

# **Russia**

## **Mid-term**

### **Implementation**

### **Assessment**



**UPR-INFO.ORG**  
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW

## Introduction

### 1. Purpose of the follow-up programme

*The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.*

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC).

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are willing to follow and implement their commitments: civil society should monitor the implementation of the recommendations that States should implement.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 30 January 2012

## Follow-up Outcomes

### 1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/russia>

We invite the reader to consult that webpage since all recommendations, all stakeholders reports and the unedited comments as well can be found at the same internet address.

15 NGOs were contacted. Both the Permanent Mission to the UN in Geneva and the State were contacted. The domestic NHRI was contacted as well.

3 NGOs responded to our enquiry. The State under Review did not respond to our enquiry. The domestic NHRI did not respond to our enquiry either.

*IRI*: 14 recommendations are not implemented, 0 recommendation is partially implemented, and 0 recommendation is fully implemented. No answer was received for 107 out of 121 recommendations.

### 2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
9	Treaty bodies, Torture and other CID treatment,	page 4	not impl.
11	Justice	page 4	not impl.
15	Freedom of opinion and expression, Freedom of association and peaceful assembly,	page 4	not impl.
36	Rights of the Child, Justice,	page 5	not impl.
39	Torture and other CID treatment, Special procedures,	page 5	not impl.
70	International instruments, Disabilities,	page 6	not impl.
71	Torture and other CID treatment, International instruments,	page 6	not impl.
72	Women's rights, Treaty bodies, Racial discrimination, Minorities, Migrants, Indigenous peoples,	page 6	not impl.
77	Racial discrimination, Migrants,	page 7	not impl.
88	Racial discrimination	page 7	not impl.
96	Freedom of the press	page 8	not impl.
103	Sexual rights	page 8	not impl.
109	Racial discrimination	page 8	not impl.
120	General	page 5	not impl.

### 3. Feedbacks on recommendations

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Recommendation n°9: *Address the concerns expressed by the High Commissioner for Human Rights about the use of torture in the Chechen Republic as well as concerns by the Committee Against Torture over many ongoing and consistent allegations of torture and ill-treatment committed by law enforcement personnel as well as reports of torture and ill treatment in unofficial places of detention in the North Caucasus* (Recommended by Australia).

IRI: *not implemented*

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Recommendation n°11: *Take steps to further improve judicial procedures to safeguard human rights* (Recommended by Australia).

IRI: *not implemented*

#### Forum 18 response:

Some young Muslims tried for a militant attack on the state security services in the North Caucasus republic of Kabardino-Balkaria were in fact arrested due to their active faith, Forum 18 has been told. As frequent mosque-goers, they and relatives say they were already blacklisted as Islamic extremists by police, who used torture to extract confessions. These claims are "lies" and "rubbish", Forum 18 was told at the detention centre in Nalchik where they are currently held by that institution's assistant head. Unproven suspicions of Islamic militancy resulted in the arrest of one detainee, former Guantanamo Bay inmate Rasul Kudayev, his mother told Forum 18. Such claims have also been made outside the North Caucasus. In 2009 Dina Amirova insisted to Forum 18 that she and her husband have been targeted as devout Muslims trying to find out more about their faith, after leaflets of the banned Hizb ut-Tahrir political movement were found among a wide range of Islamic-related literature at her home. She told Forum 18 News Service she and her husband have never had personal contact with any of the group's members. Her husband Renat Amirov told Forum 18 he was arrested, beaten and tortured to try to force him to testify against 12 local Muslims on trial for alleged Hizb ut-Tahrir membership. From the town of Elabuga, Taliya Gabdulkhakova insists charges including murder and religious extremism against her son and three other relatives have been fabricated. "My son obeyed Russian laws and paid taxes – he just stood out because he never missed a prayer time, wore a beard and wasn't dressed like everybody else," she told Forum 18. Her son has alleged "medieval torture" against the four while in detention, including heavy beatings, threatened rape and execution. Irek Arslanov, who is responsible for relations with religious organisations at Kazan City Government, dismissed suggestions to Forum 18 that torture and intimidation are practised.

Recommendation n°15: *Create an environment, inter-alia through a legislative framework, that promotes rather than restricts the right to freedom of assembly and that encourages citizens to express their diverse views* (Recommended by Austria).

IRI: *not implemented*

#### Forum 18 response:

As noted [in recommendations n° 9 and n° 11], it would be helpful if prosecutions under Article 20.2 of the Code of Administrative Violations ("Violation of the

established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket") of people exercising their freedom of religion or belief were halted. Increasing numbers of people – mainly Protestants and Jehovah's Witnesses without their own permanent buildings – are being fined or threatened with fines in Russia for organising or conducting meetings for worship which has not been specifically approved by the local authorities. Local police and prosecutor's offices insist that such permission is required, and bring cases under Article 20.2. The legality of these prosecutions under the Constitution and the Religion Law has been challenged, but it appears that around half of the prosecutions are successful.

Recommendation n°36: *Issue and implement a standing invitation to all United Nations Special Procedures* (Recommended by Czech Republic).

IRI: *not implemented*

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Recommendation n°120: *Ratify the Convention 169 of the ILO* (Recommended by Mexico).

IRI: *not implemented*

IWGIA & RAIPON response:

This recommendation has not been implemented. No developments have taken place in this regard since the UPR review in 2009.

Recommendation n°39: *Implement the recommendations raised by CERD as to how to improve the situation of the indigenous communities* (Recommended by Denmark).

IRI: *not implemented*

IWGIA & RAIPON response:

This recommendation has not been implemented; no developments have taken place in this regard since the UPR review in 2009.

The CERD Concluding Observations (paragraph 24) recommend to implement the Law on Territories of Traditional Nature Use, reinsert the concept of free of charge land use of indigenous peoples into the revised Land Code and the Law on Territories of Traditional Nature Use, and the concept of preferential, non-competitive access to natural resources into the Forest and Water Codes; seek the free informed consent of indigenous communities and give primary consideration to their special needs prior to granting licences to private companies for economic activities on territories traditionally occupied or used by those communities; ensure that licensing agreements provide for adequate compensation of the affected communities; and withdraw support for the Evenkiiskaya dam and other large scale projects threatening the traditional lifestyle of indigenous peoples.

The Ministry for Regional Development has developed a revised draft of the law on Territories of Traditional Nature use, which further diminishes the rights of indigenous peoples.

The drafting of this law has been under way for three years, which paralyses the actual implementation of a law on Territories of Traditional Nature Use.



Proposals for amendments to the Forest Code, Land Code and Water Code regarding preferential access to natural resources have not been developed, nor has the principle of prior informed consent been applied.

In fact, the situation today is worse, as fishing and hunting grounds are distributed through long term leases, based on the results of tenders and indigenous communities have to compete with private companies.

The only result from the CERD committee recommendations was the announcement of the Rushydro Company in May 2010 that it would freeze its plans to construct on the dam in Evenkia. While Rushydro has put the Evenkia dam on hold, the Russian government has not withdrawn its support for the project. The project is currently in hibernation mode. There is no political decision barring it from being revived.

The CERD Committee also recommended that the State party consider introducing guaranteed seats or mandatory quotas to ensure that indigenous peoples are represented in the legislative bodies, as well as in the executive branch and in public service, at the regional and federal levels, and ensure their effective participation in any decision-making processes affecting their rights and legitimate interests.

*Recommendation n°70: Attention be paid to CERD's observation to strengthen the legislative framework in the area of non-discrimination with a special attention to gender equality, ethnic minority, indigenous people and migrants regardless of their minority status (Recommended by Mexico).*

IRI: *not implemented*

IWGIA & RAIPON response:

This recommendation has not been implemented. In fact, the legislative framework protecting the rights of indigenous peoples is under continued revision and attempts are consistently made to weaken current rights enshrined in the Constitution and in the three federal laws on indigenous peoples' rights.

*Recommendation n°71: Comply with the principles contained in the Declaration on the rights of indigenous people (Recommended by Mexico).*

IRI: *not implemented*

IWGIA & RAIPON response:

This recommendation has not been implemented. The Russian Federation has still not endorsed the Declaration on the Rights of Indigenous Peoples (UNDRIP). While all countries that voted against the Declaration in September 2007 have revised their position and have endorsed the UNDRIP, Russia has still not recognised the rights of indigenous peoples under international law and is ignoring the UNDRIP in any discussions on indigenous rights within the country. In fact, many of the attempts to revise existing legislation on indigenous peoples' rights go directly against the principles enshrined in the UNDRIP.

*Recommendation n°72: Revise relevant legislation particularly the federal law on countering terrorism and the law on extremism to ensure their compatibility with international obligations of the Russian Federation (Recommended by Mexico).*

IRI: *not implemented*

Forum 18 response:

Bans for alleged “extremism” on organisations, publications and meetings have happened in the cases of Muslim readers of theologian Said Nursi's works, Jehovah's Witnesses. It may also happen in the case of Hare Krishna devotees following an ongoing legal case moves to ban their most important book - the Bhagavad-Gita As it Is – as “extremist”. Both the Extremism Law and Criminal Code Article 282 have been used in these breaches of freedom of religion or belief, and so it would be helpful if they were changed to facilitate the exercise of freedom of religion or belief in accordance with international standards.

Recommendation n°77: *Revise the Law against Extremism in such a way, that it would clarify the definition of extremism* (Recommended by the Netherlands).

IRI: *not implemented*

Forum 18 response:

In a commentary Forum 18 published by Alexander Verkhovsky of the SOVA Centre, he noted that the key piece of legislation is the 2002 Law on Fighting Extremism, and Article 282 of the Criminal Code, which is linked to it. The 2002 Extremism Law bans, among other things, “incitement ... of religious discord [religioznaya rozn]”; “propaganda of the exclusivity, superiority or lack of equal worth of an individual on the basis of their ... religious ... adherence or attitude to religion”; and “the violation of the rights, freedoms and legal interests of an individual and citizen depending on their ... religious ... adherence or attitude to religion”. Such actions could lead to a ban on an organisation, publications and meetings, without the actions being in themselves a crime – and this has happened in the cases of Muslim readers of theologian Said Nursi's works, Jehovah's Witnesses. It may also happen in the case of Hare Krishna devotees following an ongoing legal case moves to ban their most important book - the Bhagavad-Gita As it Is – as “extremist”. Criminal Code Article 282 defines the associated crime: “actions directed at the incitement of hatred [nenavist] or enmity [vrazhda], as well as the humiliation of an individual or group of persons on the basis of ... attitude to religion, ... conducted publicly or through the media”. Like any restriction on freedom of speech, these definitions can be criticised and can be (and are) misused, especially the concept of “incitement of religious discord [religioznaya rozn]”. The word ‘rozn’ in Russian could mean “hostility”, as well as “discord” or refusal to accept another person's views. This last meaning can hardly represent something illegal, otherwise nothing would be left of freedom to share religious or non-religious views. However, despite the use of two narrower terms - ‘nenavist’ (hatred) and ‘vrazhda’ (enmity) - in the description of extremist crimes in Criminal Code Article 282, many legal specialists, prosecutors and judges go instead by the Extremism Law's catch-all term, ‘rozn’. Thus, while the Criminal Code speaks of inciting hatred to people on the basis of a religion, strong criticism of the religious or non-religious views that people may hold is seen as practically the same thing. This UPR recommendation therefore tackles one of the main issues affecting freedom of religion or belief in Russia.

Recommendation n°88: *Continue its positive measures for the protection of the dignity of the individual, freedom of thought, conscience and religion* (Recommended by Palestine).

IRI: *not implemented*

Forum 18 response:

Serious issues affecting freedom of religion or belief in Russia include increasing bans on publications, bans on meetings and prosecutions for alleged “extremism” against Muslim readers of theologian Said Nursi's works, Jehovah's Witnesses, as well as moves to ban Hare Krishna devotees' most important book, the Bhagavad-Gita As it Is. Fines under Article 20.2 of the Code of Administrative Violations are apparently increasing against Protestants and Jehovah's Witnesses organising or conducting meetings for worship without specific approval by local authorities. There have also been serious claims that some young Muslims in the North Caucasus have been arrested and tried for terrorist offences due to their active faith.

Recommendation n°96: *Review the extremism and NGO laws to ensure their compatibility with international human rights obligations and standards including the United Nations Declaration on Human Rights Defenders (Recommended by Slovakia).*

IRI: *not implemented*

Forum 18 response:

Both the Extremism Law and Criminal Code Article 282 have been used in violations of the freedom of religion or belief of Muslim readers of theologian Said Nursi's works, and Jehovah's Witnesses. There is also an ongoing legal case to ban the most important book for Hare Krishna devotees, the Bhagavad-Gita As it Is, as “extremist”. It would be helpful if they were changed to facilitate the exercise of freedom of religion or belief in accordance with international human rights standards, including the ICCPR.

Recommendation n°103: *Increase its efforts to ensure full respect of the rights of persons belonging to minorities and indigenous groups, including education of their children (Recommended by Sweden).*

IRI: *not implemented*

IWGIA & RAIPON response:

This recommendation has not been implemented. There has not been any progress in ensuring the health, education and in general rights of indigenous peoples since 2009.

Recommendation n°109: *Take further necessary measures in fighting extremism (Recommended by Turkey).*

IRI: *not implemented*

Forum 18 response:

“Extremism” legislation has been used to violate the freedom of religion or belief of Muslim readers of Turkish Muslim theologian Said Nursi's works (and unjustified claims have been made that his works are banned in Turkey), Jehovah's Witnesses, and Hare Krishna devotees. As has been established by researchers and stated in OSCE human dimension commitments, ensuring religious freedom for all reduces violent religious persecution and conflict. Brian Grim and Roger Finke, in *The Price of Freedom Denied* (Cambridge University Press, 2011), have shown that restricting religious freedoms is worldwide associated with higher levels of violence. Necessary measures should therefore include ensuring that the freedom of religion or belief of all is facilitated.



## Methodology

### A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted both the delegate who represented the State at the UPR and the Permanent Mission to the UN in Geneva or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we consider positive feedbacks from the latter.

### A. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, communication is split up among recommendations we think it belongs to. Since such a task opens the way of misinterpretation, we strongly encourage using the Excel sheet.

If the stakeholder does not clearly mention neither the recommendation was “fully implemented” nor “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

While we do not mention recommendations which were not addressed, they can be accessed on the follow-up webpage.

## B. Implementation Recommendation Index (IRI)

*UPR Info* developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index** (IRI) is an individual recommendation index. Its purpose is to show both disputed and agreed recommendations.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is noted as 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review says the recommendation has been fully implemented and a stakeholder says it has been partially implemented, score is 0.75.

Then the score is transformed into an implementation level, according to the table hereafter:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

## Contact

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