that victims are provided with full reparation, i.e. provide relevant statistics for the reporting period under review. Respond to allegations that only a small percentage of official complaints of “abuse of authority” by penitentiary officials are investigated. Provide information on investigation of abuse of prisoners in Yaroslavl Corrective Colony No. 1 documented in publicly available videos from 2018 and 2019.

**Asylum and non-refoulement (arts. 6, 7 and 13)**

11. Please outline the steps taken to (a) establish an accessible and effective asylum and referral procedures at all border entry points; (b) ensure access to asylum both at legislative and administrative level and avoid penalization of asylum seekers for illegal entry or presence on the territory of the State party; (c) extend State services for free legal aid to stateless persons, asylum seekers and refugees; and (d) combat discrimination and xenophobic attitudes towards refugees and asylum seekers. Advise on the status of draft federal legislation on asylum and clarify the roles of the various State institutions involved in asylum procedure and refugee integration. Respond to allegations of extrajudicial renditions, including in the case of Fakhraddin Abbasov (Aboszoda), who was allegedly returned to Azerbaijan while his appeal was still pending.

**Independence of judiciary (arts. 2 and 14)**

12. Please comment on persistent allegations of threats to, and improper interference with the judiciary, as well as threats, attacks and groundless prosecution of lawyers who discharge their professional duties. In a view of previous concluding observations (para. 17), and the State party’s report (paras. 240 and 249), clarify the status and content of the amendments supposed to come into effect on 1 September 2019 that would limit the power of the presidents of the courts in appointment and disciplinary procedures. Please respond to allegations of rampant corruption among judiciary and inform about measures taken to address it.

**Harassment, violence and killing of lawyers, journalists, human rights defenders and opposition politicians (arts. 2, 6, 7, 9, 14 and 19)**

13. Please respond to multiple reports of intimidation, violence and killing of journalists, human rights defenders and opposition politicians in the State party and inform about measures taken to investigate such incidents, prosecute perpetrators and provide reparations to victims. Regarding previous concluding observations (para. 9), respond to reports of arbitrary criminal or disciplinary proceedings against lawyers taken in the context of their professional activity, lack of protection against attacks, threats and harassment, and the difficulties for lawyers to access their clients in places of detention, and lack of confidentiality of lawyer-client meetings. Comment on the reports of activists and journalists being detained on dubious drug charges, being sent for psychiatric evaluations to exert pressure on them, or being sent for psychiatric treatment as a form of punishment. Respond to allegations related to the poisoning of human rights activist Pyotr Verzilov in 2018 and the lack of investigation of this incident.
Regulation of speech (art. 17 and 19)

14. In connection with the previous concluding observations (para. 19), and the State party’s report (paras. 273-297), please provide an overview of cases, including the sanctions imposed, in which (a) the amended article 148 of the Criminal Code was applied (Federal Act No. 136-FZ of 29 June 2013) and explain the term “insults to citizens’ religious beliefs and feeling” contained in this amendment; (b) the amended criminal provisions concerning distribution of false information on the activities of the Soviet Union during World War II were applied (Federal Act No. 128-FZ of 5 May 2014); (c) the criminal provisions concerning defamation were applied (Federal Act No. 141-FZ of 28 July 2012); (d) the amended provisions of the Criminal Code on treason were applied (Federal Act No. 190-FZ of 12 November 2012). Explain the existing safeguards to ensure compatibility of application of these provisions with the freedom of expression under article 19 of the Covenant.

15. Please comment on concerns of negative implications on freedom of expression of the new legislation passed on 18 March 2019 strengthening State control of online media, including criminalization of insulting the State and its symbols, and dissemination of “fake news”; and on the requirement that Internet providers have to route web traffic through servers located in the State party, which enables authorities to monitor and block internet content (“sovereign RuNet”). Please also respond to concerns that a new amendment to the law on protection of the rights of consumers which requires the pre-installation of Russian content apps in devices marketed in Russia might facilitate increased online surveillance.

16. Please provide information on measures taken to ensure political pluralism in state-controlled media and to encourage the operation of independent media outlets, in traditional and new platforms. Respond to allegations that government advertising budgets are used as a tool to reward favourable coverage of the government and that media regulations are applied unequally to public and private outlets.

17. Please respond to reports suggesting that limits have been imposed or attempted to be imposed by State authorities on Russian scholars in relation to meetings with foreign scholars. Respond also to concerns about pressure applied and reprisals taken against academics researching certain historical issues, such as Stalin-era repressions. Explain what measures are taken to guarantee academic freedom and the autonomy of academic institutions.

Combating extremism (arts. 2, 9, 18, 19 and 26)

18. In connection with the previous concluding observations (para. 20), please outline the steps taken to revise the Federal Law on Combating Extremist Activity with a view to clarifying the vague definition of “extremist activity”, to review the Federal List of Extremist Materials and the measures taken to prevent arbitrary use of the law. Respond to allegations of overuse and misuse of this legislation, which generate a chilling effect on political activity. In addition, explain the growing number of Jehovah’s Witnesses in Russia who have been arrested, detained and charged with extremist criminal activity in connection with their exercise of freedom of religion.

Peaceful assembly (arts. 7, 9, 10, 14, 19 and 21)

19. Please respond to the reports that the enjoyment of the right to freedom of assembly has been curtailed in recent years, particularly as regards the organisers’ autonomy in deciding on the place and the manner of holding public events and that the notification procedure is becoming a de facto obligation to seek authorisation for holding public events. Comment on the reported increase of severe sanctions solely for participation in protests, including heavy financial fines and administrative detention, and large number of apprehension and excessive use of force by law enforcement officials during demonstrations, including the rallies of 27 July 2019 and 3 August 2019 in Moscow and of 27 March 2019 in Magas, Ingushetia.

Freedom of association (arts. 14, 19, 21 and 22)

20. Please respond to consistent reports that the “foreign agents law” and “undesirable foreign and international organizations law” have been regularly used as a means of administrative harassment against human rights organizations, opposition groups and their
members, alongside criminal prosecutions and verbal attacks in the government-controlled media, resulting in (a) forcing such organizations to reduce and eventually cease their activities, including the Human Rights Center Memorial and International Memorial for Human Rights, (b) declaring them “undesirable” and illegal in the State party, such as the Prague-based organization People in Need, (c) initiating criminal prosecution against human rights defenders working in these organizations such as Anastasia Shevchenko of Open Russia. In connection with the previous concluding observations (para. 22), provide details of the steps taken to repeal or revise the “foreign agents law”, as well as on limits on the fund-raising activities of the opposition-related Anti-Corruption Foundation (FBK).

Right to political participation (art. 25)

21. Please respond to reports that the March 2018 presidential election took place in an overly controlled environment, marked by continued pressure on critical voices and that restrictions on the fundamental freedoms, as well as on candidate registration, have limited the space for political engagement and resulted in a lack of genuine competition and that a major opposition candidate, Aleksey Navalny, was prevented from registering his candidacy due to a previous criminal conviction that appeared to be politically motivated. Respond to allegations that opposition political parties are often denied registration in national and municipal elections, and that opposition candidates face threats and violence.

Violations of Covenant rights of residents of the Autonomous Republic of Crimea and the city of Sevastopol (1, 2, 6, 7, 9, 10, 14, 16-19, 21, 22 and 25-27)

22. In connection with the previous concluding observations (para. 23), indicate specific measures taken to respond to allegations of serious human rights violations committed in Crimea, in particular abductions, arbitrary detention, torture, ill-treatment and enforced disappearances. Indicate the progress made in the investigation of the alleged disappearances of Ruslan Ganiyev, Seyran Zinedinov, Ervin Ibragimov, Arlen Terekhov, Dzhevdet Islyamov, Islyam Dzhepparov and Vasyl Chernysh, including steps taken to provide their families with access to information concerning investigation and effective remedies. Comment on allegations of persecution, intimidation and detention of activists, journalists and bloggers in Crimea for their criticism of the Russian authorities in the media and social networks. Explain how the new amendment to the Criminal Code (the article 280.1) is applied in a manner consistent with article 19 of the Covenant, especially in Crimea.

23. Please outline the measures taken to ensure unimpeded operation of religious communities in Crimea, including the Orthodox Church of Ukraine, the Greek Catholic Church and the Muslim community and explain the practice of administrative prosecution under Art. 5.26 of the Code of Administrative Offences that reportedly resulted in 78 administrative proceedings against religious organizations and their members in Crimea. Respond to allegations of harassment of representatives of Crimean Tatars, including the ban on entry into the territory of some of their leaders, such as Mustafa Dzhemilev and Refat Chubarov, the arrest and imprisonment of Tatar activists, such as Server Mustafayev, Yunus Masharipov and Serhiy Filatov and the outlawing of membership in Hizb ut-Tahrir (in deviation from their status under Ukrainian law). Describe the measures taken to permit the functioning of the Mejlis of Crimean Tatars, especially in the view of the 19 April 2017 Order of the International Court of Justice. Provide information about measures taken to ensure access to education in Crimean Tatar and Ukrainian languages in Crimea.

Rights of indigenous people (arts. 6, 19, 22 and 27)

24. In connection with the previous concluding observations (para. 24), describe the measures taken to respect and protect rights of indigenous people, including their recognition as indigenous, and to ensure their free, prior and informed consent in any decisions affecting them, especially with respect to the extractive industry operations. Indicate the measures taken in law and practice to prevent pollution of the air and soil, degradation of drinking water, and destruction of sacred and burial sites, such as Karagay-Lyash sacred mountain, as a result of industrial operations. Respond to allegations of harassment of indigenous human rights defenders, including Vladislav Tannageshev and Yana Tannagesheva, and forced
liquidation of indigenous organizations, such as the Center for Support of Indigenous Peoples of the North (CSIPN).

**Measures taken in the context of Covid-19 pandemic (arts. 4, 10 and 18)**

25. Please report on any restrictions of the Covenant rights to respond to the Covid-19 pandemic. Respond to concerns that new legislation on spreading false information on the coronavirus had a chilling effect on freedom of media and work of human rights defenders. Describe any measures taken to prevent the spread of coronavirus in detention facilities and among other vulnerable groups, including migrant workers and homeless persons. Respond to concerns that the identities and private data of a number of coronavirus patients have been made public on messaging apps and social media due to leaks of medical and law enforcement data resulting in online and in person harassment and threats by strangers against them. Report on the measures taken to protect the right to privacy of Covid-19 patients. Respond to the concerns expressed by the Russian Patients’ Association to the Ministry of Health that patients with chronic hepatitis, primary immunodeficiency and cystic fibrosis, among other diseases, have faced difficulties in receiving treatment due to alleged priority given to the treatment of Covid-19 patients.