



# International Covenant on Civil and Political Rights

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## 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 in domestic courts. With reference to the Committee's previous concluding observations (CCPR/C/RUS/CO/7, para. 5) and the State party's eighth periodic report (CCPR/C/RUS/8, paras. 46–50), please explain the procedures that are in place to implement the Committee's Views under the Optional Protocol to the Covenant, indicate what concrete steps have been taken to implement the Views adopted by the Committee concerning the State party with regard to violations of the Covenant and provide relevant examples of "appropriate responses" (*ibid.*, para. 49) and implementation statistics for the reporting period. Explain how the State party ensures the compatibility of the recent amendments to the Constitution (articles 79 and 125 (5) (b)) with its obligations under the Covenant. Please provide information about training programmes on human rights and the Covenant for law enforcement personnel, prosecutors and members of the judiciary.

#### Involvement in armed conflict situations (art. 2)

2. In connection with the Committee's previous recommendation (CCPR/C/RUS/CO/7, para. 6), please outline any measures taken to ensure the application of the Covenant in situations of armed conflict involving foreign Governments, armed groups and proclaimed authorities over which the State party exercises 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 alleged conduct that is inconsistent with the Covenant.

#### Accountability for alleged human rights violations committed in the North Caucasus federal area (arts. 2, 6, 7, 9, 14, 16 and 17)

3. Please provide up-to-date information, including statistics, on the progress in the 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, transgender and intersex individuals, in the North Caucasus, including the murder of human rights defender Natalia Estemirova. Inform the Committee about the status of the investigation of cases of enforced disappearance 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 the consistent allegations of intimidation, harassment and violence against human rights defenders, community leaders, political opponents, journalists and bloggers in the North Caucasus, such as the detention and sentencing of Oyub Titiev of the Human Rights Centre Memorial in Grozny on allegedly false drug charges and the recent

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\* Adopted by the Committee at its 129th session (29 June–24 July 2020).



attacks against Marina Dubrovina and Elena Milashina, and inform the Committee about measures taken to protect human rights defenders, journalists and bloggers against abuse and violence. With reference to the Committee's previous concluding observations (CCPR/C/RUS/CO/7, para. 7 (b)), explain measures taken to end the practice of the collective punishment of relatives and suspected supporters of alleged terrorist attacks, including children and teenagers, such as in the aftermath of the reported incident in Shalinsky District on 22 August 2018.

**Racism and xenophobia and racial profiling (arts. 2, 20 and 26)**

5. Please respond to concerns regarding the significant amount of hate speech in the media and on the Internet and report on measures taken to address racist and homophobic hate speech, including by politicians and religious leaders. In connection with the Committee's previous concluding observations (CCPR/C/RUS/CO/7, para. 9) and the State party's report (CCPR/C/RUS/8, para. 353), outline any specific steps taken to define and prohibit racial profiling by law and to train law enforcement personnel not to resort to such practices.

**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 such individuals. Indicate whether attacks against lesbian, gay, bisexual, transgender and intersex individuals are defined in domestic law as "hate crimes". Respond to allegations of mass detention, raids, harassment and torture perpetrated against individuals due to their sexual orientation and gender identity by the Chechen authorities, the reported so-called "honour killings" of lesbian, gay, bisexual, transgender and intersex individuals by families in Chechnya and measures taken to address such allegations. Provide information about cases in which the laws prohibiting the promotion of non-traditional sexual relations to minors have been applied and whether the State party is considering repealing those laws, including in view of the decision of the European Court of Human Rights in the case *Bayev and others v. Russia*. Clarify the measures taken to ensure for lesbian, gay, bisexual, transgender and intersex persons the right to peaceful assembly, including in view of the decision of the European Court of Human Rights in the case *Alekseyev v. Russia*. Please respond to concerns that the recent amendments to 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 Committee's previous concluding observations (CCPR/C/RUS/CO/7, para. 12), outline the steps taken to adopt federal legislation prohibiting domestic violence. Please comment on concerns that the amendments made in 2017 to article 116 of the Criminal Code, decriminalizing assault on close persons, may lead to impunity for the perpetrators of domestic violence and that, more generally, the current legislation of the State party is inadequate to deal with the phenomenon of domestic violence or to provide sufficient protection for victims thereof. 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 and provide relevant statistics for 2016 onwards; 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 and 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 the light of concerns about their conformity with international standards. Given 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, that the State party is taking or planning to take to address the situation.

**Counter-terrorism measures (arts. 2, 7, 9, 10 and 14)**

9. Please respond to allegations that counter-terrorism measures are being applied as a pretext for prosecuting political opponents and other critics of the Government and that incommunicado detention, torture and ill-treatment are used against terrorist suspects, including in the context of the prosecution of members of the Network and Hizb ut-Tahrir organizations. Respond to allegations of the misuse of anti-terrorism legislation to limit freedom of expression and the activities of the media, including in the case of freelance journalist Svetlana Prokopyeva. With reference to the Committee's previous concluding observations (CCPR/C/RUS/CO/7, para. 13), clarify whether the Federal Counter-Terrorism Act of 2006 provides for the independent review of counter-terrorism activities undertaken by the executive. Provide information on the scope of the jurisdiction for military courts and the justification for employing them in counter-terrorism cases involving civilian defendants.

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

10. Please respond to the 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, including 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 the investigation of the abuse of prisoners in Corrective Colony No. 1, in Yaroslavl, 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 accessible and effective asylum and referral procedures at all border entry points; (b) ensure access to asylum at both the legislative and administrative levels and avoid the penalization of asylum seekers for illegal entry into or presence in 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 the draft federal legislation on asylum and clarify the roles of the various State institutions involved in the asylum procedure and the integration of refugees. 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 the judiciary (arts. 2 and 14)**

12. Please comment on the persistent allegations of threats to, and improper interference with, the judiciary and threats and attacks against, and the groundless prosecution of, lawyers who discharge their professional duties. In view of the Committee's previous concluding observations (CCPR/C/RUS/CO/7, para. 17) and the State party's report (CCPR/C/RUS/8, paras. 240 and 249), clarify the status and content of the amendments that would limit the power of the presidents of the courts in appointment and disciplinary procedures, which were reportedly due to enter into force on 1 September 2019. Please respond to the allegations of rampant corruption among members of the judiciary and inform the Committee about measures taken to address it.

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

13. Please respond to the multiple reports of intimidation and violence against and the killing of journalists, human rights defenders and opposition politicians in the State party and inform the Committee about measures taken to investigate such incidents, prosecute the perpetrators and provide reparation to victims. With reference to the Committee's previous concluding observations (CCPR/C/RUS/CO/7, para. 9), respond to reports of arbitrary criminal or disciplinary proceedings against lawyers taken in the context of their professional activities, the lack of protection provided for them against attacks, threats and harassment, the difficulties faced by lawyers in gaining access to their clients in places of

detention and the 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 and 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 an investigation into that incident.

#### **Regulation of speech (arts. 17 and 19)**

14. In connection with the Committee's previous concluding observations (CCPR/C/RUS/CO/7, para. 19) and the State party's report (CCPR/C/RUS/8, paras. 273–297), please provide an overview of cases, including the sanctions imposed, in which the following were applied: (a) amended article 148 of the Criminal Code (Federal Act No. 136-FZ of 29 June 2013), and explain the term “insults to citizens’ religious beliefs and feeling” contained in the amendment; (b) amended criminal provisions concerning the distribution of false information on the activities of the Union of Soviet Socialist Republics during the Second World War (Federal Act No. 128-FZ of 5 May 2014); (c) criminal provisions concerning defamation (Federal Act No. 141-FZ of 28 July 2012); and (d) amended provisions of the Criminal Code on treason (Federal Act No. 190-FZ of 12 November 2012). Explain the existing safeguards to ensure the compatibility of the application of those provisions with the freedom of expression under article 19 of the Covenant.

15. Please comment on concerns regarding the negative implications on the freedom of expression of the legislation passed on 18 March 2019 strengthening State control of online media, including the criminalization of insulting the State and its symbols, and banning the dissemination of “fake news”. Please also comment on the requirement that Internet providers must route web traffic through servers located in the State party, which enables the authorities to monitor and block Internet content (“sovereign RuNet”). Please also respond to concerns that a new amendment to the law on the protection of the rights of consumers, which requires the pre-installation of Russian-made software applications on devices marketed in the Russian Federation, may 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 media 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 the reports suggesting that limits have been or were attempted to be imposed by State authorities on Russian scholars in relation to meetings with foreign scholars. Respond also to concerns about pressure applied to, and reprisals taken against, academics researching certain historical issues, such as Stalin-era repression. 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 Committee's previous concluding observations (CCPR/C/RUS/CO/7, 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”, the steps taken to review the Federal List of Extremist Materials and the measures taken to prevent the arbitrary use of the Law. Respond to allegations of overuse and misuse of that legislation, which generates a chilling effect on political activity. In addition, explain the growing number of Jehovah's Witnesses in the Russian Federation who have been arrested, detained and charged with extremist criminal activity in connection with the exercise of the 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, in particular with regard to the organizers' 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 authorization 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 the large number of apprehensions and instances of excessive use of force by law enforcement officials during demonstrations, including at 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 the consistent reports that the Federal Law No. 121-FZ on Non-Commercial Organizations, known as the “foreign agent law”, and the Federal Law No. 129-FZ on Amendments of Some Legislative Acts of the Russian Federation, known as the “undesirable foreign and international organizations law”, have been regularly used as a means of administrative harassment against human rights organizations and 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, as in the cases of the Human Rights Center Memorial and International Memorial; (b) declaring them “undesirable” and illegal in the State party, as in the case of the Prague-based organization People in Need; and (c) initiating criminal prosecutions against human rights defenders working in such organizations, as in the case of Anastasia Shevchenko of Open Russia. In connection with the Committee’s previous concluding observations (CCPR/C/RUS/CO/7, para. 22), provide details of the steps taken to repeal or revise the “foreign agent law”, as well as information on the limits imposed on the fundraising activities of the opposition-related Anti-Corruption Foundation.

**Right to political participation (art. 25)**

21. Please respond to the reports that the presidential election held in March 2018 took place in an overly controlled environment, marked by continued pressure on critical voices, that restrictions on fundamental freedoms, as well as on candidate registration, 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 appears to have been politically motivated. Respond to the allegations that opposition political parties are often denied registration in national and municipal elections and that opposition candidates face threats and violence.

**Violations of the Covenant rights of residents of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine (arts. 1, 2, 6, 7, 9, 10, 12–14, 16–19, 21, 22 and 25–27)**

22. In connection with the Committee’s previous concluding observations (CCPR/C/RUS/CO/7, para. 23), indicate specific measures taken to respond to allegations of serious human rights violations committed in the Autonomous Republic of Crimea, in particular abductions, arbitrary detention, torture, ill-treatment and enforced disappearances. Indicate the progress made in the investigations into the alleged disappearances of Vasyl Chernysh, Islyam Dzhepparov, Ruslan Ganiyev, Ervin Ibragimov, Dzhevdet Islyamov, Arlen Terekhov and Seyran Zinedinov, including steps taken to provide their families with access to information concerning the investigations and with effective remedies. Comment on the allegations of the persecution, intimidation and detention of activists, journalists and bloggers in Crimea for their criticism of the Russian authorities in the media and on social media networks. Explain how the new amendment to the Criminal Code, concerning 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 the 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 article 5.26 of the Code of Administrative Offences, which has reportedly resulted in 78 administrative proceedings against religious organizations and their members in Crimea. Respond to the allegations of the harassment of representatives of Crimean Tatars, including the ban from entry into the territory imposed on 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 its status under Ukrainian law. Describe

the measures taken to permit the functioning of the Mejlis of the Crimean Tatar People, especially in view of the Order of 19 April 2017 of the International Court of Justice. Provide information about measures taken to ensure access to education in the Crimean Tatar and Ukrainian languages in Crimea.

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

24. In connection with the Committee's previous concluding observations (CCPR/C/RUS/CO/7, para. 24), describe the measures taken to respect and protect the rights of indigenous peoples, including their right to recognition as indigenous, and to ensure their free, prior and informed consent in any decisions affecting them, especially with regard to the operations of extractive industries. Indicate the measures taken in law and practice to prevent the pollution of the air and soil, the degradation of drinking water and the destruction of sacred sites and burial sites, such as the sacred mountain Karagay-Lyash, as a result of industrial operations. Respond to the allegations of the harassment of indigenous human rights defenders, including Vladislav Tannageshev and Yana Tannagesheva, and the forced liquidation of indigenous organizations, such as the Centre for Support of Indigenous Peoples of the North.

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

25. Please report on any restrictions of the Covenant rights in the context of responding to the coronavirus disease (COVID-19) pandemic. Respond to concerns that new legislation on spreading false information about COVID-19 has had a chilling effect on the freedom of the media and the work of human rights defenders. Describe any measures taken to prevent the spread of COVID-19 among those who are 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 patients with COVID-19 have been made public on messaging applications 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 patients with COVID-19. Respond to the concerns expressed by the Russian Patients Association to the Ministry of Health that patients with chronic hepatitis, primary immunodeficiency disorder and cystic fibrosis, among other diseases, have faced difficulties in receiving treatment due to priority allegedly being given to the treatment of patients with COVID-19.

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