



**Russia's Compliance with the International Covenant on Civil and Political Rights  
Suggested List of Issues**

**Submitted by The Advocates for Human Rights**

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**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

## EXECUTIVE SUMMARY

1. Domestic violence and other forms of violence against women constitute a violation of women's rights under the International Covenant on Civil and Political Rights. Domestic violence violates a woman's rights to life and security of person (Articles 6 and 9), freedom from torture and inhumane or degrading treatment (Article 7), equality before the courts (Article 14), equal protection before the law (Article 26), and protection of the family and equality in marriage (Article 23), among others.
2. As a State party to the ICCPR, Russia is obligated to ensure that its criminal and civil laws adequately protect women from violence and consistently hold perpetrators accountable, and that its authorities – such as police and prosecutors – implement laws that protect victims of domestic violence (Article 2). If a State fails in this obligation, the State has not acted with due diligence to prevent, punish, investigate or redress such violations of women's civil and political rights.
3. Russia is obligated to ensure the protection of individuals' rights to be free from unlawful interference with privacy or correspondence (Article 17) so that people can share information without persecution based on its content. The ICCPR obligates Russia to protect the right to freedom of expression, including the right to seek, receive, and impart information (Article 19). Additionally, Russia must protect freedom of association (Article 22).

### **The Russian Federation fails to uphold its obligations under the International Covenant on Civil and Political Rights**

#### **I. The State Party fails to protect women from domestic violence.**

4. In its April 2015 Concluding Observations, the Committee noted with concern the 20% increase in the number of reported domestic violence cases and Russian authorities' failure to adopt a draft federal act on the prevention of domestic violence.<sup>1</sup> The Committee noted that law enforcement officers often act without due diligence in investigating complaints of domestic violence, and noted the insufficient provision of support services for victims.<sup>2</sup> The Committee recommended adopting legislation prohibiting domestic violence, ensuring appropriate training for law enforcement authorities and social and medical workers, ensuring that domestic violence cases are thoroughly investigated, and ensuring that victims have adequate access to protection.<sup>3</sup>
5. The Eighth Periodic Report states that domestic violence offenses fell “by 42.9% in 2017.”<sup>4</sup> It reports that the Administrative Code prohibits beatings that cause physical pain, and that

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<sup>1</sup> Human Rights Committee, *Concluding observations on the seventh periodic report on the Russian Federation, adopted by the Committee at its 113th session* (16 March – 2 April 2015), U.N. Doc. CCPR/C/RUS/CO/7, ¶ 12.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Human Rights Committee, *Eighth periodic report submitted by Russia*, (April 8, 2019), U.N. Doc. CCPR/C/RUS/8, ¶ 144.

the Criminal Code prohibits domestic violence—but only after one administrative penalty.<sup>5</sup> The State party report does not clarify that domestic violence was decriminalized in 2017.

6. Contrary to the State Party's assertions in the Eighth Periodic Report, domestic violence continues to be an endemic problem in Russia.<sup>6</sup> Government statistics show that at least 12,000 women are killed by domestic violence every year, with at least 40,000 women in the country affected by domestic violence.<sup>7</sup> Much domestic abuse in Russia goes unreported, which means these statistics likely fail to present the full picture; nonetheless, official records show that Russia has extremely high domestic violence rates relative to other countries.<sup>8</sup>
7. A 2016 legal measure gave hope for addressing this problem. That year, the State elevated domestic assault to public prosecution status, obliging the police and prosecutors to pursue cases after just one complaint.<sup>9</sup> That momentum, however, was short-lived. In February 2017, rather than taking additional steps to prevent domestic violence and hold perpetrators accountable, the State decriminalized first-time domestic assaults.<sup>10</sup>
8. The decline in the number of domestic violence offenses noted in the Eighth Periodic Report correlates in time with decriminalization: there is no longer a domestic violence law.<sup>11</sup> The actual incidence of domestic violence has probably not decreased; rather, the removal of legal protection has deterred women from coming forward to report violence. As noted in paragraph 11 below, some local officials reported a significant increase in reports of domestic violence after decriminalization. The Eighth Periodic Report captures a drop in cases documented by federal authorities, rather than an actual decline in cases of domestic violence.
9. The State Party adopted a National Action Strategy for Women from 2017-2022.<sup>12</sup> The plan focuses on two major issues: domestic violence and women's participation in public and political life.<sup>13</sup> The National Action Strategy calls for passage of a domestic violence law, but the State has not passed one.<sup>14</sup>
10. Currently, a first-time assault that causes pain or minor injury is classified as a battery, which is an administrative offense.<sup>15</sup> If convicted, perpetrators pay a fine as low as 5,000

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<sup>5</sup> *Id.* ¶¶ 147-148.

<sup>6</sup> New Humanist, "What happened after Russia decriminalized domestic abuse," accessed April 17, 2020, <https://newhumanist.org.uk/articles/5326/what-happened-after-russia-decriminalised-domestic-abuse>.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> Written communication to The Advocates for Human Rights from lawyer at NGO (April 15, 2020) (on file with the author).

<sup>10</sup> New Humanist, "What happened after Russia decriminalized domestic abuse," accessed April 17, 2020, <https://newhumanist.org.uk/articles/5326/what-happened-after-russia-decriminalised-domestic-abuse>.

<sup>11</sup> Human Rights Committee, *Eighth periodic report submitted by Russia*, (April 8, 2019), U.N. Doc. CCPR/C/RUS/8, ¶ 144, 145.

<sup>12</sup> Council of Europe, "Co-operation on the implementation of the Russian Federation National Action Strategy for Women from 2017-2022," accessed April 19, 2020, <https://www.coe.int/en/web/genderequality/russian-federation-national-action-strategy-for-women-2017-2022->.

<sup>13</sup> *Ibid.*

<sup>14</sup> Nadezhda Azhgikhina, *Domestic Violence is Russia's Shame*, The Nation, December 17, 2019, <https://www.thenation.com/article/archive/domestic-violence-russia/>.

<sup>15</sup> Written communication to The Advocates for Human Rights from lawyer at NGO (April 15, 2020) (on file with the author).

rubles (\$67.58 USD).<sup>16</sup> Violence that leaves “bruises, scratches or bleeding, but [does] not cause broken bones or concussion, [is] no longer a criminal offense” for the first incident.<sup>17</sup> Only if there is a second beating within a year is domestic violence considered a criminal offense; hence, police are no longer required to investigate the initial complaint of abuse.<sup>18</sup> A first incident of violence that results in moderate or severe bodily harm, such as broken bones or concussion, can be criminally punished under Articles 111 and 112 of the Criminal Code.<sup>19</sup>

11. After the State decriminalized domestic violence, city officials in Moscow said that reports of domestic violence to the human rights ombudswoman in that city “skyrocketed.”<sup>20</sup> As explained above, federal documentation likely fell after repeal of the domestic violence law. According to the Moscow city human rights ombudswoman, the people most likely to lodge complaints with her office about abuse by family members are women, children, and the elderly.<sup>21</sup> The national Human Rights Ombudswoman called decriminalization a “mistake” because it leaves unprotected people who are harmed by family members.<sup>22</sup>
12. In addition to the inadequacies of the law, domestic violence victims face an inadequate police response and insufficient resources for assistance. Police often treat domestic violence without the appropriate level of seriousness, an issue acknowledged by the Chairwoman of the Federation Council, Valentina Matviyenko.<sup>23</sup> Russian authorities seem to view domestic violence as a private matter, directing complaining victims to undertake private prosecutions instead of holding offenders accountable to the State.<sup>24</sup> One well known example is Yana Savchuk of Oryel.<sup>25</sup> In November, 2019, Savchuk called the local police complaining that she feared her boyfriend would kill her.<sup>26</sup> Declining to detain the abuser, the female officer’s reply was recorded on Savchuk’s phone: “Don’t worry. If he kills you, we will come to examine the body.”<sup>27</sup> Savchuk’s boyfriend killed her that day.<sup>28</sup>

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<sup>16</sup> Ibid.

<sup>17</sup> New Humanist, “What happened after Russia decriminalized domestic abuse,” accessed April 17, 2020, <https://newhumanist.org.uk/articles/5326/what-happened-after-russia-decriminalised-domestic-abuse>.

<sup>18</sup> Written communication to The Advocates for Human Rights from lawyer at NGO (April 15, 2020) (on file with the author).

<sup>19</sup> Ibid.

<sup>20</sup> *Moscow Domestic Violence Appeals Skyrocket after Decriminalization Law*, The Moscow Times, April 24, 2018, <https://www.themoscowtimes.com/2018/04/24/moscow-domestic-violence-appeals-skyrocket-after-decriminalization-law-a61247>.

<sup>21</sup> Ibid.

<sup>22</sup> *Decriminalization of Domestic Violence Was a “Mistake,” Russian Official Admits*, The Moscow Times, December 3, 2020, <https://www.themoscowtimes.com/2018/12/03/decriminalization-domestic-violence-was-mistake-russian-official-admits-a63688>.

<sup>23</sup> Riddle, “The Ongoing Fight for Protection from Domestic Violence in Russia,” January 15, 2020, accessed April 19, 2020, <https://www.ridl.io/en/the-ongoing-fight-for-protection-from-domestic-violence-in-russia/>.

<sup>24</sup> Human Rights Watch, *I Could Kill You and No One Would Stop Me’: Weak State Response to Domestic Violence in Russia*, October 25, 2018, <https://www.hrw.org/report/2018/10/25/i-could-kill-you-and-no-one-would-stop-me/weak-state-response-domestic-violence>.

<sup>25</sup> Riddle, “The ongoing fight for protection from domestic violence in Russia,” accessed April 19, 2020, <https://www.ridl.io/en/the-ongoing-fight-for-protection-from-domestic-violence-in-russia/>.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

13. Authorities also appear to be under utilizing Criminal Code provisions on serious assault, which could apply to domestic violence. Article 117 of the Criminal Code prohibits infliction of physical or mental suffering through systematic beatings or other violent acts.<sup>29</sup> In 2018, courts convicted only 1,673 people of systematic violence under Article 117, and they imposed prison terms in only 525 of those cases.<sup>30</sup>
14. Victims also lack access to effective protection against their abusers, and victim services are insufficient. There is no legal protective or restraining order available for domestic violence victims.<sup>31</sup> The State and civil society provide shelters for victims, but the number of shelters is far from adequate.<sup>32</sup> As of 2015, there were only 22 crisis centers for women and 23 hostels for women with minor children, offering a total of 1600 shelter spots in a nation of over 78 million women.<sup>33</sup> The State Party has not published more recent data regarding the availability of shelters and crisis centers for women.<sup>34</sup> Existing support centers are located in Moscow, Saint Petersburg, and several other large cities, leaving rural women without shelter.<sup>35</sup> The number of support shelters is well below the number recommended by the Council of Europe, of which the State party is a member.<sup>36</sup>
15. Regional human rights mechanisms have criticized the absence of adequate legislation. In July 2019, the European Court of Human Rights issued a ruling that “the continued failure to adopt legislation to combat domestic violence and the absence of any form of restraining or protection orders clearly demonstrated that the authorities’ actions in the applicant’s case were not a simple failure or delay in dealing with violence against the applicant, but flowed from their reluctance to acknowledge the seriousness and extent of the problem of domestic violence in Russia and its discriminatory effect on women.”<sup>37</sup>
16. International human rights mechanisms have similarly condemned the State’s response to domestic violence. In 2019, the Committee on the Elimination of Discrimination Against Women determined that the State inadequately protected victims of violence.<sup>38</sup> In a case involving a Russian woman who reported her partner’s abuse to the police over a three-year period, the CEDAW Committee noted that the police reports never led to a conviction or to any protective measure. The CEDAW Committee concluded that, “by failing to provide effective legal protection to the author and by failing to address her case in a gender-

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<sup>29</sup> Written communication to The Advocates for Human Rights from lawyer at NGO (April 15, 2020) (on file with the author).

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Human Rights Watch, *‘I Could Kill You and No One Would Stop Me’: Weak State Response to Domestic Violence in Russia*, ISBN: 978-1-6231-36703, October 25, 2018, <https://www.hrw.org/report/2018/10/25/i-could-kill-you-and-no-one-would-stop-me/weak-state-response-domestic-violence>.

<sup>35</sup> Written communication to The Advocates for Human Rights from lawyer at NGO (April 15, 2020) (on file with the author).

<sup>36</sup> Human Rights Watch, *‘I Could Kill You and No One Would Stop Me’: Weak State Response to Domestic Violence in Russia*, October 25, 2018, <https://www.hrw.org/report/2018/10/25/i-could-kill-you-and-no-one-would-stop-me/weak-state-response-domestic-violence>.

<sup>37</sup> *Volodina v. Russia*, no. 41261/17, communicated on 9 July 2019.

<sup>38</sup> Communication No. 65/2014, CEDAW/C/72/D/65/2014.

sensitive manner, the national authorities allowed their reasoning to be influenced by stereotypes.”<sup>39</sup>

17. The absence of safe options for women experiencing domestic violence may lead women to take drastic measures to protect themselves. A 2016-2018 analysis of 2,488 verdicts in which a woman was convicted of murder demonstrated that 80% of offenders were victims of domestic violence.<sup>40</sup> Out of 4,388 manslaughter verdicts involving excessive self-defense, 90% were women who were defending themselves against domestic violence.<sup>41</sup>
18. One highly publicized case illustrates the lack of options for women and girls trapped in violent homes. Three Moscow-based sisters were charged with the murder of their father after what they say were years of sexual and physical violence at his hands.<sup>42</sup> The father beat the girls most days, frequently sexually assaulted them, and monitored their activities.<sup>43</sup> The girls’ mother had reported his violence against her to police, including abuse with a baseball bat, but police took no action.<sup>44</sup> The father evicted the mother from the home and threatened to kill her if the girls joined her, leaving the three to suffer his abuse without help.<sup>45</sup> A domestic violence advocate noted, “[t]here was no one they could turn to. Police in Russia think that domestic violence is a private, family affair and that there is no reason for them to get involved in this.”<sup>46</sup> She added, “[t]hose women who are forced to defend themselves often end up in prison.”<sup>47</sup> After international scrutiny, public outrage, and protest, officials dismissed murder charges against the three sisters as self-defense.<sup>48</sup> Yet the case demonstrates the vulnerable situation of many women trapped in a home with their abuser.
19. Activists are advocating for a law criminalizing domestic violence and greater access to legal and social assistance and protection for victims.<sup>49</sup>

## 20. Suggested questions relating to protecting women from domestic violence:

- What was the justification for the State Party’s decision to decriminalize decriminalizing first instances of domestic violence? What measures is the State

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<sup>39</sup> Ibid.

<sup>40</sup> Written communication to The Advocates for Human Rights from lawyer at NGO (April 15, 2020) (on file with the author).

<sup>41</sup> Ibid.

<sup>42</sup> Nina Nazarova, *Khachaturyan Sisters Who Killed Father Touch Russian Hearts*, BBC Russian Service, August 22, 2019, <https://www.bbc.com/news/world-europe-49318003>.

<sup>43</sup> Marc Bennetts, *Protests in Russia as sisters face jail for killing abusive father*, The Guardian, June 27, 2019, <https://www.theguardian.com/world/2019/jun/27/russia-protests-as-sisters-face-jail-for-killing-abusive-father>.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Radio Free Europe, “Russian Prosecutors Drop Murder Charges Against Sisters Who Stabbed Their Father,” accessed April 19, 2020, <https://www.rferl.org/a/russia-prosecutors-drop-murder-charge-sisters-killed-father/30409288.html>.

<sup>49</sup> Margo Tiounine, “Why Russia is Divided Over Domestic Violence.” Online video clip. *Financial Times*. Financial Times, January 26, 2020, Accessed April 19, 2020, <https://www.ft.com/video/67ee39e4-4b43-485e-bf07-ad36afef1d73>.

Party taking to criminalize the first instance of domestic violence, and when will it adopt those measures?

- What efforts is the State Party undertaking to enact a domestic violence law that makes domestic is a stand-alone offense, to be enforced with arrest, and if appropriate, a sentence of jail time that is commensurate with other violent crimes? What procedures are in place to ensure that the public has the opportunity to provide substantive comments on any such draft law prior to adoption?
- What procedures are in place to track reports of domestic violence and to compile data about the numbers of domestic violence incidents reported to police? Please provide disaggregated data about domestic violence cases over the reported period, including number of police reports, complaints, charges, prosecutions, convictions, and penalties.
- What policies and procedures are in place to ensure that victims of domestic violence are protected from their abusers, even without the involvement of criminal authorities? Do these procedures allow for removal of the abuser, no contact in any way with the applicant, and for children to stay in the home with the applicant? What other measures does the State Party take to ensure the safety of victims of domestic violence?
- What efforts has the State Party undertaken to adopt a protection-order law that is to be enforced with arrest and jail time upon breach of that order?
- How does the State Party ensure that domestic violence is treated as a matter of State concern, and not just a private, family problem?
- How is the State working to increase the awareness of State actors such as police and prosecutors as to the seriousness of domestic violence, that it is a matter of public safety and concern, and its potential for grave or deadly harm? How does the State Party involve NGOs that serve domestic violence victims in such awareness-raising efforts?
- How is the State Party raising public awareness of the harm posed by domestic violence and about the legal remedies and services available to victims?
- How many shelter beds or positions are currently available to victims of domestic violence? What steps is the State party taking to increase the number of shelters in both rural areas and cities to meet the Council of Europe's recommended provision of 1 bed per 10,000 citizens?
- How does the State Party ensure that victims of domestic violence receive social and legal assistance proportionate to the scope of the need? What policies and procedures are in place to ensure that such assistance is accessible to victims and to minimize barriers to eligibility?

## II. The State Party fails to protect the rights of individuals and organizations to free speech and to dissenting political opinions.

21. In its April 2015 Concluding Observations, the Committee noted its concern about measures that separately and jointly create a substantial chilling effect on freedom of opinion and expression.<sup>50</sup> The Committee recommended the repeal or revision of numerous legal provisions that together permit State suppression of free speech and dissent.<sup>51</sup>
22. The Eighth Periodic Report notes that provisions requiring internet websites to track user activities aid in law enforcement investigations, and that the content of personal internet correspondence remains private absent a court order.<sup>52</sup> The report emphasizes the need of the State to take adequate measures for the defense of its constitutional order and measures to narrow certain legal definitions to avoid arbitrary interpretation of actions as being against the State.<sup>53</sup> The report asserts that terrorist groups exploit widely available communication platforms, justifying the need for legal restrictions on the use of the internet.<sup>54</sup>
23. Rather than limiting provisions that chill free expression in accordance with this Committee’s Concluding Observations, Russian officials are “expanding their toolkit for imprisoning human rights defenders and activists, [a practice that] will have far-reaching implications for the right to freedom of expression.”<sup>55</sup> In addition to strict enforcement of existing law, State authorities are also using new powers granted in 2016 to control and collect electronic and telecommunications data on NGOs, human rights defenders, and other individuals.<sup>56</sup> With these expansive measures, the government could eventually monitor all internet communications.<sup>57</sup>
24. New legal provisions passed in 2019 require internet providers to route web traffic through servers located in the country, permitting authorities to monitor and block internet content.<sup>58</sup> The 2019 measures have three far-reaching components: requirements to install technical equipment for counteracting threats, centralized management of internet networks including a control mechanism for connection lines crossing the Russian border, and the

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<sup>50</sup> Human Rights Committee, *Concluding observations on the seventh periodic report on the Russian Federation, adopted by the Committee at its 113th session* (16 March – 2 April 2015), U.N. Doc. CCPR/C/RUS/CO/7, ¶ 19.

<sup>51</sup> *Ibid.*

<sup>52</sup> Human Rights Committee, *Eighth periodic report submitted by Russia*, (April 8, 2019), U.N. Doc. CCPR/C/RUS/, ¶¶ 273, 275.

<sup>53</sup> *Id.* ¶¶ 277, 278, 281, 283.

<sup>54</sup> *Id.* ¶¶ 288–291.

<sup>55</sup> Amnesty’s Director for Eastern Europe and Central Asia; Open Democracy, “‘This is a public execution:’ Russian activist Anastasia Shevchenko on a year of house arrest”, accessed April 16, 2020, <https://www.opendemocracy.net/en/odr/anastasiya-shevchenko-rostov-interview/>.

<sup>56</sup> Library of Congress, Global Legal Monitor, “Russia, New Electronic Surveillance Rules,” accessed April 16, 2020, <https://www.loc.gov/law/foreign-news/article/russia-new-electronic-surveillance-rules/>.

<sup>57</sup> United States Department of State, *Russia 2019 Human Rights Report*, (2020), 30.

<sup>58</sup> Engadget, “Russia’s Sovereign Internet Law Takes Effect,” accessed April 16, 2020, <https://www.engadget.com/2019-11-02-russia-sovereign-internet-law-takes-effect.html>.

implementation of a Russian national Domain Name System.<sup>59</sup> If fully implemented, this framework could lead to tighter State control over society and, eventually, fragmentation of the global internet.<sup>60</sup>

25. “Whistleblowers” who speak out against State corruption, abuses, or negligence, are often subjected to punishment.<sup>61</sup> From losing their jobs to criminal prosecution, those who wish to speak out against even minor unfairness are at increasing risk of reprisals.<sup>62</sup>

26. In March 2019, the State Party passed a law imposing fines for insulting officials or state symbols through electronic media.<sup>63</sup> By October 2019, prosecutors had filed more than 40 cases under this law against individuals, mostly for speaking out against President Putin.<sup>64</sup>

**27. Suggested questions relating to the protection of freedom of expression and political dissent:**

- How does the State Party ensure that enforcement of recent efforts to control and monitor the flow of internet traffic is consistent with its obligations under the Covenant to protect the rights to privacy of correspondence, and to freedom of ideas and expression?
- What measures has the State Party taken to ensure that legal measures that require internet providers to route traffic through in-country servers and that provide for centralized State management of the internet are in compliance with the Covenant?
- What protections are in place for whistleblowers who speak out about corruption or other concerns that they learn about at work? Please provide information regarding each case in which these protections have been invoked, as well as the outcome of each case.
- What provisions are in place to ensure that laws criminalizing insulting the state or state symbols are not enforced in violation of the Covenant? Please provide information regarding each prosecution under these laws, including the conduct complained of and the outcome of any criminal proceedings.

**III. The State continues to expand its suppression of the work of civil society through broad “foreign agents” registration requirements.**

28. In its April 2015 Concluding Observations, the Committee noted its concern about the “foreign agents law,” requiring non-governmental organizations receiving foreign funding and engaging in “political activities” to register as foreign agents.<sup>65</sup> The Committee noted

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<sup>59</sup> DGAP, “Deciphering Russia’s ‘Sovereign Internet Law,’” accessed April 22, 2020, <https://dgap.org/en/research/publications/deciphering-russias-sovereign-internet-law>.

<sup>60</sup> Ibid.

<sup>61</sup> Agora International, “Russian Whistleblowers 2018,” accessed April 21, 2020, <http://en.agora.legal/articles/Report-of-Agora-International-%E2%80%98-Russian-Whistleblowers-2018%E2%80%99/12>.

<sup>62</sup> Ibid.

<sup>63</sup> Freedom House, “Country Report, Russia,” accessed April 21, 2020, <https://freedomhouse.org/country/russia/freedom-world/2020>.

<sup>64</sup> Ibid.

<sup>65</sup> Human Rights Committee, *Concluding observations on the seventh periodic report on the Russian Federation, adopted by the Committee at its 113th session (16 March – 2 April 2015)*, U.N. Doc. CCPR/C/RUS/CO/7, ¶ 22.

with concern that the law’s definition of “political activity” is broadly construed and applies to NGOs working on diverse human rights and environmental issues.<sup>66</sup>

29. The Committee recommended that the State Party repeal or revise legislation requiring “foreign agents” registration, including dropping the term “foreign agent,” removing the power to register NGOs without their consent, and reviewing the proportionality of sanctions under the law.<sup>67</sup>
30. The Eighth Periodic Report notes that the Constitutional Court upheld the “foreign agents” provision, asserts that public social and welfare activities are not treated as political activity, and emphasizes that “foreign agent” requirements do not prohibit such NGOs from operating, but create “transparency” about the operation of those NGOs.<sup>68</sup>
31. Although the Russian Constitution provides for freedom of association, the State Party continues to use the foreign agents law to harass, stigmatize, and even halt the operation of NGOs that engage in purported political activity.<sup>69</sup> NGOs designated as “foreign agents” must identify themselves as such in all public materials.<sup>70</sup> In December 2019, the Duma passed a law raising the fines for noncompliance with these provisions to up to 1 million rubles (\$15,700) for NGOs.<sup>71</sup> For “serious violations,” the fine could be up to 100,000 rubles (\$78,500).<sup>72</sup> According to Freedom House, as of 2019, NGOs remain “under severe threat.”<sup>73</sup>
32. Authorities imposed fines on NGOs for failing to designate themselves as “foreign agents” on internet or printed materials.<sup>74</sup> For example, three NGOs run by human rights activist Lev Ponomarev received fines totaling more than \$46,000 for failing to mark their materials as originating from a “foreign agent.”<sup>75</sup> On November 1, 2019, the Supreme Court closed Ponomarev’s NGO “For Human Rights” for violations of the foreign agent law.<sup>76</sup> Additionally, the commission tasked with investigating foreign influences has accused established media outlets such as Radio Liberty, the British Broadcasting Corporation, and

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<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Eighth periodic report submitted by Russia, ICCPR, April 8, 2019, U.N. Doc. CCPR/C/RUS/8, ¶¶ 317, 318, 320, 326-328.

<sup>69</sup> United States Department of State, *Russia 2019 Human Rights Report*, (2020), 38. <https://www.state.gov/wp-content/uploads/2020/03/RUSSIA-2019-HUMAN-RIGHTS-REPORT.pdf>.

<sup>70</sup> Ibid.

<sup>71</sup> *Id* at 39.

<sup>72</sup> Ibid.

<sup>73</sup> Freedom House, “Country Report, Russia” accessed April 21, 2020, <https://freedomhouse.org/country/russia/freedom-world/2020>.

<sup>74</sup> United States Department of State, *Russia 2019 Human Rights Report*, (2020), 38. <https://www.state.gov/wp-content/uploads/2020/03/RUSSIA-2019-HUMAN-RIGHTS-REPORT.pdf>.

<sup>75</sup> Radio Free Europe, “Russian Rights Group Fined 15<sup>th</sup> Time for Breaking ‘Foreign Agent’ Rule,” accessed April 24, 2020, <https://www.rferl.org/a/russian-rights-group-fined-15th-time-for-foreign-agent-rule-break/30210337.html>

<sup>76</sup> Front Line Defenders, “Supreme Court of Russia Decides to Liquidate ‘For Human Rights’ Movement,” accessed April 24, 2020, <https://www.frontlinedefenders.org/en/case/supreme-court-russia-decides-to-liquidate-human-rights-movement>.

Voice of America of violating this provision in relation to elections coverage in September 2019.<sup>77</sup>

33. The foreign agents law also requires the Ministry of Justice to maintain a list of “undesirable foreign organizations.”<sup>78</sup> The law applies to foreign organizations deemed “dangerous to the foundations of the constitutional order of the Russian Federation, its national security, and defense.”<sup>79</sup> Such organizations must close their operations and forfeit any assets to the authorities, and citizens working for them face up to seven years in prison.<sup>80</sup> By 2019, 19 foreign NGOs had been labeled “undesirable organizations” and they either closed or severely restricted their work.<sup>81</sup>
34. In December 2019, the state expanded the “foreign agents” law to allow the State Party to label private individuals as “foreign agents.”<sup>82</sup> Individuals who disseminate foreign media to an unspecified number of persons, and who receive funding from abroad, are required to register with the Ministry of Justice.<sup>83</sup> In order for individuals deemed “foreign agents” to publish materials inside the country, they must register a legal entity within Russia and register with the Ministry of Justice.<sup>84</sup> Fines for violations are capped at five million rubles (\$78,500).<sup>85</sup> Human rights groups have expressed particular concern over the threat this expanded definition of “foreign agent” poses to journalists.<sup>86</sup>
35. Authorities arrested a human rights defender and charged her with the criminal offense of working for an “undesirable foreign organization.”<sup>87</sup> Open Russia activist Anastasia Shevchenko, of Rostov-On-Don, is the first individual to be criminally charged with working for an undesirable foreign organization.<sup>88</sup> Shevchenko faces six years in prison.<sup>89</sup> Authorities had previously handled similar violations under administrative law.<sup>90</sup> In January 2019, authorities placed Shevchenko under house arrest, and as of March 2020 she remained

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<sup>77</sup> Radio Free Europe, “Russian Duma Commission Accuses Foreign Media of Breaking Election Law,” accessed April 21, 2020, <https://www.rferl.org/a/russian-duma-commission-accuses-foreign-media-of-breaking-election-law/30222253.html>.

<sup>78</sup> United States Department of State, *Russia 2019 Human Rights Report*, (2020), 39. <https://www.state.gov/wp-content/uploads/2020/03/RUSSIA-2019-HUMAN-RIGHTS-REPORT.pdf>

<sup>79</sup> *Id.* at 40.

<sup>80</sup> *Ibid.*

<sup>81</sup> Freedom House, “Country Report, Russia,” accessed April 21, 2020, <https://freedomhouse.org/country/russia/freedom-world/2020>.

<sup>82</sup> United States Department of State, *Russia 2019 Human Rights Report*, (2020), 25. <https://www.state.gov/wp-content/uploads/2020/03/RUSSIA-2019-HUMAN-RIGHTS-REPORT.pdf>

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

<sup>86</sup> Russia’s Putin Signs Law to Label People Foreign Agents, Reuters, Dec. 2, 2019, <https://www.reuters.com/article/us-russia-politics-media/russias-putin-signs-law-to-label-people-foreign-agents-idUSKBN1Y625T>.

<sup>87</sup> Open Democracy, “‘This is a public execution:’ Russian activist Anastasia Shevchenko on a year of house arrest”, accessed April 16, 2020, <https://www.opendemocracy.net/en/odr/anastasiya-shevchenko-rostov-interview/>.

<sup>88</sup> *Ibid.*

<sup>89</sup> Human Rights Centre Memorial, “‘Open Russia’ activist Anastasia Shevchenko is a political prisoner,” accessed April 16, 2020, [https://memohrc.org/en/news\\_old/open-russia-activist-anastasia-shevchenko-political-prisoner-memorial-says](https://memohrc.org/en/news_old/open-russia-activist-anastasia-shevchenko-political-prisoner-memorial-says).

<sup>90</sup> Amnesty International, Russia: “First criminal case under ‘undesirable organizations’ law marks a new level of repression,” accessed April 16, 2020, <https://www.amnesty.org/en/latest/news/2019/01/russia-the-first-criminal-case-under-the-undesirable-organizations-law-marks-a-new-level-of-repression/>.

there, not permitted even to walk outside her house without court permission.<sup>91</sup> The Human Rights Centre Memorial considers her to be a political prisoner.<sup>92</sup>

36. Among the groups most affected by the individual “foreign agents” requirements are journalists collaborating with foreign editorial offices.<sup>93</sup> The law impedes international media cooperation and is a tool to silence political opposition.<sup>94</sup>

**37. Suggested questions relating to the suppression of civil society through “foreign agents” measures.**

- Please provide comprehensive data about all prosecutions under the Foreign Agents Law and the Undesirable Foreign Organizations provision, including the number of charges, the factual allegations, the legal status of each person or entity charged, the number of prosecutions, the amount of foreign funding alleged and proven, the outcome of each prosecution, the penalty imposed in each case, and the current legal status of each entity in the Russian Federation.
- What measures has the State Party taken to either repeal or amend the Foreign Agents Law and Undesirables Law in accordance with recommendations from the Committee and other international stakeholders?
- What steps has the State Party taken to reduce the fine for non-compliance with the Foreign Agents Law?
- Does the Ministry of Justice adhere to the same checks and limitations placed on the prosecutor’s office by the Constitutional Court in conducting inspections of NGOs for compliance with the Foreign Agents Law, including prohibitions on demands that an NGO provide documents that other authorities or open sources already possess and on demands for documents that do not concern the goals of the inspection?
- What measures has the State Party undertaken to ensure that authorities implement precise rules for investigations under the Foreign Agents Law, including specific document request requirements and defined timelines for conducting such inquiries that are applicable to all authorities who conduct such inspections?
- How does the State Party ensure that the Undesirables Law does not restrict access to information from non-Russian sources on human rights issues?
- How does the State Party ensure that the Foreign Agents Law is applied only to organizations that pose a demonstrable danger to the lives of citizens or residents of the State Party?

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<sup>91</sup> Open Democracy, “This is a public execution”: Russian activist Anastasia Shevchenko on a year of house arrest”, accessed April 16, 2020, <https://www.opendemocracy.net/en/odr/anastasiya-shevchenko-rostov-interview/>.

<sup>92</sup> Human Rights Centre Memorial, “Open Russia” activist Anastasia Shevchenko is a political prisoner, Memorial says, accessed April 16, 2020, [https://memohrc.org/en/news\\_old/open-russia-activist-anastasia-shevchenko-political-prisoner-memorial-says](https://memohrc.org/en/news_old/open-russia-activist-anastasia-shevchenko-political-prisoner-memorial-says).

<sup>93</sup> Reporters Without Borders, “Joint Statement, Russia: ‘Foreign Agents’ Bill Threatens Journalists,” accessed April 22, 2020, [https://rsf.org/sites/default/files/russia\\_joint\\_statement.pdf](https://rsf.org/sites/default/files/russia_joint_statement.pdf).

<sup>94</sup> Ibid.

- How does the State Party protect the rights of journalists to report freely on matters of public concern, such as elections, domestic violence, abuse of State authority, and similar matters?