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## الاستعراض الدوري الشامل

تقرير الفريق العامل المعني بالاستعراض الدوري الشامل\*\*

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\*\* لم يترجم إلا الفصل الثاني من هذا التقرير. أما مرفق التقرير فيُعمّم بالصيغة التي ورد بها.

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## **Introduction**

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourth session from 2 to 13 February 2009. The review of the Russian Federation was held at the 5th meeting on 4 February 2009. The delegation of the Russian Federation was headed by H.E. Mr. Alexander V. Kononov, Minister of Justice of the Russian Federation. At its meeting held on 6 February 2009, the Working Group adopted the present report on the Russian Federation.

2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Russian Federation: Bahrain, Chile and Ghana.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of the Russian Federation:

(a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/4/ RUS /1);

(b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/4/ RUS /2);

(c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/4/ RUS /3).

4. A list of questions prepared in advance by Czech Republic, Georgia, Latvia, Liechtenstein, Sweden, Denmark, Lithuania, Netherlands, and United Kingdom of Great Britain and Northern Ireland was transmitted to the Russian Federation through the troika. These questions are available on the extranet of the UPR.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. At the 5th meeting, on 4 February 2009, Mr. Kononov, the Minister of Justice, presented the national report. He noted that Russian Federation continues to consider the UPR as the most important instrument of international control in the field of human rights. Russian Federation is committed to fundamental values such as freedom, justice, life, prosperity and dignity of a person, family traditions, political equality, integrity and effectiveness of judicial system, social guarantees, eradication of poverty and corruption and it is also committed to its international obligations in the area of human rights.

6. Russian Federation noted that international instruments, including those in the field of human rights, constitute an integral part of its legal system and applied directly and have supremacy over its national legislation. Visits by United Nations Special Procedures representatives have been taking place on a constant basis. In order to ensure guarantees of rights and freedoms the Ombudsman institution was established and effectively functioning and as a result it was granted status A in January 2009.

7. Russian Federation underlined that in the last decade it has undertaken a unique transition from a totalitarian regime to a democratic state. Whilst the State has essentially set up a democratic society now, unfortunately it continues to suffer from the consequences of both totalitarianism and also painful transition to a democratic society. In this connection the delegation underscored at least 5 important problems with regard to the background for protection of human rights in the country.

8. Firstly the delegation stressed the question of overcoming Russia's isolation from the European and world's legal processes including the fact that for a long time Russia was not a participant in the Hague Conference. The effective integration of Russia in the international legal sphere in view of its specificities and interests of development of its national legal system is taking place.

9. Secondly, Russia has essentially set up and continues to improve its democratic institutions, including judiciary, tax system, public services, governance, parliamentary and election systems, which have been absent or non-functioning before. It was stressed that corruption remains one of the most acute problems. Following the initiative of the President, unprecedented comprehensive measures aimed at improving governance, enhancing judicial and police fight against corruption and ensuring participation of the civil society are being taken to curb it.

10. Thirdly, Russia mentioned the issue of the institutions and situations where realization of human rights can be difficult, including army, penitentiary, medical and psychiatric institutions, police facilities. Pointing out that in the past ten years great progress has been achieved in all these fields, Russia agreed that further measures are necessary and are being taken to provide for their proper functioning. Among them are increased public access, ensuring transparency and control, improving legal base and criminal punishment for violations committed by their personnel.

11. Fourthly, delegation touched upon a block of problems related to country's multifaceted ethnic, economic and social background, particularly poverty, criminality including cyber crimes, new forms of exploitation of women and children, social passiveness, necessity to reform economy and re-create social infrastructure. Much is being done in this regard, including through international dialogue. It stressed that Russia was one of the first to encounter international terrorism, and the fight against it unfortunately resulted in some negative events and had its impact on migration policy. Reaffirming that human rights violations in combating terrorism should be considered strictly by legal means, Russia confirmed its readiness to co-operate in this sphere.

12. Fifthly, on the issue of freedom of expression it was said that it should be realized bona fide, taking into account balance of public and private interests, traditions and values of society. The delegation stated that in Russia there is no practice of persecution of persons belonging to minorities, with the exception of cases when the court determined criminal or illegal character of activities of concrete public associations. The law on activities of legal persons has democratic and liberal character, yet the work on registration practices of public and religious associations and its reporting should be improved. In regard to mass media there are a huge number of resources, both printed and electronic media, and they are able to work fairly freely. Only 5 % of media outlets belong partly to the State. Concerning the problem of security of journalists in cases of death, violence and repression against them, the delegation noted that in some cases such crimes were committed and were not always related to the professional activities of those persons

13. Russia re-iterated its commitment to the cause of human rights and stated that it will strive to meet the highest requirements in this field, since it aims at innovative and intensive development, involving in it free individuals.

#### **B. Interactive dialogue and responses by the State under review**

14. During the inter-active dialogue, statements were made by 55 delegations. Additional statements by 23 delegations which could not be delivered during the dialogue due to time constraints are also posted on the UPR extranet when available.\*\*

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\*\* Estonia, Côte d'Ivoire, Ghana, Lithuania, Islamic Republic of Iran, Qatar, Azerbaijan, Kazakhstan, Spain, Tunisia, Latvia, Bangladesh, Hungary, Poland, Syrian Arab Republic, Botswana, Canada, Nigeria, Kirgizstan, Bahrain, Djibouti, Sudan, Lebanon.

15. A number of delegations thanked the Russian Federation for the comprehensive national report and its open, self-critical and frank presentation and for the responses provided to some of the advance questions. Statements were made welcoming the Russian Federation's commitment to the UPR process and the promotion and protection of human rights, its constructive and cooperative participation and the broad-based consultations with stakeholders that took place in preparing the national report.

16. The Czech Republic asked whether and in what timeframe special procedures mandate holders could visit the country and recommended issuing and implementing a standing invitation to all special procedures. It also recommended abolishing completely the system of "propiska" and adopting further measures to ensure that both the legal system and practice complied with the protection of freedom of movement. The Czech Republic also recommended acceding to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) and establishing the corresponding national preventive mechanism; reviewing conditions in prisons, particularly pre-trial detention facilities, to bring them into compliance with international standards; giving all prison guards and law enforcement officials human rights training specifically focusing on protection of human rights of women, children, national minorities and persons of minority sexual orientation or gender identity; ensuring investigation and punishment of all cases of violation of human rights by this personnel; adopting specific law on domestic violence and collecting statistics on cases of violence against women, including domestic violence as a specific crime, and establish for victims of domestic violence shelters and safe housing that were locally accessible, sufficiently and sustainably funded and of appropriate capacity. Regarding judicial reform it recommended establishing a special system of juvenile justice.

17. Finland recommended ratifying the 14th Protocol to the European Convention on Human Rights and requested information on the ratification process. Finland noted that the Constitution establishes the right for minorities to choose their language of education but that, despite the federal legislative efforts, this right is often not realized. Finland asked about measures to safeguard the language rights of the Finno-Ugric and other minority groups and recommended intensifying the efforts to ensure provision of education in minority languages.

18. France asked about the reform of the penitentiary system, improvement of prison conditions and when the visit of the Special Rapporteur on torture to North Caucasus will take place. It noted that freedom of assembly and expression is not guaranteed for homosexuals and enquired what measures the Government intended to take in that regard. Referring to the murder of four journalists from *Novaya Gazeta*, it recommended taking all possible measures to combat the resurgence of such crimes and bring the perpetrators and their masterminds to justice; becoming a party to the Rome Statute of the International Criminal Court (ICC); and extending a standing invitation to United Nations special rapporteurs.

19. Germany asked what measures had been taken to assure personal security of human rights defenders, including lawyers and journalists, and about the impact of the assassination of Stanislav Markelov on Government policy. It noted the overdue reports to CEDAW. While welcoming the abolishment in practice of the death penalty, it recommended implementing its announcement to abolish the death penalty *de jure* and to consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (OP-ICCPR).

20. The Netherlands noted the rulings of the European Court for Human Rights on cases involving human rights violation in the Northern Caucasus and commended the authorities for their commitment to execute those rulings and the judicial reform. However, the rulings seemed to lay bare a shortcoming in the justice system. It recommended strengthening the ongoing efforts to reform the justice system according to international standards. The Netherlands noted that cases of killing and harassment of journalists are rarely solved. It recommended taking further measures to improve journalists' security and

ensure that violations of their rights were fully and promptly investigated and that any one found responsible was brought to justice according to international standards. The Netherlands noted concerns about a rising trend of extremist violence and hate crimes, especially against minority groups, including migrants and gay, lesbian, bisexual and transgender/transsexual people. It recommended considering a comprehensive approach and specific programmes to combat racist attacks and discrimination, especially with regard to the vulnerable position of migrants. In this light it would be recommendable to revise the Law against Extremism so as to clarify the definition of extremism. The Netherlands recommended considering a review of the NGO law taking into account, inter alia, the concerns expressed by United Nations rights bodies.

21. Italy asked about measures undertaken to improve media freedom and protection of journalists' working conditions. Italy recommended adopting further measures aimed at improving media freedom and protecting the working conditions of journalists and human rights defenders in the country. It recommended conducting a thorough, prompt and impartial investigation into the assassinations of journalist Anastasia Baburova and human rights activist Stanislav Markelov and bringing the perpetrators to justice. Italy asked about civil society's role in promoting human rights and about the criteria used to grant financing to NGOs. It welcomed the establishment of the national working group on judicial reform and the creation of the Anti-corruption Council. Italy recommended increasing efforts to overcome existing challenges in this field, including corruption, transparency and accountability of the public administration as well as a rational division of responsibility between federal and regional levels of the Government.

22. Algeria praised Russia for its very positive role in facilitating the preparatory process to the Review Conference for Durban. It recommended that Russia continue its positive work to combat racial discrimination and related intolerance; pursue its efforts to improve the situation of detainees and take measures to achieve that goal; continue its efforts to reduce the number of children without parental care, particularly by stepping up the work already undertaken to overcome that phenomenon; and continue to promote equality between men and women and, in the current situation of a world economic crisis, step up its efforts to protect economic, social and cultural rights for the most vulnerable segments of the population, including migrants.

23. Austria, noting the concern of the Special Representative on the situation of human rights defenders that registration laws may aim to stifle criticism and limit civil-society movements, asked about follow-up in that regard. It recommended creating 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. It enquired about follow-up to the Committee on the Rights of the Child's (CRC) encouragement to Russia to expedite the reform of the juvenile justice system, to try those under 18 by specific juvenile court and to develop an effective system of alternative sentencing. Austria recommended establishing a juvenile justice system that strived not only to punish, but rather to help juveniles to re-integrate into society, taking into account existing international standards in that regard. It noted reports of violent racism attacks against foreigners and members of minority groups and asked about measures undertaken to address the issue. It recommended systematically collecting data on racially motivated hate crimes and increasing efforts to bring perpetrators to justice.

24. Switzerland recommended extending a standing invitation to all thematic special procedures. It noted reports from different stakeholders on acts of racism. In this regard it recommended stepping up efforts made to investigate acts of racial aggression and punish their perpetrators, and to attack in a longstanding way the deep causes of the problem in the framework of reforms of justice. Switzerland also noted concerns expressed by CAT on acts of torture carried out by law enforcement officers in combating terrorism and asked about the measures in place to sanction those responsible. While welcoming the agreement in principle with the Special Rapporteur on torture, it recommended reaching agreement as soon as possible on the visit of the Special Rapporteur on torture. Switzerland also noted reports of

aggression against journalist and lawyers and recommended intensifying the efforts to investigate practices of harassment and aggression against journalists and lawyers and punish the perpetrators. It recommended Russia do its utmost to ensure that the murders of the lawyer Stanislav Markelov and the journalist Anastasia Baburova did not remain unpunished.

25. Pakistan appreciated Russia's commitment to the cause of human rights as manifested by its accession to most of the human rights instruments. Pakistan noted the progressive improvement of human rights in various parts of the Federation, the introduction in school curricula of human rights education and the establishment of the Office of the Ombudsman. Regarding the administration of justice it requested further details on the ongoing full-fledged reform of judiciary to make access to justice more effective and to ensure the independence of judges and lawyers. It also wished to know more about specific measures taken to address concerns expressed by the Human Rights Committee regarding the large number of persons being trafficked for sexual and labour exploitation.

26. China praised the responsible attitude of Russia to the review process to consult with members of the civil society and the media. While acknowledging the daunting tasks Russia faced in the establishment of the Office of Ombudsman as it has facilitated management of human rights affairs and development of human rights cause. Russia being a multi-ethnic country, its laws prohibits all forms of discrimination. Based on media reports China enquired about measures taken by Russia to protect and promote the human rights and social rights of its military personnel.

27. Liechtenstein noted the concerns expressed by CRC regarding street children and the lack of a strategy to address the situation. It recommended acceding to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) and establishing the required national preventive mechanism. It further recommended, as had CRC, enhancing efforts to provide equal educational opportunities for children with disabilities, including by abolishing the practice of "corrective" and "auxiliary schools", providing the necessary support and ensuring that teachers were trained to educate children with disabilities in regular schools.

28. Nicaragua noted legislative advances, including the adoption of laws aiming at improving the situation of minorities, particularly indigenous people and internally displaced persons. Noting Russia's expressed will continue working towards judicial reform, it recommended continuing along those lines with a view to having modern legislation which adapts to new challenges.

29. Cuba praised Russia's efforts in the implementation of its National Plan in the area of health and education. Cuba enquired about measures Russia intended to take to live up to its commitments in the area of economic, social and cultural rights in view of the world's financial economic crisis. Cuba recommended that Russia continue its positive efforts to consolidate the areas of health and education, especially for disabled children, and its positive efforts to promote and protect economic, social and cultural rights and combat poverty.

30. Brazil praised Russia's efforts to implement social, economic and cultural rights. The existing legal framework in Russia provided for the protection of the rights of ethnic minorities and indigenous people. Nevertheless, stereotypes and discriminatory attitudes with respect to minority groups persisted. Brazil had always maintained that the fight against illegal armed groups such as terrorists was by no means incompatible either with respect for human rights or with the rule of law. It was in the context of that broad legal and political framework that Brazil understood that the relevant provisions should be implemented. Recalling Human Rights Council Resolution 9/12 entitled "Human Rights Goals", Brazil recommended withdrawing reservations to core human rights instruments such as both 1966 Covenants. It further recommended officially considering establishing a moratorium on executions with a view to abolishing the death penalty; the issuance of a standing invitation to United Nations Special Procedures; and the ratification of OP-CAT and the Rome Statute of the ICC.

31. Turkey noted the efforts made in favour of vulnerable groups, including internally displaced persons (IDPs). It noted the signing of the Convention on the Rights of Persons with Disabilities and requested information on policies to protect such persons. Turkey recommended taking further necessary measures in fighting extremism. It praised the efforts made to reduce poverty.

32. Serbia noted the binding nature of decisions of the European Court of Human Rights and Russia's efforts on strengthening human rights protection. It noted the establishment of the Social Forum and Public Council on Migration and requested more information about those experiences. It noted that Russia was pro-active in protecting the rights of national minorities abroad and asked what had been done for national minorities living in Russia.

33. Bosnia and Herzegovina noted with satisfaction information on the existence of various human rights protection mechanisms, especially the Office of the Ombudsman. It asked whether Russia intended to abolish the death penalty and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of death penalty. It also requested more information on planned reform processes, priorities and challenges, especially in the field of the judiciary, and on steps to strengthen the national machinery for the advancement of woman, mainstream a gender perspective into policy decision-making at the national and regional levels and implement the National Action Plan to increase women's representation in decision-making positions.. It further enquired what measures had been taken to combat violence against woman, especially domestic violence and forced prostitution. It asked whether corporal punishment was prohibited by law in the family and in alternative-care settings and whether there were awareness-raising and public-education campaigns against corporal punishment and in support of non-violent, participatory forms of discipline. It also asked whether Russia was considering signing the Optional Protocol to CRC on the sale of children, child prostitution and child pornography.

34. Ukraine recommended undertaking measures to ensure the rights of ethnicities and national minorities to use their native languages. It requested information on investigation of crimes committed against leaders of Ukrainian associations. If these crimes had not been investigated, it recommended that effective investigation and punishment of these crimes take place. It recommended ratifying the European Charter for Regional and Minority Languages and Protocol No. 14 to the European Convention on Human Rights.

35. Vietnam noted that Russia had a multiethnic population and had maintained political stability and attained continued economic growth. Vietnam appreciated, inter alia, Russia's close cooperation with the United Nations human rights mechanism. Vietnam wished to join other countries in recommending intensified efforts to resolve outstanding issues in ensuring human rights as mentioned in the national report and to realize Russia's commitments, particularly those related to legislative and judicial reform and combating corruption.

36. The United Kingdom welcomed the agenda of strengthening of the rule of law. It expressed concern about media freedom, safety of journalist, racism and xenophobia, the penal system, restrictions on civil society, and on threats to human rights defenders. It expressed concern about ongoing extra-judicial killings, torture, abduction and arbitrary detention in the North Caucasus. It recommended to provide access to Ingushetia for the United Nations Working Group on enforced disappearances and the Special Rapporteurs on torture and extrajudicial, summary or arbitrary executions; ratify the OP-CAT; respect and protect the ability of human rights defenders and lawyers to carry out their work without hindrance, intimidation or harassment, in line with the United Nations Declaration on Human Rights Defenders and the United Nations Basic Principles on the Role of Lawyers.

37. Zimbabwe noted Russia's achievements in ensuring human rights and the challenges it faces. It recommended continue to refine its domestic legislation in the field of human rights and freedoms;

continue to maintain its policy of broadening and strengthening international cooperation in the promotion and protection of human rights in the interest of humankind.

38. Saudi Arabia welcomed the delegation and their efforts to promote human rights notably by the establishment of the Office of the Ombudsman. It commended their accession to the largest number of international conventions on human rights. Saudi Arabia recommended pursuing its action plans to protect the rights of the child and of the family. It then posed questions with regard to Russia's future objectives in order to protect the rights of the family and the child and regarding the implementation of legislation on religious rights.

39. Jordan welcomed the development of a legislative and institutional framework including the establishment of the office of the Ombudsman. It noted with assurance the recent accession to the Optional Protocol on the Rights of the Child on the involvement of Children in Armed Conflict. Jordan encouraged Russia to continue its active participation in the work of Human Rights Council as well as to maintain its contribution to OHCHR.

40. South Africa commended the progress in implementing economic, social and cultural rights, Russia's cooperation with OHCHR and special procedures, and the commitment to the Durban Review Conference. It stated that the Special Rapporteur on racism expressed concern on the trend of racism and xenophobia and increased number of racially motivated crimes. It noted that despite intensified efforts, Russia has not adopted comprehensive anti-discrimination legislation and asked about planned measures in this regard. Noting concerns raised by the Working Group on Enforced/Involuntary Disappearance about cases during anti-terror operations it asked for more information on this issue. It noted indication that authorities resorting to violence and illegal use of physical force and enquired about the training of law enforcement officers. South Africa noted allegations from human rights defenders facing obstacles while exercising public monitoring in the penitentiary institutions and asked for more information. South Africa noted the measures adopted to ensure gender equality and asked which measures outlaw domestic violence. It recommended adopting legislative measures to outlaw domestic violence if it has not done so already.

41. Egypt noted that Russia has consistently maintained a policy of broadening and strengthening human rights, establishing equal, non-confrontational dialogue in the interest of all regional groups, and has constructively cooperated with the OHCHR. It enquired about efforts exerted by the Government to ensure the enjoyment of the right to social security and for the effective realization of all economic and social rights in the aftermath of turbulent transition. Egypt commented on allegations that NGOs are facing various obstacles in carrying out their activities as a result of the recently adopted legislation on NGOs. It asked about the measures taken by the Government to protect the rights of migrant workers. Egypt recommended continue efforts to consolidate Russia's national human rights institutional architecture, and that it consider ratifying the United Nations Convention for the Protection of Migrant workers and their families.

42. Sri Lanka appreciated the steps taken by Russia to protect and promote human rights noting the fact that in the year 2008 Russia has signed the Convention on the Rights of the Child and ratified the Optional Protocol on the Rights of the Child on the involvement of Children in Armed Conflict. The Government had set up a multi layer system for monitoring the activities of institutions and bodies in the criminal justice system, including international bodies, with a view to ensuring objectiveness and transparency in observing human rights. The decision taken by the Government to provide free of charge legal assistance to socially vulnerable groups is a commendable step forward. Despite having challenges posed by terrorism, it is encouraging to note that Russia intends to continue to refine its domestic legislation in the field of human rights systems, to reform the judiciary, to improve the situation of servicemen and people deprived of their liberty and to devise test measures for fighting corruption.

43. Palestine encouraged Russia to follow its laws for the protection of the dignity of the individual, freedom of thought, conscience and religion. It noted that Russia promotes freedom of economic activities that is essential to economic progress. Palestine noted the efforts in the social protection and services for families and children. It encouraged to continue their efforts in ensuring the respect and promotion of human rights principles despite all existing challenges and obstacles.
44. The Democratic People's Republic of Korea welcomed the consistent efforts made by the Russian Government for the protection of human rights. It took note of the equality and freedom enjoyed by all ethnic groups in the country both legally and practically, increased women's representation in decision-making positions as acknowledged by CEDAW in 2002, further improvement of health institutions and enhanced quality of life of citizens. It encouraged the Government to continue its current positive efforts for the furtherance of the human rights protection.
45. Venezuela valued the progress made with regard to the right to health thanks to the national priority plan for health. It asked for more details on the implementation of this program and in particular on the achievements and the expectations of the Government.
46. Uzbekistan highlighted the active cooperation of Russia with United Nations treaty bodies and other international organizations. It noted with great satisfaction Russian achievements in areas of defending the rights of women and children, social security and protection of health, right to education and freedom of religion and other areas. It welcomed the fact that Russia signed the Convention on Rights of the Child and ratified the Optional Protocol to CRC related to participation of children in armed conflict in 2008.
47. Malaysia noted the Government's efforts to mitigate the effects of the transition process and commended the importance given on constructive international cooperation in the promotion of human rights, demonstrated by being party to many human rights instruments. It noted the Government's poverty reduction strategy and its success with the reduction of the population living under poverty line. It recommended taking further effort in addressing the problem of unemployment, socio-economic inequality and social vulnerability among its population. Noting the Government's intention to continue to refine its domestic legislation in various fields of human rights, reform the judiciary and improve the situation of people who are deprived of their liberty, Malaysia recommended taking further efforts in these areas so as to further ensure the promotion and protection of human rights for its peoples.
48. Montenegro appreciated the readiness of Russia to cooperate with treaty bodies and special procedures, by regularly reporting and receiving the visits of special procedures mandate holders. It further supported Russia's aim for continuing to refine its domestic legislation in the field of human rights and freedoms and asked to elaborate further on the undertaken commitments and expected outcomes.
49. Indonesia commended Russia's commitment to applying international norms, specifically the ratification of the OP-CRC on the involvement of children in armed conflict. It commended Russia on the establishment of an institutional framework for the protection of the rights of ethnic minorities and indigenous peoples. Indonesia asked Russia to elaborate on the issue of registration of political parties as certain mass media allegedly claimed that the basic principles of democracy are not respected as opposition political movements are allegedly excluded from politics, particularly elections.
50. Belarus noted that independent monitoring of the human rights situation is carried out by the Ombudsman institution. It recommended to continue implementation of the package of important programmes aimed at the defending citizens' economic and social rights; consolidating measures of national and international nature to carry out an effective fight against trafficking in persons; and to continue the policy which ensures gender equality aimed at upholding the rights of women. The national policy in the area of protection of children rights would strengthen Russia's ratification of CRC and in

this connection it recommended that the whole range of measures be developed and carried out for the practical implementation of provisions of this Convention and its two Optional Protocols.

51. The Philippines noted that over the past two decades, Russia has undergone great political, economic and social transformation. Challenges due to these changes continue to the present day. Nevertheless, these have not prevented the Government of the Russian Federation from fulfilling its human rights obligations; in particular it commended the Government for the 10 year de facto moratorium on the death penalty. The Philippines asked about plans to enact a specific legislation on combating human trafficking. It also enquired about plans to upgrade the capacities of the Federal Ombudsman in conformity with the Paris Principles. It further asked how the Government is raising awareness and promoting prevention of the spread of HIV/AIDS. The Philippines supported ongoing efforts of the Government to curb the problem of increased extremist crime, and recommended that the Government further step up efforts to punish and stop such crimes, counter racism and xenophobia, and promote greater respect and tolerance for cultural diversity in society.

52. The Republic of Korea commended efforts to refine the domestic legislation in the fields of human rights, strengthen the rule of law, the judicial reform and the eradication of corruption. It expressed concern that the Special Rapporteur on Racisms and CERD pointed out to the increasing level of ethnic hatred and racially motivated crimes. Considering that trends of racial hatred and violence is likely to intensify with the current economic crisis, the Republic of Korea expected Russia to pay special attention to these racially motivated crimes and strengthen its efforts to address them. It asked how civil society was engaged in the preparation process for the national report.

53. Morocco noted Russia's cooperation with OHCHR and it welcomed operational domestic mechanisms for defending human rights. It also noted that the national legislation prohibiting and criminalizing any restriction on human rights based on discriminatory grounds. Morocco commended major achievements and tangible progress made by Russia in promoting and protecting the right to equality of its citizens, upholding the rights of ethnic minorities and migrants, the fight against extremism and the realization of economic, social and cultural rights.

54. Georgia recommended that Russia de-occupy the territories of Georgia – Abkhazia and Tskhinvali region including South Ossetia, and until remaining in the territories in question, to comply with the obligation incumbent upon the occupying power by the rules of the international humanitarian law. It further recommended to comply with the provisional measures prescribed by the International Court of Justice and recommended to implement in good faith relevant provisions of the Resolution 1648 (2009) adopted by the Parliamentary Assembly of the Council of Europe. It recommended halting forced distribution of passports certifying Russian citizenship among ethnic Georgians in the occupied territories controlled by the Russian armed forces. It recommended putting an end to all practices limiting and/or violating the human rights of ethnic Georgians in the territories controlled by the Russian armed forces – including, but not limited to, access to education in Georgian language, freedom of movement of ethnic Georgians and right to freely choose the place of their residence.

55. Australia welcomed indications that the rule of law is becoming an increasingly important tool in the protection of human rights in Russia and recommended to take steps to further improve judicial procedures to safeguard human rights. It further recommended to take steps to implement the Russia's national anti-corruption plan in relation to judicial procedures and adopt measures that corruption of judicial procedures is decreasing. In relation to the issues of vulnerability of journalists and human rights defenders, particularly, the recent deaths of human rights lawyer Stanislav Markelov and journalist Anastasia Baburova, Australia recommended to take measures to protect journalists and other human rights defenders. It also recommended to address the concerns expressed by the High Commissioner for Human Rights about the use of torture in the Chechen Republic as well as concerns raised 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. It further recommended to accede to the Second OP-ICCPR and to eliminate use of the death penalty.

56. New Zealand while noting the legislative framework put in place to protect human rights indicated that much of the legislative protection is not properly implemented. It welcomed the prioritization of judicial reform and rule of law and asked how proposed reforms incorporate human rights. New Zealand recommended to prioritize the establishment of meaningful and accessible accountability mechanisms to ensure transparency in the investigation and prosecution of human rights violations, provide effective remedies and legal redress for victims, and take measures to increase the independence of the judiciary and strengthen oversight of the implementation, at the State level, of federal human rights legislation and obligations; adopt comprehensive strategy to combat domestic violence. Regarding the marginalization of ethnic and minorities and racially motivated crimes New Zealand recommended to adopt a clear and comprehensive definition of racial discrimination in its legislation; encourage the use of non-custodial options when sentencing or determining pre-trial measures involving pregnant prisoners and prisoners with children and where women are detained, put in place policies to ensure that all children are able to maintain contact with their mothers.

57. Colombia noted the importance of efforts aimed at institution building through the establishment and strengthening of public institutions. In this context with the reference made in the national report, Colombia asked for more information about functions and roles of the established Public Council for Migration.

58. Ireland expressed concerns about the ongoing intimidation and murder of human rights defenders including lawyers, media and NGOs and noted the murders of Stanislav Markelov and Anastasia Baburova. Ireland asked about the steps taken to ensure that persons dealing with human rights can be allowed to operate effectively. Ireland recommended that increased efforts are made by the Russian authorities to ensure that those responsible for murder in the above mentioned cases are brought to justice immediately and that violent attacks and intimidation against human right defenders are brought to an end. While Ireland welcomed efforts to implement recommendations from the Special Rapporteur on racism and others including the inclusion of a provision on ethnic hatred in the Criminal Code, it expressed concern about the increase in violent racist attacks and murders of minorities, as well intimidation and arbitrary arrest. It asked about steps to increase educational programs to promote tolerance and to train law enforcement to deal with such issues. Ireland recommended that Russia develops a strong institutional framework that will help to combat racism and create an atmosphere of racial tolerance in Russian society.

59. Denmark while noting CAT's concern on allegations of torture and that Special Rapporteur on torture was not been able to visit North Caucasus under usual terms of operation, asked how Russia is addressing the issue. Denmark recommended that the Government steps up its efforts to combat torture, inter alia, by effectively addressing the concerns of CAT; and extend a recommendation to the Special Rapporteur on torture to visit North Caucuses under his usual terms of operation. Denmark noted concerns regarding the rights of indigenous communities from the North, Siberia and the Far East, as highlighted by CERD. It asked for more information and recommended that Russia implements the recommendations raised by CERD as to how to improve the situation of the indigenous communities.

60. Japan asked about the current status of activities of the Public Chamber established in 2005 in order to strengthen the ties between the State and citizens, to protect freedoms and rights, and to reflect diverse views in policy and law making. It enquired if the NGO law which was amended in 2006 to increase state oversight of domestic NGOs is currently administrated. Japan asked about the current effects of the Anti-Corruption Council that was established May 2008 and the Federal Anti-Corruption Law that was adopted in December 2008 and how effective they are likely to be in the future. It further

enquired about the situation related to the insecurity of journalists and concerns over the closure of independent media outlets and an increase of State control of major media in recent years and what measures Russia is taking to address the situation. Japan recommended to submit as quickly as possible information on alleged forced disappearances cases to the Working Group on Enforced or Involuntary Disappearances. Japan mentioned that it would appreciate information on measures taken against racially motivated violence against foreign citizens and ethnic minorities.

61. Norway appreciated the high level of cooperation with the United Nations Human Rights system and strongly noted that human rights defenders play an important role on fostering a culture of human rights. It remained concerned about the vulnerable situation of human defenders, journalists and lawyers working in the defence of human rights. Norway recommended that crimes and violations against human rights defenders and journalists are effectively investigated and prosecuted, and that those responsible are punished. Complaints of harassment of human rights defenders must receive a prompt response and adequate measures for their safety should be taken. It further recommended the Government to adopt appropriate measures to disseminate widely and ensure full observance of the Declaration on Human Rights Defenders. The UDHR, as well as all other human rights standards, should in particular be made available to schools and institutions of higher education. While noting that the number of involuntarily disappearances has decreased in Chechnya, Norway remained concerned about the increased number of involuntarily disappearances in Ingushetia and the human rights conditions in North Caucasus. Norway appreciated that Russia has agreed in principle upon a visit by the Working Group on enforced or involuntarily disappearances, and recommend that this visit takes place within 2009. Norway welcomed the leadership demonstrated by Russia in the preparations for the Durban Review Conference. At the national level, Norway encouraged Russia to take further steps to fight discrimination and to make sure that perpetrators of racist and hate crimes be held duly responsible for their crimes.

62. Sweden expressed concern by the treatment of lesbian, gay, bisexual, transsexual and transgender persons and their right to peaceful assembly and freedom from discrimination. Sweden recommended to increase their efforts and take concrete policy measures in order to promote tolerance and non-discrimination of lesbian, gay, bisexual, transsexual and transgender persons. Sweden noted reports on violent discrimination of persons belonging to ethnic minorities and non-Russian citizens. Sweden recommended to increase its efforts to ensure full respect of the rights of persons belonging to minorities and indigenous groups, including education of their children. Sweden noted reports of violence against women in Russia. It recommended to enhance the efforts to combat violence against women and to improve women's access to safe shelter.

63. Belgium mentioned the concerns raised by the Special Rapporteur on racism, CERD and CAT on the ongoing increase of violence and murders on the basis of racism and xenophobia. The low rate of conviction of perpetrators and the absence of statistics and information on the cases brought against them are denounced by UNICEF and NGOs. It asked which actual measures that Russia has adopted or intends to adopt to better prevent and convict racist crimes and violence and what kind of results is expected in practice. Belgium made three recommendations to Russia: apply its current anti racism legislation in an effective way and take new structural measures specifically to counter discrimination; set up a national mechanism to counter the phenomena of racist violence and to gather reliable statistics on this regard; and engage in active awareness raising policy and systematically condemn racist and xenophobic violence.

64. In response to the statements made, Russia noted that the civil society contributed in the preparation process of the national report with several consultations and meetings were organised with various representatives of the civil society.

65. With regard to protection of rights of journalists the delegation noted that the law on press prohibits censorship, interference in editorial freedom, ensures freedom of sources of information and provides broad rights and guarantees to journalists, including the right to protection and defence in the

court. The reason for problems in this area is that Russia has not yet completed its ongoing reforms. There are more than 4000 mass media outlets in Russia. The Ministry of Mass Media and communication monitors observance of the law on press, including monitoring that the rights of journalists are not infringed.

66. Concerning the issue of death of journalists and violence against human rights defenders the delegation informed that since 2004 the law on the state protection of participants of the criminal procedures has been enacted. This law applies to individuals, specifically, journalists who have informed that there is a threat to their lives and who need security protection. A set of extra measures has been developed in order to improve protection. In 2006-2007, 90% of crimes related to murders of journalists convictions were achieved. In three quarters of these cases a large number of crimes committed are not directly related to journalistic activities of individuals involved. The cases related to murders of Anna Politkovskaya, Akatov, Zimin and Eloev have been brought to the court. Murders of Markelov and Baburova committed in 2009 are investigated on priority basis. Concerning the issue related to kidnapping of people in Chechnya, the delegation noted that in March 2007 a comprehensive programme was adopted combating the kidnapping of persons and seeking disappeared people. In the last few years the number of violent kidnapping of persons has been constantly decreasing, in many cases kidnappings were committed to extort money.

67. On the issue of penitentiary, the delegation mentioned that prison reforms started 10 years ago resulting in reductions of the number of people imprisoned, in addition medical care and prison conditions improved since then. The problem of overcrowded prisons was resolved and prison conditions in general were improved to meet sanitary norms. Special measures are undertaken with regard to juveniles and women in prisons. In 2008 the federal law was adopted stipulating establishment of regional commissions, involving members of civil society, which are monitoring prison conditions.

68. Concerning the issue of elimination of extremism phenomenon the delegation informed that in 2008 the number of registered crimes related to extremism increased, which was caused inter alia by improvement in police work. Additional measures are undertaken to combat extremism, including amendments to civil and criminal law. Regarding concerns expressed about possible use of those amendments to repress dissidents, the delegation noted that they were based on corresponding law enforcement and judicial practices and the list of extremist crimes is exhaustive. It was also noted that promotion of tolerance is essential to curb extremism.

69. Russian Federation is complying with provisions of the European Convention on Human Rights and enforces decisions of the European Court on Human Rights, including cases related to Chechen Republic. Consequently time of judicial consideration of cases was reduced, compensation for material and moral damages to victims was provided. In 2001-2008 more than 600 court cases related to persecution and abuse by authorities and other crimes were considered in the Chechen Republic, and more than 500 militants and 200 including police officials and members of government authorities were convicted. Compensation for loss of property were also provided.

70. In relation to judicial reforms, the delegation informed that it is largely achieved and as a result an independent judiciary exists. Legislation is brought into line with norms and principles of international law and treaties. Development of organization of judicial system is carried out by enhancing the training of its staff and provides guarantees of independence of judges. Attempts to illegally influence or interfere in the administration of justice are prohibited by law and punished. In relation to restriction of freedom of activities of lawyers the delegation noted that in the course of implementation of the federal programme for the development of the judicial system 2007-2011 the limitation of activities of lawyers are not foreseen. Law on activities of lawyers provides for lawyers' independence and prohibits interference to lawyers practices from the state bodies (article 18).

71. The delegation informed that provisions ensuring interests of children and family are part of the national demographic policy and national projects. The foundation was set up to provide assistance to street children ensuring their access to health and education. On the annual basis, orphans are provided with thorough checks in clinics. Since 2007 the family programme was implemented focusing on children who do not have support of their parents. Together with NGOs a comprehensive protection system has been developed for children who were victims of violence. Social rehabilitation programmes and services were developed for domestic violence victims, including juveniles. Concerning gender equality it was noted that domestic legislation does not contain any discriminatory norms with regard to rights of women. However, the situation of women in labour market has number of problems that have not been resolved and the government is currently taking appropriate measures to improve the situation. The delegation recognized that domestic violence is a problem and affects not only women, but also men, children and elderly people. A number of facilities were established providing secure facilities for victims of domestic violence.

72. In August 2008, a national plan was developed and adopted to comply with recommendations of CERD and at the end of the year 2009 an interim report will be prepared on the implementation of recommendations. The system of anti-discrimination law is in place. Regarding efforts to effectively combat extremism, xenophobia and intolerance the State will organize an information campaign in order to strengthen solidarity amongst different ethnic groups.

73. Concerning establishment and registration of non commercial organizations the delegation noted that such activities are governed by the law which is in compliance with international norms and standards. Registration problems for political parties are related to non compliance with federal law or lack of support amongst society at large for the programme of such parties. Religious organizations are currently integrated in the civil society. The main religious organizations are represented in councils at different levels. In accordance with legislation religious organizations have the right to educational, professional and vocational activities.

74. The delegation noted in relation to the interaction with special procedures of UN HRC that Russia is cooperating with all special rapporteurs and special mechanisms and did not reject any request for visits. The other issue is number of requests and scheduling of such visits which require time. Another matter is the need to avoid duplication of efforts and to have priority areas to reform domestic legislation as Russian Federation has also other reporting obligations and regularly receives monitoring procedures related to other organizations, such as Organization for Security and Cooperation in Europe and the Council of Europe. In 2008 12 monitoring procedures from different international organizations visited Russian Federation.

75. On the question of accession to various instruments and to the Optional Protocol to the Convention Against Torture (OP-CAT) and Optional Protocol on the Convention on the Rights of Child (OP-CRC) and others, Russian Federation is constantly studying possibilities on acceding and adopting appropriate international obligations, yet it is guided by the idea that domestic legislation must be brought in accordance with international treaties before such treaties enter into force. Therefore, currently, as a part of reforms of the penitentiary system and expanding on social monitoring of the situation in prisons, requests of acceding to the OP-CAT will be considered at the later stage. In relation to OP-CRC-SC, currently, Russian Federation reviews whether domestic legislation corresponds to the standards stipulated in this instrument and it will then decide to accession or non accession to it.

76. As to the accession to the protocol No. 6 of the European Convention on Human Rights related to the death penalty and Second Protocol to the ICCPR this will be considered once the appropriate changes have been made to domestic legislation. In accordance with the Constitution the Russian Federation strives towards abolishing the death penalty on the step by step basis. There is a moratorium on the

application of death penalty sentences currently. Russian Federation supported the United Nations General Assembly resolution on abolishing the death penalty.

77. As regard to the situation in South Ossetia region the delegation stressed in this connection that politically speaking the Russian Federation is open to a dialogue. At the same time assertions about control by the Russian Federation over the territory of South Ossetia or the situation there do not correspond to reality and therefore the issues raised do not fall under the jurisdiction of the Russian Federation.

78. Senegal noted that Russia is a party to the main human rights instruments and complimented country's commitment to improve the rights and freedoms of its citizens. Senegal encouraged the authorities of Russia to booster their achievements in terms of protecting rights of immigrants and also in the area of countering and eradicating poverty.

79. While Slovakia appreciated the veto on the draft media law, it noted the lack of progress in the field of media pluralism and the limited space for expressing views. It recommended to improve conditions for proper functioning of independent media, in particular national TV channels, in order to provide more space for expressing diverse views and opinions. Slovakia also recommended to promote the rights of human rights defenders to freedom of expression, association and assembly; to review the extremism and NGOs laws to ensure their compatibility with international human rights obligations and standards including the United Nations Declaration on Human Rights Defenders; to ratify the Rome Statute of the International Criminal Court; and to become party to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

80. Slovenia encouraged to ratify the protocol 14 of the European Convention on Human Rights and to become a party to the remaining United Nations human rights instruments. Slovenia also encouraged Russia to extend open invitation to all United Nations human rights mechanisms. On children's rights there are reports of United Nations human rights mechanisms of inadequate living conditions in psychiatric hospitals. Further, in 2003 the CESCR remained concerned about the sizeable numbers of children do not attend school due to migration, homelessness and neglect. CRC also expressed concern about the number of adolescent illiterates and the increase in the proportion of girls among them, while UNICEF informed that physical difficulties for disabled children also result in their exclusion from society and that the right to education of HIV-infected and affected children is often violated. There are also reports about inadequate policy measures for combating sexual violence against children, in particular with regard to internet pornography. It asked for information on how the competent state authorities plan to improve the situation, ie. to provide adequate living conditions in psychiatric hospitals for children, to protect children from all forms of violence, including sexual exploitation and abuse. It further enquired on what steps have been taken to sign OP CRC on sale of children and child pornography.

81. Mexico recognized the progress achieved in protecting of human rights and is aware of challenges represented by combating scourges of terrorism and crimes of racial hatred. It recommended to review relevant legislation, particularly the Federal Law for countering terrorism and the Law on extremism, to ensure their compatibility with international obligations of the Russia Federation, particularly regarding the guarantees of due process, the rights to freedom of religion or belief, expression and peaceful association. As part of the efforts being undertaken to guarantee equality of rights for all, Mexico recommended that the attention should be paid to CERD's observation to strengthen the legislative framework in the area of non-discrimination. It referred to the elimination of discrimination, with special attention to gender equality, ethnic minorities, indigenous people and migrants, regardless of their migratory status. Concerning cooperation with international human rights mechanisms Mexico recommended that Russia accepts the visits of Special Procedures of the HR Council which have been requested to date. Mexico also recommended that the Russian Federation ratifies the

Convention on the Rights of Persons with Disabilities, the Convention for the Elimination of the Enforced Disappearances of Persons and the OP-CAT, and Convention 169 of the ILO. Mexico recommended that Russia complies with the principles contained in the declaration on the rights of indigenous peoples.

82. As Russia has not signed the Convention for the Protection of All Persons from Enforced Disappearances Argentina recommended to consider the possibility of signing and ratifying the Convention for the Protection of All Persons from Enforced Disappearances. Argentina noted reports from CESCR expressing concern on large number of children who do not attend classes because of internal migration or because they are living in the streets and on the number of illiterate adolescents, in particular girls. Argentina asked about active education policies which would promote school attendance by all children, in particular adolescents.

83. India welcomed Russia's stated policy of broadening and strengthening international cooperation in the promotion and protection of human rights. It noted as positive developments the signing by Russia in 2008 of the Convention on the Rights of the Child, and introduction of education on human rights in the school curricula. India asked for more information about the free services provided by state legal aid offices to improve access to social vulnerable groups, and about the success of Russia's National Action Plan to increase women's representation in decision-making positions. It enquired about the functioning of the Office of Ombudsman and how State bodies, local administrations and officials observe and respect human rights and fundamental freedoms.

84. United Arab Emirates commended the measures undertaken to incorporate human rights instruments in the Constitution and domestic legislation. It saluted the endeavours made by Russia to guarantee fundamental rights and freedom, for instance: the right to justice and the provision of free of charge services concerning access to justice. It noted Russia's efforts in implementing the fundamental principles of independence of judiciary and the integrity of judicial mechanisms. In this connection the United Arab Emirates asked for clarifications on initiatives undertaken to reform the justice system.

## ثانياً - الاستنتاجات و/أو التوصيات

- ٨٥- سيدرس الاتحاد الروسي التوصيات التالية وسيقدم ردوده في الوقت المطلوب. وسوف يُدرج رد الاتحاد على هذه التوصيات في التقرير الختامي الذي سيعتمده مجلس حقوق الإنسان في دورته الحادية عشرة:
- ١- أن ينظر في إمكانية التصديق على البروتوكول الاختياري الثاني للعهد الدولي الخاص بالحقوق المدنية والسياسية (ألمانيا)/في إمكانية الانضمام إلى البروتوكول الاختياري الثاني للعهد الدولي الخاص بالحقوق المدنية والسياسية (أستراليا)؛
  - ٢- أن ينفذ إعلانه إلغاء عقوبة الإعدام بحكم القانون (ألمانيا)؛ أن ينظر في إقرار وقف اختياري للإعدامات تحسباً لإلغاء عقوبة الإعدام (البرازيل)؛ أن يوقف اللجوء إلى عقوبة الإعدام (أستراليا)؛
  - ٣- أن ينضم طرفاً في البروتوكول الاختياري الملحق باتفاقية حقوق الطفل بشأن بيع الأطفال واستغلال الأطفال في البغاء وفي المواد الإباحية (سلوفاكيا)؛
  - ٤- أن يصدّق على البروتوكول الاختياري الملحق باتفاقية حقوق الطفل (المملكة المتحدة والبرازيل والمكسيك)/ينضم إلى هذا البروتوكول (الجمهورية التشيكية وليختنشتاين)، أن ينشئ آليته الوقائية الوطنية بناءً على ذلك (الجمهورية التشيكية)/تمقتضى ذلك البروتوكول (ليختنشتاين) واستعراض الظروف السائدة في السجون، لا سيما في مرافق الاحتجاز قبل المحاكمة، لجعلها ملبية للمعايير الدولية (الجمهورية التشيكية)؛ أن يواصل الجهود التي يبذلها لتحسين وضع المحتجزين واتخاذ تدابير لتحقيق هذا الهدف (الجزائر)؛
  - ٥- أن يصدّق على نظام روما للمحكمة الجنائية الدولية (البرازيل وسلوفاكيا وفرنسا)؛
  - ٦- أن ينظر في إمكانية التصديق على الاتفاقية الدولية لحماية حقوق جميع العمال المهاجرين وأفراد أسرهم (مصر)؛
  - ٧- أن يصدّق على الاتفاقية الدولية لحماية جميع الأشخاص من الاختفاء القسري (الأرجنتين والمكسيك)، وعلى اتفاقية حقوق الأشخاص ذوي الإعاقة، واتفاقية منظمة العمل الدولية رقم ١٦٩ (المكسيك)؛
  - ٨- أن يصدّق على البروتوكول رقم ١٤ للاتفاقية الأوروبية لحقوق الإنسان (فنلندا وأوكرانيا وسلوفينيا) وعلى الميثاق الأوروبي للغات الإقليمية ولغات الأقليات (أوكرانيا)؛
  - ٩- أن ينضم طرفاً فيما تبقى من صكوك الأمم المتحدة لحقوق الإنسان (سلوفينيا)؛
  - ١٠- أن يسحب تحفظاته على الصكوك الرئيسية لحقوق الإنسان مثل عهدي عام ١٩٦٦ (البرازيل)؛
  - ١١- أن يواصل الجهود التي يبذلها لتعزيز هيكله الوطني لمؤسسات حقوق الإنسان (مصر)؛

- ١٢- أن يوجه دعوة مفتوحة لجميع المكلفين بالإجراءات الخاصة التابعة للأمم المتحدة (البرازيل وفرنسا والجمهورية التشيكية وسلوفينيا) وأن ينفذ هذه الدعوة (الجمهورية التشيكية)؛ أن يوجه هذه الدعوة إلى جميع المكلفين بالإجراءات الخاصة المواضيعية (سويسرا)؛
- ١٣- أن يوافق على زيارات المكلفين بالإجراءات الخاصة للمجلس المقترحة حتى حينه (المكسيك)؛ أن يتوصل إلى اتفاق في أقرب وقت ممكن بشأن زيارة المقرر الخاص المعني بمسألة التعذيب (سويسرا)؛ أن يوجه دعوة إلى المقرر الخاص المعني بمسألة التعذيب لزيارة شمال القوقاز وفقاً لشروط عمله المعتادة (الدانمرك)؛ أن يتيح الفرصة لفريق الأمم المتحدة العامل المعني بالاختفاء القسري وللمقرر الخاص المعني بمسألة التعذيب والمقرر الخاص المعني بحالات الإعدام خارج القضاء أو بإجراءات موجزة أو تعسفاً لدخول أنغوشيا (المملكة المتحدة)؛ أن تجري زيارة الفريق العامل المعني بالاختفاء القسري المتفق عليها من حيث المبدأ خلال عام ٢٠٠٩ (النرويج)؛
- ١٤- أن يقدم إلى الفريق العامل المعني بالاختفاء القسري، في أسرع وقت ممكن، معلومات عن حالات الاختفاء القسري المزعومة (اليابان)؛
- ١٥- أن يواصل الجهود التي يبذلها لضمان احترام مبادئ حقوق الإنسان وتعزيزها رغم جميع التحديات والعراقيل القائمة (فلسطين)؛
- ١٦- أن يكتنف من الجهود التي يبذلها لتسوية المسائل العالقة في مجال كفالة حقوق الإنسان على النحو المذكور في تقريره الوطني (فييت نام)؛
- ١٧- أن يواصل تنقيح تشريعه المحلي المتعلق بحقوق الإنسان والحريات (زمبابوي)؛
- ١٨- أن يراجع التشريعات ذات الصلة ولا سيما القانون الاتحادي المتعلق بمكافحة الإرهاب والقانون المتعلق بالتطرف لضمان انسجامها مع الالتزامات الدولية التي أخذها الاتحاد الروسي على عاتقه (المكسيك)؛
- ١٩- أن يواصل الجهود الإيجابية التي يبذلها في الوقت الحاضر لتعزيز حماية حقوق الإنسان (جمهورية كوريا الشعبية الديمقراطية)؛
- ٢٠- أن يواصل أعمال سياسته الرامية إلى توسيع وتعزيز التعاون الدولي في مجال تعزيز وحماية حقوق الإنسان لصالح الإنسانية (زمبابوي)؛
- ٢١- أن يواصل مشاركته الحثيثة في عمل مجلس حقوق الإنسان، فضلاً عن الحفاظ على مساهمته في مفوضية حقوق الإنسان (الأردن)؛
- ٢٢- أن يتخذ مزيداً من التدابير اللازمة في مجال مكافحة التطرف (تركيا)؛ زيادة تعزيز الجهود الرامية إلى وضع حد لجرائم التطرف والمعاقبة عليها، والتصدي للعنصرية وكرهية الأجانب، والتشجيع على مزيد من الاحترام والتسامح لصالح التنوع الثقافي في المجتمع (الفلبين)؛

- ٢٣- أن يضع إطاراً مؤسسياً قوياً يساعد على مكافحة العنصرية وتهيئة مناخ يسوده التسامح العرقي في المجتمع الروسي (آيرلندا)؛ أن ينشئ آلية وطنية للتصدي لظاهرة العنف العنصري وتجميع إحصاءات موثوق بها في هذا الصدد (بلجيكا)؛ أن يشرع في أعمال سياسة حثيثة للتوعية والتنديد على نحو منهجي بالعنف بدافع العنصرية وكرهية الأجانب (بلجيكا)؛
- ٢٤- أن يستمر في العمل الإيجابي الذي يقوم به لمكافحة التمييز العنصري وما يتصل به من تعصب (الجزائر)؛ أن يولي الاهتمام لملاحظة لجنة القضاء على التمييز العنصري التي دعت فيها إلى تعزيز الإطار التشريعي في مجال مكافحة التمييز مع العناية بوجه خاص بمسائل المساواة بين الجنسين، والأقليات الإثنية، والسكان الأصليين، والمهاجرين بغض النظر عن مركزهم كأقليات (المكسيك)؛ أن يطبق تشريعه الحالي المتعلق بمكافحة العنصرية تطبيقاً فعالاً وأن يتخذ تدابير هيكلية جديدة للتصدي للتمييز على وجه التحديد (بلجيكا)؛ أن يدرج في تشريعه تعريفاً واضحاً وشاملاً للتمييز العنصري (نيوزيلندا)؛ أن ينظر في إمكانية الأخذ بنهج شامل وبرامج محددة لمكافحة الهجمات العنصرية والتمييز، لا سيما فيما يخص حالة الضعف التي يعيشها المهاجرون (هولندا)؛
- ٢٥- أن يولي عناية خاصة للجرائم بدافع العنصرية وتعزيز الجهود الرامية إلى التصدي لها (جمهورية كوريا)؛ أن يعزز الجهود التي يبذلها لتحقيق في الاعتداءات العنصرية (سويسرا) ومعاينة مرتكبي هذه الأعمال (سويسرا والنمسا)، ومعالجة الأسباب الدفينة لهذه المشكلة على نحو ثابت ومستمر في إطار إصلاح قطاع العدالة (سويسرا)؛ أن يتخذ مزيداً من الإجراءات لمكافحة التمييز والتأكد من تحميل مرتكبي هذه الجرائم المسؤولية كاملة عن أفعالهم (النرويج)؛ العمل بصورة منهجية على جمع بيانات عن جرائم الكراهية بدافع العنصرية (النمسا)؛
- ٢٦- أن يبذل مزيداً من الجهود لمعالجة مشكلة البطالة والتفاوت الاجتماعي والاقتصادي وحالة الضعف الاجتماعي في أوساط السكان (ماليزيا)؛
- ٢٧- أن يواصل الجهود التي يبذلها لتعزيز المساواة بين الرجال والنساء (الجزائر)؛ أن يستمر في سياسته الرامية إلى ضمان المساواة بين الجنسين بغية إحقاق حقوق المرأة (بيلاروس)؛
- ٢٨- أن يضاعف الجهود التي يبذلها وأن يتخذ تدابير ملموسة على مستوى السياسات من أجل تعزيز التسامح وعدم التمييز ضد المثليين والمثليات ومشتهي الجنسين ومغبري الهوية الجنسية والمتحولين إلى الجنس الآخر (السويد)؛
- ٢٩- أن يضاعف جهوده لمكافحة التعذيب بأمر منها معالجة أسباب قلق لجنة مكافحة التعذيب (الدانمرك)؛ أن يعالج أوجه القلق التي أعربت عنها المفوضية السامية لحقوق الإنسان بشأن اللجوء إلى التعذيب في جمهورية الشيشان، وكذلك دواعي قلق لجنة مكافحة التعذيب إزاء العديد من الادعاءات المستمرة والثابتة بممارسة التعذيب وسوء المعاملة على أيدي الموظفين القائمين على إنفاذ القانون، فضلاً عن التقارير التي تتحدث عن ممارسة التعذيب وسوء المعاملة في أماكن احتجاز غير رسمية في شمال القوقاز (أستراليا)؛

- ٣٠- أن يشجع على الأخذ بالخيارات الأخرى عدا الاحتجاز عند إصدار الأحكام أو تحديد التدابير السابقة للمحاكمة فيما يتعلق بالمسجونات الحوامل والمسجونات بأطفال، ولدى احتجاز النساء عموماً، وإعمال سياسات تكفل لجميع الأطفال القدرة على الاتصال بأمهاتهم (نيوزيلندا)؛
- ٣١- أن يقدم لحراس السجون والموظفين المكلفين بإنفاذ القانون تدريباً في مجال حقوق الإنسان يركز على وبشكل محدد على حماية حقوق الإنسان للنساء والأطفال والأقليات القومية والأشخاص المنتمين إلى أقليات من حيث الميول الجنسية والهوية الجنسية؛ وكذلك ضمان التحقيق في جميع حالات انتهاك حقوق الإنسان التي يرتكبها هؤلاء الحراس والموظفون ومعاقبتهم عليها (الجمهورية التشيكية)؛
- ٣٢- أن يعتمد قانوناً محدداً بشأن العنف المتري (الجمهورية التشيكية)، أن يعتمد تدابير تشريعية تهدف إلى تحريم العنف المتري إن لم يكن مثل هذا القانون قد اعتمد أصلاً (جنوب أفريقيا)؛ أن يعتمد استراتيجية شاملة لمكافحة العنف المتري (نيوزيلندا)؛ أن يجمع بيانات إحصائية عن حالات العنف الذي يقع على المرأة، بما في ذلك العنف المتري، باعتباره جريمة محددة وإقامة ملاجئ وبيوت آمنة في نهاية المطاف لإيواء ضحايا العنف المتري، تكون متيسرة محلياً وممولة على نحو كافٍ ومستدام وتمتع بطاقة استيعابية وفق الاحتياجات (الجمهورية التشيكية)؛ تعزيز الجهود التي تبذل لمكافحة العنف المتري وتحسين فرص وصول النساء إلى الملاجئ الآمنة (السويد)؛
- ٣٣- أن يضع المجموعة الكاملة من التدابير اللازمة لتنفيذ أحكام اتفاقية حقوق الطفل والبروتوكولين الملحقين بها وإعمال تلك التدابير (بيلاروس)؛
- ٣٤- تعزيز التدابير ذات الطابع الوطني والدولي لضمان مكافحة الاتجار بالأشخاص مكافحة فعالة (بيلاروس)؛
- ٣٥- أن يبذل مزيداً من الجهود لتنقيح القوانين المحلية في مختلف مجالات حقوق الإنسان، وإصلاح الجهاز القضائي، وتحسين وضع الأشخاص المحرومين من حريتهم، بما يكفل زيادة تعزيز وحماية ما لشعبه من حقوق الإنسان (ماليزيا)؛
- ٣٦- أن يمنح الأولوية لإنشاء آليات للمحاسبة تكون مجدية ومتاحة بغية ضمان الشفافية في مجال التحقيق في انتهاكات حقوق الإنسان ومقاضاة مرتكبيها، وإتاحة سبل انتصاف فعالة وتعويض قانوني للضحايا، واتخاذ تدابير لزيادة استقلالية الجهاز القضائي وتعزيز الإشراف على تنفيذ التشريعات والالتزامات الاتحادية المتصلة بحقوق الإنسان على مستوى الدولة (نيوزيلندا)؛
- ٣٧- أن يعزز الجهود التي يعكف على بذلها لإصلاح نظام العدالة تماشياً مع المعايير الدولية (هولندا)؛ أن يستمر في تحسين تشريعاته في سبيل إصلاح الجهاز القضائي بهدف اكتساب تشريع عصري قادر على التكيف مع التحديات الجديدة (نيكاراغوا)؛ أن يفي بالتزاماته لا سيما تلك المتصلة بالإصلاح التشريعي والقضائي في مجال مكافحة الفساد (فيت نام)؛ أن يضاعف الجهود التي يبذلها للتغلب على التحديات القائمة في مجال النظام القضائي، بما في ذلك ما يعترى الإدارة

العامة من فساد وقصور في الشفافية والمحاسبة، فضلاً عن التوزيع العقلاني للمسؤوليات بين المستويين الاتحادي والإقليمي للحكومة (إيطاليا)؛ أن يتخذ خطوات لزيادة تحسين الإجراءات القضائية لصون حقوق الإنسان (أستراليا)؛ أن يتخذ خطوات لتنفيذ الخطة المتصلة بالإجراءات القضائية واعتماد تدابير تكفل تقليص الفساد الذي يعترى الإجراءات القضائية (أستراليا)؛

٣٨- أن ينشئ نظاماً قضائياً للأحداث (النمسا والجمهورية التشيكية) وألا يسعى فقط لمعاقبة الأحداث الجانحين، بل لمساعدتهم على الاندماج مجدداً في المجتمع، مع مراعاة المعايير الدولية القائمة في هذا الصدد (النمسا)؛

٣٩- أن يستمر في تنفيذ خطة عمله الرامية إلى حماية حقوق الطفل وحقوق الأسرة (المملكة العربية السعودية)؛ أن يستمر في الجهود التي يبذلها لتقليص عدد الأطفال المحرومين من الرعاية الأبوية لا سيما بزيادة العمل الذي سبق أن اضطلع به للتغلب على هذه الظاهرة (الجزائر)؛

٤٠- أن يلغي تماماً نظام تصريح الإقامة "propiska" ويتخذ مزيداً من التدابير لضمان أعمال حماية حرية التنقل في نظامه القانوني وممارساته معاً (الجمهورية التشيكية)؛

٤١- أن يستمر في أعمال تدبيره الإيجابية الرامية إلى حماية كرامة الفرد، وحرية التفكير والوجدان والدين (فلسطين)؛

٤٢- أن يعزز حقوق المدافعين عن حقوق الإنسان في حرية التعبير وتشكيل جمعيات والاجتماع؛ وإعادة النظر في قوانين التطرف والمنظمات غير الحكومية لضمان مطابقتها للالتزامات والمعايير الدولية في مجال حقوق الإنسان بما في ذلك إعلان الأمم المتحدة المتعلق بالمدافعين عن حقوق الإنسان (سلوفاكيا)؛ أن ينقح قانون مكافحة التطرف بحيث يتضمن تعريفاً واضحاً للتطرف (هولندا)؛ أن ينظر في إمكانية إعادة النظر في قانون المنظمات غير الحكومية مع مراعاة جملة أمور منها أوجه القلق التي أعربت عنها هيئات حقوق الإنسان التابعة للأمم المتحدة (هولندا)؛

٤٣- أن يتخذ تدابير لحماية الصحفيين وغيرهم من المدافعين عن حقوق الإنسان (أستراليا)؛ أن يتخذ مزيداً من التدابير بهدف تحسين حالة حرية وسائط الإعلام وحماية ظروف عمل الصحفيين والمدافعين عن حقوق الإنسان في البلد (إيطاليا)؛ أن يحقق بفعالية في الجرائم والانتهاكات التي يتعرض لها المدافعون عن حقوق الإنسان والصحفيون ومقاضاة المسؤولين عنها ومعاقبتهم عليها. ولا بد من الرد بسرعة على الشكاوى من تعرض المدافعين عن حقوق الإنسان للمضايقات، وينبغي اتخاذ تدابير ملائمة تكفل سلامتهم (النرويج)؛ أن يكثف من الجهود التي يبذلها للتحقيق في ممارسات التحرش والاعتداء على الصحفيين والمحامين ومعاقبة مرتكبي هذه الممارسات (سويسرا)؛

٤٤- أن يتخذ التدابير الملائمة لنشر الإعلان المتعلق بالمدافعين عن حقوق الإنسان على نطاق واسع وضمان التقيد الكامل به. وينبغي على وجه الخصوص إتاحة هذا الإعلان، وغيره من معايير حقوق الإنسان، في المدارس ومؤسسات التعليم العالي (النرويج)؛

- ٤٥- أن يراعي ويحمي مقدرة المدافعين عن حقوق الإنسان والمحامين على القيام بعملهم دون معوقات أو تخويف أو مضايقات، تماشياً مع إعلان الأمم المتحدة المتعلق بالمدافعين عن حقوق الإنسان ومبادئ الأمم المتحدة الأساسية بشأن دور المحامين (المملكة المتحدة)؛
- ٤٦- أن يتخذ مزيداً من التدابير لتحسين أمن الصحفيين وضمان التحقيق بسرعة وبصورة كاملة في الانتهاكات التي تطال حقوق الصحفيين وأن يقدم كل من تثبت مسؤوليته عن هذه الانتهاكات أمام العدالة وفقاً للمعايير الدولية (هولندا)؛
- ٤٧- أن يُجرى تحقيقات شاملة وعاجلة ونزيهة في الاغتيالات التي وقع ضحيتها صحفيون ومدافعون عن حقوق الإنسان، بما في ذلك تلك الاغتيالات المشار إليها في الفقرات ١٨ و ٢١ و ٢٤ و ٥٨ من التقرير، وتقديم الفاعلين أمام العدالة (فرنسا وإيطاليا وسويسرا وآيرلندا)؛
- ٤٨- أن يُجرى تحقيقات فعالة في الجرائم التي ارتكبت في حق قيادات الجمعيات الأوكرانية في الفترة ٢٠٠٢-٢٠٠٦ (أوكرانيا)؛
- ٤٩- أن يوجد بيئة تساعد على تعزيز بدلاً من تقييد الحق في حرية الاجتماع وعلى تشجيع المواطنين على الإعراب عن آراءهم المختلفة، وذلك بطرق منها استحداث إطار تشريعي لهذا الغرض (النمسا)؛
- ٥٠- أن يحسن الظروف التي تساعد على عمل وسائط الإعلام المستقلة بشكل سليم، لا سيما قنوات التلفزيون الوطنية، من أجل إفساح مزيد من المجال للإعراب عن الرؤى والآراء المختلفة (سلوفاكيا)؛
- ٥١- أن يضاعف جهوده، في خضم الأزمة الاقتصادية العالمية الراهنة، لحماية الحقوق الاقتصادية والاجتماعية والثقافية لشرائح السكان الأكثر ضعفاً، بمن فيهم المهاجرون (الجزائر)؛
- ٥٢- أن يواصل الجهود الإيجابية التي يبذلها لتعزيز مجالي الصحة والتعليم لا سيما لصالح الأطفال المعوقين (كوبا)؛
- ٥٣- أن يواصل الجهود الإيجابية التي يبذلها لتعزيز وحماية الحقوق الاقتصادية والاجتماعية والثقافية ومكافحة الفقر (كوبا)؛
- ٥٤- أن يستمر في تنفيذ رزمة البرامج المهمة الرامية إلى الدفاع عن الحقوق الاقتصادية والاجتماعية للمواطنين (بيلاروس)؛
- ٥٥- أن يعزز الجهود التي يبذلها لتوفير فرص تعليمية متكافئة للأطفال المعوقين، بما في ذلك عن طريق إلغاء المدارس "التصحيحية" و"الثانوية"، وبتقديم الدعم اللازم، وبضمان تدريب المعلمين لتأهيلهم لتدريس الأطفال المعوقين في المدارس العامة (ليختنشتاين)؛

٥٦- أن يضاعف الجهود التي يبذلها لضمان الاحترام الكامل لحقوق الأشخاص المنتمين إلى أقليات أو إلى مجموعات السكان الأصليين، بما في ذلك حقهم في تعليم أطفالهم (السويد)؛ أن ينفذ التوصيات التي قدمتها لجنة القضاء على التمييز العنصري عن كيفية تحسين وضع مجتمعات السكان الأصليين (الدانمرك)؛ أن يتقيد بالمبادئ التي تضمنها الإعلان بشأن حقوق السكان الأصليين (المكسيك)؛

٥٧- أن يتخذ تدابير تكفل حقوق الإثنيات والأقليات القومية في استعمال لغاتها الأصلية في الممارسة (أوكرانيا)؛ أن يكثف من الجهود التي يبذلها لضمان توفير التعليم للأقليات بلغاتها (فنلندا)؛

٨٦- ويرى الاتحاد الروسي أن التوصيات الواردة في الفقرة ٥٤ من التقرير لا تمت بصلة للموضوع لأنهما لا تمثلان أساس الاستعراض المنصوص عليه في قرار مجلس حقوق الإنسان ١/٥ بعنوان "بناء مؤسسات مجلس حقوق الإنسان التابع للأمم المتحدة".

٨٧- وجميع الاستنتاجات و/أو التوصيات الواردة في هذا التقرير إنما تعكس موقف الدولة (الدول) المقدمة لها و/أو الدولة موضوع الاستعراض. ولا ينبغي تفسيرها على أنها تحظى بموافقة الفريق العامل بمجمله.

## **Annex**

### **COMPOSITION OF THE DELEGATION**

The delegation of the Russian Federation was headed by H.E. Mr. Alexander V. Konovalov, Minister of Justice of the Russian Federation and composed of 38 members:

H.E. Mr. Alexander V. Konovalov, Minister of Justice of the Russian Federation

H.E.Mr. Valery V. Loshchinin, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Russian Federation to the UN Office and Other International Organizations in Geneva

Mr. Vladimir N. Soloviev, Deputy Chairman of the Supreme Court

Mr. Georgy O. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights, Deputy Minister of Justice

Mr. Alexey M. Velichko, Deputy Minister of Justice

Ms. Ekaterina Y. Egorova, Deputy Director, Federal Migration Service of the Russian Federation

Mr. Stanislav V.Vavilov, Deputy Chairman of the Central Election Commission of the Russian Federation

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Mr. Alexey D. Akzhigitov, First Secretary, Permanent Mission of the Russian Federation

Mr. Marat T. Badashkeev, Head of Control and Supervision Division in the Field of Mass Communications, Federal Mass Communications Supervision Service

Mr. Yury A.Boychenko, Senior Counsellor, Permanent Mission of the Russian Federation

Mr. Pavel G.Chernikov, Chief Counsellor, Department for Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs

Mr. Andrey V.Chumakov – Advisor to the Minister of Justice

Mr. Mikhail A. Fedotov, Secretary, Union of Journalists of the Russian Federation

Mr. Oleg V. Filimonov, Head of Legal Division, Federal Service for the Execution of Punishments

Mr. Vadim B. Gaydov, Head of Administrative Legal Division, Legal Department, Ministry of Interior

Mr. Alexey O. Goltyaev, Second Secretary, Department for Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs

Mr. Konstantin D.Gorokhov, Head of Division, Department of Public Relations, Ministry of Mass Communications

Mr. Alexey E.Gubanov – Advisor to the Director, Federal Migration Service

Mr. Alexander V. Juravskiy, Director, Department of Inter-ethnic Relations, Ministry of Regional Development

Mr. Andrey A.Ilin – Deputy Head of Division, Minister of Justice

Mr. Alexey A.Kisin, Head of Legal Division, Central Election Commission

Mr. Sergey V.Kondratiev, Second Secretary, Permanent Mission of the Russian Federation

Ms. Larisa I. Kopteva, Head of Citizens' Rights and Freedoms observance Supervision Division, Office of the Prosecutor General

Ms. Marina O. Korunova, Deputy Director, Department for Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs

Mr. Maxim A.Kosarev, Advocate, Head of Advocate Bureau “Kosarev and Partners”

Mr.Vladimir R.Legoyda, Chief Editor of “Foma” Magazine

Mr. Oleg S. Malginov, Director, Department for Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs

Mr. Andrey Y. Nekrasov, Head of Department for Investigation Supervision, Office of the Prosecutor General

Ms. Tatiana E.Petrova, Head of Division, Ministry of Education

Mr. Evgeniy V.Poleshchuk, Deputy Head of Division, Department of Education, Armed Forces of the Russian Federation

Ms. Olga V.Samarina, Director, Department of Social Protection, Ministry of Health and Social Development

Ms. Anna M.Shakhova, Staff Member, Department for Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs

Ms. Ksenia Shpuntova, Assistant to the Head of Advocate Bureau “Kosarev and Partners”

Mr. Vyacheslav Sizov, Head of Division for Supervision of the Execution of Laws on Federal Security, Inter-ethnic Relations and Countering Extremism, Office of the Prosecutor General

Mr. Vladislav V.Starjenetskiy, Deputy Head, International Law and Cooperation Division, Supreme Court of Arbitration of the Russian Federation

Mr. Valery G.Telukh, Head of Pre-Trial Detention Facilities and Prisons Division, Federal Service for the Execution of Punishments

Mr. Vladimir P. Zimin, First Deputy Head of International Cooperation Department, Office of the Prosecutor General

Ms.Natalia A.Zolotova, Second Secretary, Permanent Mission of the Russian Federation