

Executive Summary:

The submitting organizations welcome the opportunity to contribute to the fourth cycle of the Universal Periodic Review (UPR) of Russia. This submission focuses on the implementation of the recommendations about basic political rights and freedoms accepted by Russia since the consideration of Russia's third periodic report in May 2018 and Russia's compliance with its obligations.

The submitting organizations will raise concerns in connection to the following issues:

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Recommendations

Below are all the recommendations made by the authors of this submission. Details for each recommendation may be found in the relevant section.

Association and assembly

- Take measures to ensure that civil society organizations are able to operate independently without fear of harassment or interference from the authorities;
- Revise or repeal legislation that hinders the freedom of association, including the laws on "foreign agents", "undesirable organizations" and "extremism";
- Release all people unjustly persecuted for exercising their freedom of association and ensure the effective investigation of such human rights violations;
- Repeal the decisions to liquidate prominent civil society organizations and ensure that registration and liquidation processes are transparent and non-discriminatory, and should not be subject to arbitrary or politicized decision-making;
- Ensure that spontaneous events and events with few participants may be held without prior notifications of the authorities;
- Exclude the possibility of criminal liability and administrative arrests for repeated participation in non-approved peaceful assemblies;
- Substantially reduce fines for violation of the rules concerning public assemblies;
- Reform system of approval of public assemblies, so as to make it more flexible and favorable to organizers;
- Remove local laws that prohibit solo demonstration due to the pandemic;
- Stop the practice of preventive detentions and post-factum detentions with the use of facial recognition systems;
- Avoid from using excessive force against protesters and effectively investigate the cases of police violence;
- Stop detentions and prosecutions for participation and organizations of anti-war public events, acquit and release prosecuted anti-war activists;
- Repeal the laws prohibiting "discrediting" and "spreading fakes" about the use of Russian armed forces.

Participation in public and political life

- Ensure that all elections are conducted freely and fairly, and that all citizens are able to participate in the electoral process without fear of intimidation or discrimination;
- Ensure that opposition candidates have equal access to media coverage and campaign financing, and are not subject to arbitrary detention or harassment;
- Ensure the independence of the Central Election Commission and regional election commissions to prevent political interference and ensure impartiality;
- Strengthen the legal framework for elections, including the Electoral Code and other relevant laws, to ensure that they conform to international standards and best practices.

Violence against women

- Adopt comprehensive legislation to prevent and address domestic violence and ensure that it criminalises all forms of domestic violence, including physical, sexual,

economic and psychological in accordance with international and regional standards, in particular General Recommendations of the CEDAW Committee Nos. 19, 33 and 35 and the Istanbul Convention.

- Amend the definitions of rape and other acts of sexual nature (CC Articles 131-133), in order for these definitions to be based on free, genuine and voluntary consent, in the context of the surrounding circumstances and include a wide range of coercive circumstances where consent cannot be considered to have been given, in accordance with international human rights standards. Ensure that force is not a required element of the crime of rape but rather an aggravating factor;
- Address the issue of harmful practices in the North Caucasus region, through extensive work with local elites, the judiciary and law enforcement. Eliminate loopholes in the criminal law that prevent prosecution in cases of abduction of both women and girls, adopt a law banning FGM, eliminate the use of mitigating circumstances in cases of “honor killings”.

Due process

- Ensure that the courts at all times observe the principle of a public hearing and undertake compensatory measures if the circumstances require limitations of the principle;
- Ensure that the defendant and their lawyer are provided with conditions enabling confidential negotiations, and defense lawyers always able to enjoy their professional rights even in case of adoption of anti-pandemic measures.

People with disabilities

- Adopt a human rights model of disability, stop using term “invalidi” in official documents and discourse,
- Promote the possibilities of persons with disabilities to live independently and participate in the life of society including the choice of supported decision-making;
- Involuntary hospitalization and treatment should not be used to pressure activists and human rights defenders; physical restraint should be used in accordance with international standards; conditions in places of detention should meet the needs of persons with disabilities.

Enforced disappearances

- Create an ad hoc humanitarian body to search for missing persons using modern scientific knowledge in a procedure complementary to investigations;
- Urgently address the problem of abductions in Chechnya, provide information, including available statistics, on recent complaints about kidnappings involving state agents in the region and their investigation;
- Cease the practice of enforced disappearances of Belarusian citizens residing in Russia on political grounds, and ensure that all individuals are afforded due process and protection under the law;

- Investigate and prosecute any officials or individuals who engage in or facilitate enforced disappearances.

Human rights obligations

- Ensure the implementation of all ECtHR decisions and interim measures of UN HRC and recommendations of all other relevant international mechanisms;
- Repeal the legislation non-compliant with international obligations.

Military service

- End the practice of forced conscription and ensure that individuals have the right to choose whether or not to perform military service;
- Ensure that conscripts have access to legal assistance and can challenge decisions related to their military service.

Association and assembly

Association

1. In spite of the earlier recommendations, civil society organizations faced unprecedented pressure by the Russian authorities since the 3rd Universal Periodic Review. By the beginning of the full-scale invasion, most of the notorious Russian human rights initiatives and independent media outlets were pushed out of the country or cracked down, their legal entities being liquidated and their employees facing risks of criminal prosecution.
2. The activities of Russian NGOs and other representatives of civil society are very limited due to the laws on “extremism”,¹ “foreign agents”,² “undesirable organizations”. In 2019-2023, 110 organizations and 254 people were included in “foreign agent” registries, 63 organizations were recognized as “undesirable”. As of March 20, 2023, there are 406

¹ Study on the Impact of Counter-Terrorism Measures on Civil Society and Civic Space in Russia

<https://drive.google.com/file/d/1O20hy8otUvv0k-RbyCqSbYX2mgwl0QgM/view>

² <https://inoteka.io/ino/created-and-or-distributed-en>

“foreign agents” and 81 “undesirable” organizations.

3. Due to the latest amendments of 2022 to the law on “foreign agents” that replaced all previous foreign agent regulation and made it even more hostile and discriminative, a person or an entity which is “under the foreign influence” can be recognized as such.³ The Parliament also expanded the list of restrictions that are imposed on “foreign agents” and widened legal grounds to liability for non compliance with a number of requirements and restrictions.⁴ Up to 5 years of imprisonment could be a sanction for not registering voluntarily as a foreign agent, as well as for 2 violations of “foreign agent” legislation.⁵ There is already a criminal case opened under the amended article.⁶
4. The informal consequence of designation as a ‘foreign agent’ is becoming a target for a smear campaign. State-related media and public officials such as the State Duma deputies regularly mention human rights defenders, journalists and activists using such terms as ‘traitors’.⁷ The law now is basically the main discrimination ground of associations’ and media, has a huge chilling effect and is a reason for self-dissolution for 21 organizations since 2019. Thus, since 2019, these laws were used to significantly limit the freedom of association in Russia and attack all independent organizations and media outlets.
5. The list includes the main Russian federal and region LGBT+ organizations as well as vocal LGBT+ activists.⁸ The LGBT+ rights initiatives and activists faced numerous public accusations in ‘propaganda’ and ‘manipulations with fragile children’s psyche.’⁹ Since 2022, the prosecutor's office has been investigating Aleksandr Voronov, the CEO of the LGBT-initiative group Coming Out, for cooperation with an ‘undesirable organization’. Also, after amendments to “LGBT-propaganda” legislation, for LGBT+ rights initiatives any public activity may lead to a 5 million roubles (~65'000 USD) fine and 3 month suspended operations.
6. The broad definition of extremism was not changed and has been used to suppress legitimate political and social activities, including peaceful protests, human rights advocacy, and religious expression.
7. Moreover, forcible liquidation of NGOs is one the frequently used tools of Russian authorities aimed at suppression of civil society. During 2022-2023, the authorities

³ See more: <https://inoteka.io/ino/2022/08/22/state-duma-adopted-new-law-foreign-agents-what-will-change>

⁴ <https://inoteka.io/ino/2022/12/07/new-foreign-agents-law-comes-effect>

⁵ <https://ovd.news/express-news/2022/12/20/gosduma-prinyala-dva-zakona-ob-ocherednom-uzhestochenii-inoagentskogo>

⁶ <https://ovdinfo.org/articles/2023/02/09/pervoe-delo-po-novoy-redakcii-ugolovnoy-stati-ob-inoagentah-chego-teper-zhdat>

⁷ The official Telegram-channel of Vyacheslav Volodin. 24 April 2021. https://t.me/vv_volodin/56.

⁸ Among them are Coming Out, Sphere Foundation, Russian LGBT Network, Moscow Community Center, Action, T*-Action, Irida, Revers, Majak, Resource LGBT Center, Federation of LGBT Sport, T9 NSK, Igor Kochetkov, Mariya Sabunaeva, Kirill Fedorov, Sasha Kazantseva, Regina Dzugkoeva, Karen Shahinyan, Yaroslav Sirotkin. Registry of Foreign Agents // Ministry of Justice of the Russian Federation. <https://minjust.gov.ru/uploaded/files/reestr-inostrannyih-agentov-01-12-2022.pdf>.

⁹ <https://www.vesti.ru/video/2355810>

dissolved at least 7 Russian human rights NGOs.¹⁰ In 2023, the same is already happening with Moscow Helsinki Group and SOVA Center.

8. After the full-scale invasion of Ukraine, the Russian authorities started to target NGOs and other representatives of civil society that publicly expressed their disagreement with the war with Ukraine. Further risks were introduced for the remains of Russian civil society in February 2022 with the ‘war censorship’ legislation.

Assembly

9. During the last review process, Russia accepted numerous recommendations regarding upholding the freedom of assembly (namely, 147.61, 147.64, 147.123, 147.155, 147.157, 147.162, 147.165, 147.175, 147.176, 147.180). None of those recommendations have been implemented, and the situation gradually worsened. As regarding the detentions’ of peaceful assemblies participants, in 2019-2022, OVD-Info documented at least 50 463 such detentions. Among them are almost 20 000 detentions during anti-war protests.¹¹
10. Practice of non-authorization of public events practice continues – since 2016 and by mid-2022, the courts received 6,987 complaints about refusals to authorize assemblies, many of which were considered after the expected date of the assembly.
11. Excessive force used by police was documented at all major rallies which happened in Russia in 2019, 2021 and 2022. In particular, in 2021, such reports included cases of targeted beatings, torture in police departments, threats of physical and sexual violence, and actual attempts of it.¹² In 2022, OVD-Info documented at least 413 similar reports about police violence during anti-war protests. At all stages of detention, protesters face harsh conditions.
12. Administrative and criminal prosecution in regards to freedom of assembly continues. At least 114 criminal cases have been opened in connection with the rallies since 2019. In 2019-2022, 41987 cases under Article 20.2 of the CAO (“Violation of assembly rules”) were considered by the Russian courts. After March 2022, the protesters and single-picketers are also prosecuted under the Article 20.3.3 of the CAO (“Discreditation of the Russian Army”).
13. The defenders and attorneys are often refused entry to police departments to provide legal help to protesters, including by introducing the «Fortress» contingency plan — a secret plan to repel an armed attack on the department. In 2019–2022 alone, there are more than 200 cases of non-admission of defenders on the pretext of such a plan. There are no effective remedies.

¹⁰ Among them Memorial, Charitable Foundation “Sphere”, and Moscow Helsinki Group for minor violations of legislation, including the law on “foreign agents”

¹¹ <https://en.ovdinfo.org/summary-russian-wartime-repression-one-year-full-scale-invasion>

¹² <https://en.ovdinfo.org/winter-2021-supression-en>

14. Facial recognition technologies have been used to find and prosecute participants in peaceful assemblies, as well as to prevent future participation.¹³ Their use is arbitrary and not based on law. In 2021-2022, at least 595 people were detained based on facial recognition technologies.
15. In addition, participants and organizers of public events are faced with demands for large material compensation for police work, threats of dismissal or expulsion from universities, attention from guardianship authorities and military draft commissions. The authors of posts and reposts about the assemblies are prosecuted as the «organizers» of the assemblies.
16. As regarding the legislation, further restrictions were introduced, such as a ban on holding or financing assemblies by entities and persons designated as «foreign agents» and cumbersome requirements to use dedicated bank accounts for expenses incurred in organizing the assembly, submitting financial statements, and returning unspent money to all of the donors. The places where assemblies are authorized were also restricted by the federal legislation, notwithstanding the Constitutional Court decision of 2019.
17. Since 2022, COVID-19 has been and continues to be used as a basis for refusing to approve assemblies, as well as for persecuting their participants and single-picketers. In most regions, public events were completely banned, in some - seriously limited.¹⁴ This ban has been selectively enforced, with pro-government rallies and events allowed to proceed while opposition protests have been suppressed. As of 2023, COVID-19 bans on rallies are still in force in some regions, including Moscow and Saint Petersburg.

Participation in public and political life

18. One of the recommendations accepted by Russia in the previous cycle was to ensure exercise of political competition through free and fair elections. Yet, it was not implemented. Elections in Russia are not free and unequal, and are held in conditions of limited basic political rights and freedoms, including the right to be elected for a significant number of citizens. Under such conditions, it is impossible to establish the real will of the voters.
19. The main problem of the Russian elections in 2022, in terms of ensuring the conditions for the free expression of the will of voters, was a large-scale attack on the remnants of freedom of speech and freedom of expression in Russia. At the moment, most citizens are deprived of the opportunity to receive alternative official information about the most important issues in the life of the country, as well as to freely express their opinion.

¹³ <https://reports.ovdinfo.org/how-authorities-use-cameras-and-facial-recognition-against-protesters#1%20>

¹⁴ <https://ovdinfo.org/documents/2020/03/21/strana-zamiraet-ogranichenie-publichnyh-meropriyatiy-v-regionah-iz-za-vspyshki>

20. Repressions against opponents of the government and the exclusion of candidates for elections led to the fact that the spectrum of political forces represented on the ballots differed significantly from the political spectrum of Russian society itself.
21. The elections held in 2022 were also characterized by: manipulation of legislation on the eve of the elections; a radical decline in the standards of openness and transparency in the activities of election commissions; forceful pressure on commission members, observers, candidates, their proxies and media representatives; mass, organized by the state, coercion of voters to vote; creation of wide opportunities for falsification of voting results.

Violence against women

22. During the third UPR cycle, Russia received several recommendations on combating gender-based violence against women and girls, including those which Russia has accepted (e.g., 147.57, 147.114, 147.116-147.117, 147.118-147.120, 147.238-147.244, 147.272-147.273). However, Russia has not implemented these recommendations from the third cycle.
23. Regarding domestic violence against women and girls, despite numerous recommendations provided by the CEDAW Committee¹⁵ and the ECtHR,¹⁶ Russia is failing to adopt comprehensive legislation to prevent and address domestic violence and ensure that all cases of gender-based violence are promptly and thoroughly investigated. Women remain largely unprotected. In the study conducted by one of the authors of this submission, the analysis of verdicts from 2011 to 2019 indicates that 65.8% of women were murdered as a result of domestic violence, i.e., 12,209 out of 18,547 women died at the hands of a partner or relative.¹⁷ In 2020 and 2021, the rate of lethal domestic violence increased significantly. 70.9% (in 2020) and 71.7% (in 2021) of all women killed were killed by either a partner or relative.¹⁸ A recent study demonstrates that 21.8% (38.2% top estimate) of women reported to interviewers experiencing physical violence during their lifetime.¹⁹ This rate is higher than globally.²⁰

¹⁵ For example, CEDAW Committee, Concluding observations on the ninth periodic report of the Russian Federation (CEDAW/C/RUS/CO/9); CEDAW Committee, views in *X and Y v. Russian Federation* (CEDAW/C/73/D/100/2016), *O.G. v. Russian Federation* (CEDAW/C/68/D/91/2015) and *S.T. v. Russian Federation* (CEDAW/C/72/D/65/2014)

¹⁶ Pilot judgement of the ECtHR in the case of *Tunikova and Others v. Russia*, App. No. 55974/16

¹⁷ “Algorithm of Light”, an independent project by “the Consortium of Women’s NGOs”, available at: <https://readymag.com/algorithmsveta/2020-2021/>

¹⁸ Ibid

¹⁹ Kamalov E., Sergeeva I. 2023. Partner violence in Russia: results of a series of surveys, available at: https://violencemonitor.org/report_2023?tpclid=facebook.PAAaYtW8DJJM_JnONYL6qbzTxPozyT9v_RaLr9z7363iu44IYhS7Xdd3qUGqA, p. 8

²⁰ The 2018 global estimates indicate that 26% ever-married/ partnered women aged 15 years and older have been subjected to physical and/or sexual violence from a current or former husband or male intimate partner at least once in their lifetime, WHO, ‘Violence Against Women Prevalence Estimates’ (2018), available at: <https://www.who.int/publications/i/item/9789240022256>, p. XII

24. Regarding sexual violence against women and girls, Russia's legal system provides a number of opportunities for perpetrators to escape criminal liability or punishment. The definitions of sexual violence crimes fail to require lack of consent as an element of crimes of sexual violence and that any consent must be given voluntarily as the result of the person's free will. Instead, the narrow definition of rape and sexual crimes in the CC requires violence, threat of violence or abuse of the "victim's state of helplessness". Coupled with gender biases and stereotypes and victim blaming in the justice system, such definitions of sexual violence crimes allow actual and potential impunity for perpetrators of sexual violence crimes. According to various studies conducted by the authors of the present submission, only about 3-15% victims of sexual violence file a report with the police.²¹ As a result, only 1% of the perpetrators reported by female respondents in the survey had been subjected to criminal punishment.²²

Women in North Caucasus

25. Although the third cycle recommendations do not specifically mention women's rights in the North Caucasus region, a number of recommendations, namely, 147.248 and 147.251, can be attributed to the situation – they were not implemented. In the North Caucasus of Russia violence against women and children is widespread and integrated in to social and family structure, including, in the form of traditional harmful practices as honor killings, forced marriages and female genital mutilations (FGM/C) of underage girls.
26. SJI's reports in 2016 and 2018 revealed that FGM is practiced on girls under three years old in highland villages in the Republic of Dagestan, often performed at home with knives to control female sexuality.²³ The "medicalization" of FGM in Russia is also becoming more prevalent, with private medical clinics offering and advertising the procedure without punishment for doctors or parents.²⁴
27. Honor killings are still prevalent in Chechnya, Ingushetia, and Dagestan, where close male relatives murder girls and young women for suspected "misconduct," and in one-third of cases, the court commutes the punishment for the accused due to the victim's

²¹ Interview with Nadezda Zamotayeva, director of the regional non-governmental non-profit organization "Independent Charity Center for Survivors of Sexual Violence "Sisters", available at: <https://wcons.net/novosti/nadezhda-zamotaeva-v-rossii-nasilie-nachinaja-s-detskogo-sada-norma-zhizni/>; Joint study by "the Consortium of Women's NGOs" and Olga Bochkova's Safety Academy #Not Taboo, 'New Evidence on Sexualised Violence against Children' (2022), available at: <https://bochkova.academy/netabu/>

²² Ibid

²³ Report based on the results of a qualitative sociological study in the Republic of Dagestan, the Republic of Ingushetia and the Republic of Chechnya (Russian Federation) ", available on: <https://www.srji.org/en/about/annual/the-second-fgm-report-based-on-the-results-of-a-study-in-russian-federation/>

²⁴ Kommersant "FGM in Clinics", 13 May 2020: <https://www.kommersant.ru/doc/4343082>

behavior, according to SJI's 2020 research.²⁵

28. Forced marriages, including bride kidnapping, pose a severe risk to girls' lives, as their own relatives may see sexual relations as a threat to the family's honor, and perpetrators are rarely punished. In some cases, national criminal laws allow adults to avoid punishment for raping a minor by marrying the victim, which perpetuates these crimes.
29. In the North Caucasus, civil courts issue custody decisions in favor of women, but these decisions are often ignored by the families of former husbands, who abduct the children during meetings with the father or with the help of relatives and friends.

Due process

30. During COVID-19, epidemiological measures disproportionately restricted guarantees of the right to a fair trial.²⁶ The principle of public trials was almost completely abolished.²⁷ The courts were completely closed to the public from 19 March until 11 May 2020.²⁸ From 12 May 2020, only some courts began to allow visitors, who are not participants to particular proceedings; courts occasionally adopted measures to compensate for the limitations of the principle of public hearing like broadcasting of proceedings.²⁹ Moreover, the Russian courts demonstrated inability to communicate effectively with the public in a crisis situation of Pandemic.³⁰
31. During the COVID-19 the right to defense was limited, for instance, the confidentiality of negotiations between the defendant and his lawyers during the visits of the latter to places of detention was violated.³¹ The lawyers have faced obstacles while traveling to attend a court hearing in courts of other subjects, because of the requirements of some subjects of the Russian Federation to spend days in self-isolation.³²

²⁵ “Killed by gossip: “Honor killings” of women in the North Caucasus. Report on the results of a qualitative study in the republics of Dagestan, Ingushetia and Chechnya (Russian Federation)”, <https://www.srji.org/en/news/2018/12/honor-killings-of-women-in-the-north-caucasus-report/>; Killed by gossip 2 - Analysis of court sentences in criminal cases involving honor killings in the republics of the North Caucasus”, 2020: <https://www.srji.org/about/annual/Pravovaya-initsiativa-Otchet-UBITYE-SPLETNYAMI-2020/>

²⁶ Respect for the Rights to a Fair Trial in the Context of the COVID-19 Pandemic, Citizens Watch, 2022. URL.: <https://courtmonitoring.org/ru/projects/otchet-y-o-monitoringe/soblyudenie-prava-na-spravedlivyj-sud-v-usloviyah-pandemii-covid-19/>

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Summary Report on the Publicity of Justice and Opened of the Courts during the Pandemic, Citizens Watch, 2022. URL.: <https://courtmonitoring.org/ru/projects/otchet-y-o-monitoringe/svodnyj-otchet-po-glasnosti-pravosudiya-i-informatsionnoj-otkrytosti-sudov-v-period-pandemii/>

³¹ The Right to a Professional Legal Aid in the Context of the COVID-19 Pandemic, Citizens Watch, 2022. URL.: <https://courtmonitoring.org/ru/projects/pravo-na-kvalifitsirovannuyu-yuridicheskuyu-pomoshh-v-usloviyah-pandemii-covid-19/>.

³² Ibid.

People with disabilities

32. Russia continues to use the term "invalidi" in official documents and public discourse³³ despite the recommendation of the Committee on the Rights of Persons with Disabilities to «amend the official translation of the Convention and use terms that fully reflect the human rights model».³⁴ Russia rejects a medico-social model of disability and the use of the concept of supported decision-making instead of substitute decision-making.³⁵
33. Persons with disabilities face limitations to independent living and integration into society, as evidenced by sociological surveys showing low levels of employment of the persons with disabilities and higher percentage of low income households with persons of disabilities.³⁶ Some spheres of life are more closed than others, for instance, persons with disabilities have limited possibilities to participate in the justice system, because of the lists of disabilities and diseases precluding a person to become a judge,³⁷ a prosecutor³⁸ or a juror.³⁹ These lists are applied automatically without examining whether a person with a disability would be able to serve as a judge⁴⁰ or juror.⁴¹ Many court buildings remain inaccessible to persons with disabilities.⁴²
34. Involuntary hospitalization might be used to pressure activists,⁴³ and physical restraints are illegally used in psychiatric institutions.⁴⁴ In places of detention, persons with

³³ Report of the Russian Federation to the Committee on the Rights of Persons with Disabilities (CRPD/C/RUS/2-3) 2022, para. 18. URL.: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FRUS%2F2-3&Lang=en.

³⁴ Concluding Observations (CRPD/C/RUS/CO/1) 2018, para. 8.

³⁵ CRPD/C/RUS/2-3, para. 99.

³⁶ Study on the topic: "Perception by the population of the Russian Federation of the situation of disabled people in Russia», Russian Public Opinion Research Center (VCIOM), 2018. URL.: https://profi.wciom.ru/open_projects/otnoshenie_k_invalidam/; Public Attitude Towards Persons with Disabilities, Levada Center, October 25, 2020. URL.: <https://www.levada.ru/2019/10/25/otnoshenie-naseleniya-k-litsam-s-ogranichennymi-vozmozhnostyami/>.

³⁷ Law of the Russian Federation of 26.06.1992 No. 3132-1 "On the Status of Judges in the Russian Federation", para. 1 Art. 4.

³⁸ Federal Law of 17.01.1992 № 2202-1 "On the Prosecutor's Office of the Russian Federation", para. 1 Art. 40.1.

³⁹ Federal Law No. 113-FZ of 20 August 2004 "On jurors of federal courts of general jurisdiction in the Russian Federation," para. 4 ч. 2 Art. 3.

⁴⁰ Appellate Decision of the Appellate Board of the Supreme Court of the Russian Federation of 26.02.2015 N APL15-39.

⁴¹ Decision of the Presidium of the Supreme Court of the Russian Federation of 29.05.2013 N 83-П13ПП; Appeal determination of the Judicial Board for Criminal Cases of the Supreme Court of the Russian Federation of 21.04.2016 N 35-АП16-2сп.

⁴² Map of accessibility of courts of St. Petersburg for persons with disabilities. URL.: <https://courtmonitoring.org/ru/projects/karta-dostupnosti-sudov-sankt-peterburga-dlya-lyudej-s-invalidnostyu/>.

⁴³ Ruling of the Second Court of Cassation of General Jurisdiction of December 9, 2020 No. 88A-26647/2020.

⁴⁴ Ruling of the First Court of Common Pleas in case No. 88-29055/2021 dated December 15, 2021; Ruling of the Second Court of Cassation of General Jurisdiction on September 27, 2022 in case No. 88-21380/2022.

disabilities face a lack of medical care⁴⁵ and individualized rehabilitation tools.⁴⁶

Enforced dissappearances

Belarusian citizens

35. Since 2020, Belarusian citizens in Russia have been at risk of enforced disappearances due to a crackdown on protesters and opposition that extended beyond Belarus' borders. The Russian Federation has shown a willingness to cooperate with Belarus in persecuting political opponents through unofficial means.
36. Between 2020 and 2023 the Moscow Helsinki Group managed to track down and document at least 10 cases of Belarusian citizens being de facto secretly extradited on political grounds to Belarus. In all cases the victims disappeared for a period of time and were removed from the protection of the law up to the moment of their discovery in pre-trial detention centers in Belarus.
37. In 2 cases the victims were arrested during a joint operation of security forces of Russia and Belarus. Bypassing statutory extradition procedures of Russia they were rapidly moved to Belarus and placed in detention the next day after initial arrest. As it was later revealed the operation was conducted under a secret treaty between Russian and Belarusian security services.⁴⁷ The 'treaty' was never published but, according to the claim of FSB, it contains provisions that allow such speedy extraditions without judicial scrutiny. The Office of Prosecutor General refused to check the lawfulness of this operation.
38. In 3 cases the victims were forcefully abducted and delivered to the Belarusian KGB detention center. Despite numerous appeals to the Office of Prosecutor General and Investigative Committee, no criminal investigation into abductions was initiated and no explanation was provided. The latest case took place on 9 March 2023.
39. And in 5 cases the victims were subjected to the procedure of administrative deportation in full knowledge of the fact that they were criminally wanted in Belarus. The factual nature of such deportations may be considered as a forceful disappearance.⁴⁸ In 3 cases individuals in question attempted to leave Belarus for Ukraine through Russia but were arrested under fabricated administrative charges and in 2 cases individuals were arrested under similar fabricated charges right after release from detainment under extradition

⁴⁵ Ruling of the Sixth Court of Cassation of General Jurisdiction in case No. 88-11220/2021 from May 25, 2021; Ruling of the Third Court of Cassation of General Jurisdiction in case No. 88a-12086/2022 from July 20, 2022; Ruling of the Third Court of Cassation of General Jurisdiction in case No. 88a-21603/2021 from December 15, 2021.

⁴⁶ Ruling of the First Court of Cassation of General Jurisdiction in case No. 88-12168/2021 from May 19, 2021.

⁴⁷ Agreement on cooperation and interaction between the Ministry of Security of the Russian Federation and the State Security Committee of the Republic of Belarus dated 13 May 1992

⁴⁸ After the decision on deportation enters into force the victims are taken away from migration prison in an unknown direction without notification of lawyers and relatives and handed over at the border to Belarusian law enforcement officers in a pre-arranged manner.

check. In one of these cases the individual was subjected to deportation without final court judgment and his appeal was heard already after the fact without him being present. His whereabouts were identified five days later. No criminal investigation of unlawful deportation was initiated.

Ukrainian citizens

40. The Public Verdict Foundation has been receiving reports from relatives of Ukrainian citizens captured by the Russian military and forcibly transferred to the territory of the Russian Federation. Now PVF is working on 10 cases of enforced disappearance of Ukrainian civilians. These civilians were taken from the streets or their homes in settlements controlled by the Russian army. In some cases, people indicate the location where their captured relatives are reportedly held. Most prisoners are held in pretrial detention facilities or penal colonies in Russian regions bordering Ukraine. These facilities deny lawyers access to these detainees, and relatives' attempts to contact them have been unsuccessful. PVF filed at least 50 requests to various relevant Russian state agencies, but all of them refused to provide any information on detained Ukrainian civilians.⁴⁹
41. Ukrainian civilians forcibly brought to Russia are held incommunicado: they are not granted access to a lawyer nor allowed to contact relatives.

North Caucasus

42. In the context of contemporary Chechnya and the North Caucasus - enforced disappearances and murders have become the tool for political repressions of the regime of Chechen leader Ramazan Kadyrov. In the autumn of 2020, the Chechen opposition telegraph channel IADAT published statistics on their observations: between April and October alone, security forces in the republic kidnapped more than 1,500 people.⁵⁰ Disappearances are in fact extrajudicial killings carried out by the so-called Kadyrovtsy and Chechen law enforcement agencies. A person is detained or summoned for interrogation and then disappears.⁵¹ Since 22 December (2021), more than 60 relatives of members of opposition to Kadyrov's regime and human rights activists have been kidnapped.⁵²

⁴⁹ Concrete cases are described in detail in the article "I am worried they might kill him there." Captured Ukrainians in Russian prisons, at <https://www.severreal.org/a/hot-by-ego-tam-ne-ubili-plennye-ukraintsy-v-rossiyskih-tyurmah/31906224.html>) and mentioned by HRW in "Russia: Enforced Disappearance of Ukrainian Teacher" at <https://www.hrw.org/2022/06/13/russia-enforced-disappearance-ukrainian-teacher>.

⁵⁰ Caucasus. Realii: "IADAT Movement Tells of 1,500 Abducted in Chechnya in Six Months", 28 October 2020

⁵¹ Caucasus. Realii "People go missing in Chechnya four times more often than the Russian average", 3 February 2022: <https://www.svoboda.org/a/vazhnye-istorii-v-chechne-lyudi-propadayut-v-4-raza-chaschem-v-srednem-po-rossii/31685032.html>

⁵² BBC NEWS, Russian service, "Critics of Kadyrov reported their relatives missing in Chechnya", 27 December 2021: <https://www.bbc.com/russian/news-59803183>

Human rights obligations

43. In the previous review cycle, a number of recommendations considering upholding the human rights international obligations and cooperating with international human rights mechanisms were made (namely, 147.26 – 147.28, 147.29 - 147.36). Yet, none were implemented, and the situation gradually deteriorated.
44. Despite the fact that Russia is a signatory to the ICCPR and to Optional Protocol to it, there exists a serious issue with implementation of Committee's decisions, especially of its interim measures under Rule 94. In 2017-2023 there are at least 7 known cases⁵³, when interim measures were either bluntly violated or simply ignored. In 4 cases interim measures requested to refrain from extradition, in 2 cases – to refrain from deportation, and in 1 case – to provide adequate medical aid to a person in detention.⁵⁴
45. The legal nature and significance of the decisions made by the Committee are not clearly defined in Russian legislation, leading to inconsistent interpretations by the Constitutional and Supreme Courts. In extradition cases, the Prosecutor General's Office does not consider the Committee's interim measures to be binding, and court practice varies in their treatment of the Committee's views.⁵⁵
46. Similar positions are taken by courts in cases of deportations. And the agency responsible for management of the deportation system⁵⁷ also holds a view that the exact legal nature of the Committee's decisions is uncertain.
47. In addition, Russia was expelled from the Council of Europe due to its aggression against Ukraine. In this regard, the Russian Federation introduced a law, according to which judgments of the ECtHR adopted after 15 March 2022 will not be enforced in Russia.⁵⁸
48. Moreover, despite previous recommendations to fully implement the judgments of the ECtHR, including those related to officials accused of serious human rights violations in the North Caucasus, little progress has been made in this regard. The ECHR has issued

⁵³ Conducted by Russian human rights NGOs: the Moscow Helsinki Group, Civic Assistance Committee, 'Public Verdict' and Human Rights Institute.

⁵⁴ In all cases of extradition and deportation the authors of individual communicates were removed to the countries where they faced certain risks recognized as legitimate by the Committee. In the case of adequate medical aid, some aid was provided 4 later but only due to an enormous pressuring campaign launched by the lawyers, not because the government formally agreed to implement the Committee's request, which in reality fell on deaf ears.

⁵⁵ Ruling of the Constitutional Court of the Russian Federation dated June 28, 2012 No. 1248-O/2012; Ruling of the Constitutional Court of the Russian Federation dated June 9, 2015 No. 1276-O; Ruling of the Supreme Court of the Russian Federation dated July 24, 2017 No. 46-KG17-24.

⁵⁶ Governmental agency responsible for the management of pre-trial detention centers (where people await extradition), as well as execution of orders on extradition

⁵⁷ Main Directorate of the Ministry of Internal Affairs of the Russian Federation for Migration Issues

⁵⁸ <https://sozd.duma.gov.ru/bill/124020-8>

numerous judgments related to human rights abuses in the North Caucasus.⁵⁹ However, the Russian authorities have failed to implement the judgments in these cases, and the perpetrators have not been held accountable.

49. This applies to general and individual measures, including the payments of just satisfaction. The Prosecutor General already started to refuse to pay just satisfaction rewards for victims of human rights violation on the grounds of the judgements of the ECtHR adopted after 15 March 2022. Furthermore, such judgments will no longer constitute grounds for the review of cases at the national level.

Rights of prisoners

50. The Russian Penitentiary legislation does not have any specific guidelines or procedures for transgender prisoners. The main strategy the administration of penitentiary facilities uses in cases of transgender persons is solitary cells.⁶⁰ Solitary cells make resocialization for transgender persons even more challenging after their sentence is finished.
51. Transgender individuals, like Nazar Gulevich, may be subjected to prolonged periods of solitary confinement throughout their sentences. Gulevich, a transgender man, spent over half of his 4.5-year sentence in solitary confinement due to safety concerns in a female detention center, and was later deported to Belarus upon release.
52. Despite claims that there are no alternative safety measures available for transgender prisoners, Innokenty Alimov, a transgender man sentenced to 4.5 years in prison, was able to leave solitary confinement and transfer to a medical unit and later a pre-trial detention center after his attorney's intervention. In October 2022, he was transferred to a female penal colony upon his request.⁶¹
53. These two cases demonstrate a certain willingness of the Russian penitentiary system to not only formally ensure safety of prisoners by keeping them in isolation, but also make further steps. Unfortunately, the solution remains to depend on the administration of the detention centre. The same applies to the medical examination of transgender persons in the penitentiary facilities, their access to gender-affirmative hormonal therapy, and other specific needs.

Military service

Current situation and illegal prisons

⁵⁹ Including the cases of Turluyeva and Others v. Russia, and Chitayev and Chitayev v. Russia, both of which involved enforced disappearances and torture.

⁶⁰ Solitary confinement should be banned in most cases, UN expert says // UN News. 18 October 2011. <https://news.un.org/en/story/2011/10/392012>.

⁶¹ Трансгендерного мужчину поместили в женскую колонию // Sphere. 21 April 2022. <https://spherequeer.org/2022/11/21/transgender-prison/>.

54. Since the beginning of the war, the Movement of conscientious objectors has recorded hundreds of people who either want to stop their participation in the crime of aggression, or who make every effort not to go to the army.
55. Before the beginning of mobilization, it was possible to demand the termination of the soldiers' contracts with the Ministry of Defense, and hundreds of people used this right. After the start of mobilization, it became almost impossible. MCO now faces thousands of people who are either insisting on their right to alternative civilian service or demanding demobilization on medical grounds.
56. The reaction of the military commanders to such a big number of conscientious objectors was the creation of illegal prisons, the so-called "cellars". In these prisons, with the help of torture, conscientious objectors who refused to go to the front line are illegally detained. The most notable for the last year were the cases of Bryanka in July and Zaitsevo in November. About 300 people were illegally detained in each of these camps, more than 13 such camps are known at the moment. Officially, Russian authorities call these prisons Psychological Rehabilitation Centers.
57. The current persecution of Jehovah's Witnesses also affects their right to conscientious objection to military service. Jehovah's Witnesses are afraid to say anything about their beliefs in the process of applying for alternative civil service because they are afraid of being accused of extremism.
58. Alternative civilian service in Russia remains punitive and discriminatory in terms of duration and conditions. The military service in the Russian Federation is 12 months, while the alternative civilian service is 18-21 months. The conditions for alternative service are punitive in nature.

Mobilisation

59. After the announcement of mobilization, human rights defenders faced mass kidnappings of people. Raids were taking place in hostels, subways, shelters for the homeless and entrances of residential buildings. Call-up papers were issued to all caught citizens without respecting the territorial principle. This means that medical and any other documents that are in the military commissariat at the place of registration of a citizen are simply not reviewed by the military commissariat, where a person is taken after a raid. People were threatened with criminal prosecution if they refused to go to the military unit. However, the maximum punishment that is currently adopted for evading mobilization is a fine of 10 to 50 euros. Nevertheless, being in a frightened state, people agree to mobilization.

Ordinary conscription

60. With regard to the ordinary conscription, draftees are more protected by law than the mobilised people because this is the ordinary procedure which was operated for the last

30 years without major changes.

61. Human rights violations persist in the alternative civil service system due to the absence of an independent civil decision-making body. In practice, the decision to replace military service with alternative civil service or deny such a replacement is made by representatives of the military commissariat, with no funding for the Draft commission and its sessions held at the Military commissariat.