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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 \***

**Russian Federation**

The present report is a summary of 17 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

## **I. BACKGROUND AND FRAMEWORK**

### **A. Scope of international obligations**

1. A joint submission by Russian NGOs (Russian NGOs) recommended that the Russian Federation eliminate discrepancies between national and international human rights legislation. It also noted that the Russian Federation has not ratified the Rome Statute of the International Criminal Court.<sup>2</sup>
2. Russian Association of Indigenous Peoples of the North (RAIPON) and International Work Group for Indigenous Affairs (IWGIA) noted that the Russian Federation has failed to ratify the ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries.<sup>3</sup>
3. Amnesty International (AI) and Human Rights Watch (HRW) recommended that the Russian Federation sign and ratify the Convention for the Protection of All Persons from Enforced Disappearance.<sup>4</sup> HRW and AI also respectively recommended that the Russian Federation ratify the International Convention on the Rights of Migrant Workers<sup>5</sup> and the Optional Protocol to CAT.<sup>6</sup>

### **B. Constitutional and legislative framework**

4. Russian NGOs stated that the Criminal Code does not include the internationally recognized definition of torture. Use of torture is treated as “abuse of power”, which does not reflect the gravity of its consequences and prevents a comprehensive assessment of the scale of the problem.<sup>7</sup> AI noted similar concerns.<sup>8</sup>
5. Internal Displacement Monitoring Centre (IDMC) noted that the definition of “forced migrant” in national legislation is more or less inclusive of that of “internally displaced person” contained in the United Nations Guiding Principles on Internal Displacement. It includes, inter alia, foreigners, stateless people who were displaced within the Russian Federation. It excludes people forced to flee mass violations of human rights, armed conflict and generalised violence, as well as those who fled within Chechnya and North Ossetia.<sup>9</sup>
6. Russian Charitable Fund “No to Alcoholism and Drug Addiction” (NAN) noted the adoption of the Family Code in 1995, the Law “On basic guarantees of child rights” (1998), and the law “On the prevention of neglect and delinquency of minors” (1999). Regional legislation and municipal legislative acts, programmes for social rehabilitation of juveniles, correctional programmes and a network of specialized institutions are being developed.<sup>10</sup>

### **C. Institutional and human rights infrastructure**

7. Russian NGOs noted a decreasing transparency and accountability of authorities, a growing abuse of laws and impunity of public officials, and a weakening of mechanisms for the protection of rights, which have led to a mistrust of the public in the efficiency of legal mechanisms and democratic processes.<sup>11</sup>
8. Russian NGOs stated that the national human rights protection system comprises federal and regional ombudsmen, the Presidential Council on the Development of Civil Society and Human Rights, and human rights commissions attached to the regional governors’ offices. Russian NGOs noted that their jurisdiction, composition and efficiency are dependent on the position of the executive power. They indicated that the Federal Ombudsman is not entitled to

bringing cases to courts upon receipt of complaints on human rights violations and has no influence on legislation.<sup>12</sup>

9. The Commissioner for Human Rights of the Council of Europe (CoE/Commissioner) recommended that the Russian Federation adopt a federal framework law defining the powers of regional Ombudsmen more clearly and homogenizing the institutions, as part of the strategy of implanting the institution of regional Ombudsman throughout the country.<sup>13</sup>

10. Human Rights First (HRF) recommended the establishment of an official and independent anti-discrimination body<sup>14</sup>, noting that there is no such institution with a specific mandate to monitor and report on hate crimes, and which could recommend policy changes to better address racist violence.<sup>15</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **A. Cooperation with human rights mechanisms**

11. Russian NGOs stated that United Nations treaty bodies' recommendations on the Russian Federation are usually neither implemented nor published.<sup>16</sup>

12. HRW recommended that the Russian Federation allow access to the North Caucasus for the United Nations Working Group on enforced and involuntary disappearances and the Special Rapporteurs on torture and on extrajudicial, summary and arbitrary executions.<sup>17</sup> Human Rights Without Frontiers (HRWF) recommended that the Russian Federation invite the Special Rapporteur on freedom of religion or belief.<sup>18</sup>

13. RAIPON and IWGIA noted that the Russian Federation has not addressed repeated requests by the Committees on Economic, Social and Cultural Rights (CESCR) and for the Elimination of Racial Discrimination (CERD) to address the unresolved issues of ineffective realization of indigenous land rights, extractive industries and their impact on the indigenous peoples' natural environment, poverty and insufficient access to services, food and income, in the State reports nor in its written responses to their questions.<sup>19</sup>

### **B. Implementation of international human rights obligations, taking into account international humanitarian law**

#### **1. Equality and non discrimination**

14. AI noted that violent racist attacks continue to occur with alarming regularity.<sup>20</sup> All-Russia Public Movement for Human Rights (ARPMHR) and the Foundation in Defence of Rights of Prisoners (FDRP) noted that Russia faces an outbreak of racially motivated killings committed by the ultra rightists' groupings and that neo-Nazi terrorist clandestine organizations have been formed.<sup>21</sup> AI indicated that while some local initiatives have resulted in improved police response, the authorities have not implemented an effective programme to combat racist attacks and crimes committed arising out of them.<sup>22</sup> Russian NGOs noted that there is no efficient ban on discrimination. It noted the pressure on ethnic groups by the authorities, including persecutions of Georgians in 2006, restrictions on Chechens' rights, demolition of Roma settlements and eviction of Roma.<sup>23</sup>

15. HRF noted that no official statistics on hate crimes and their prosecution are systematically collected and regularly reported by Russian criminal justice authorities. Despite

the relatively sound legal basis with which to address hate crimes as serious crimes, perpetrators operate with relative impunity.<sup>24</sup>

## 2. Right to life, liberty and security of the person

16. AI stated that during the conflict in Georgia that broke out in August 2008, there were incidents of indiscriminate bombing by Russian forces, including with the use of cluster bombs, in areas where civilians were also present. There have also been reports that, on occasion, Russian forces deliberately targeted civilians during hostilities. AI alleged that the Russian authorities failed to control South Ossetian forces and irregular paramilitary groups acting in areas under Russian control. AI further alleged that many of the actions of the South Ossetian paramilitary groups were ethnically targeted against Georgian civilians in villages under Georgian administrative control prior to the conflict.<sup>25</sup>

17. ARPMHR and FDRP stated that grave crimes, torture and murders are committed in penal institutions, including by the so-called “*activists*” affiliated with the “sections of discipline and order” and dozens of special “torture zones” operate.<sup>26</sup> ARPMHR and FDRP stated that political murders and killings of journalists involved in the investigation of violations and crimes have become a customary practice.<sup>27</sup>

18. AI is concerned that too often crimes of torture remain unpunished as allegations of torture are not investigated promptly, fully, independently and impartially.<sup>28</sup>

19. International Commission of Jurists (ICJ) noted that there have been many extraditions and informal transfers from the Russian Federation to other States Party to the 2001 Shanghai Convention on Combating Terrorism, Separatism and Extremism. Such transfers, which sometimes rely on diplomatic assurances against torture from states where torture is widespread or systematic, violate the obligation of *non-refoulement*.<sup>29</sup>

20. Moscow Bureau of Human Rights (MBHR) noted the high number of deaths that occurs due to *dedovachina* (hazing/bullying) in the Russian armed forces. MBHR noted the allegations of violence committed by officers and by elite (contract) troops against subordinates and the enlisted as well as those of slave labour.<sup>30</sup>

21. The CoE/Commissioner recommended that the Russian Federation improve detention conditions in the various establishments where people are deprived of their liberty; meet the basic needs of detainees and prisoners by improving sanitation and the quality and quantity of food; provide an occupation for prisoners who want one; facilitate family visits for people held on remand in remand establishments (SIZOs); improve medical services in SIZOs and penal colonies; and modernize and provide them with the equipment needed to combat illnesses, in particular tuberculosis and AIDS.<sup>31</sup>

22. Russian NGOs stated that the number of protests of prisoners against cruel violence, torture and humiliating treatment is rising, and that the penitentiary system has become less transparent as NGO representatives are not allowed any more to visit prisons in many regions.<sup>32</sup> ARPMHR and FDRP recommended that the right to visit the penal institutions should be granted to the representatives of the human rights organizations which had acquired the status of visitors from the federal or regional representations of the human rights ombudsman.<sup>33</sup>

23. According to MBHR, the use of force against prisoners is often exercised by prison authorities to obtain submission of prison population. Since legal forms to contest prison conditions do not exist, a high number of prisoners self-inflict harm to attract public attention.<sup>34</sup>

24. AI stated that violence against women in the family remains widespread, yet there are no official statistics on the issue, which demonstrates a lack of prioritization of the issue.<sup>35</sup> The CoE/Commissioner recommended that the Russian Federation combat violence against women, in particular domestic violence; provide shelters for battered women, which could encourage the victims to report domestic violence to the prosecuting authorities; and provide greater training for the police and the representatives of the judiciary in this area.<sup>36</sup>

25. The CoE/Commissioner recommended continued efforts to combat trafficking in human beings; and the adoption of a law governing the fight against such trafficking to make it more effective.<sup>37</sup>

26. The CoE/Commissioner recommended that the Russian Federation urgently address the problems raised by street children (*bezprizorniki*); close the gaps between federal laws and regional laws, which prevents any progress in this area; and clearly define the respective responsibilities; and finance the programmes provided for by law.<sup>38</sup>

### 3. Administration of justice, including impunity, and the rule of law

27. Russian NGOs stated that the independence of the judiciary is jeopardized by the concentration of powers in the hands of courts' chairpersons appointed by the executive authority, as well as deficiencies in the disciplinary proceedings that would increase the prospect of arbitrary dismissal of judges. According to Russian NGOs, the equality of arms principle in criminal proceedings continues to be a simple formality as the law does not compel the judge to provide documents and information to defense lawyers; the law does not provide sufficient grounds for independent forensic expertise; the law does not define the kind of evidence defense lawyers could produce; and defense lawyers face pressures from prosecutors.<sup>39</sup>

28. The CoE/Commissioner recommended that the independence of the judiciary be strengthened particularly through the introduction of firm practical measures to establish a clear separation between the executive and the judiciary.<sup>40</sup> He recommended that the Russian Federation persist with the judicial reform under way; reduce the length of court proceedings, inter alia by recruiting additional judges; support the reform of auxiliary legal professions, such as those of bailiff and lawyer, which make for a more effective judicial system.<sup>41</sup>

29. ICJ stated that the proposed bill on "*The Law on Lawyers' Activity and the Bar in the Russian Federation*" could seriously compromise the independence of the legal profession, violate the right to a fair trial, and facilitate the harassment and obstruction of lawyers who defend the rule of law and human rights.<sup>42</sup>

30. ICJ stated that where victims or their families attempt to seek justice and obtain reparations for violations of human rights, either in domestic courts or before the European Court of Human Rights, they typically face harassment and death threats, abduction or other ill-treatment. Victims and their lawyers have also faced harassment and threats and are obstructed in their attempts to effectively represent their clients, in violation of the right to a fair trial, and contrary to the United Nations Basic Principles on the Role of Lawyers.<sup>43</sup>

31. Russian NGOs stated that police and other law enforcement bodies denied detainees' procedural rights, including refusal to register the exact time and date of detention; falsification of proof of administrative offence; and violation of detainees' right to have access to a lawyer.<sup>44</sup>

32. AI expressed concern on the ongoing failure of the Office of the Prosecutor General to respect the right of former YUKOS oil company head, Mikhail Khodorkovskii, and his associate, Platon Lebedev, to a fair trial. AI stated that this case highlights concerns about the criminal justice system, including respect for the rule of law and judicial decisions, and interference with the right to defence through the harassment and intimidation of defence lawyers.<sup>45</sup>

33. Russian NGOs stated that the investigation of crimes by officials, including torture, is ineffective, slow and it lacks thoroughness whereby responsible officials go unpunished. It added that the court decisions ordering compensation to victims are not implemented in a timely manner.<sup>46</sup>

34. NAN noted that as the processes for juvenile justice issues are not systemic and lack a unified legal basis, a juvenile justice system could be introduced in its broadest understanding. It further noted that efforts to develop a juvenile justice system undertaken in various regions have led to the following conclusions, *inter alia*: the implemented elements of juvenile justice system have become an inseparable component of the justice system reform; the use of conciliation procedures have found legal and technical understanding in judicial practice through the introduction of juvenile justice elements; restorative justice is central to the development of a juvenile justice system; being an impetus for developing a system of probation; and juvenile justice enables the development of effective regional programmes on crime prevention among minors.<sup>47</sup> NAN recommended the institutionalization of the juvenile judge as a functional component of the judiciary system; and the adoption of the amendment to the Federal Law “On the justice system of the Russian Federation” establishing juvenile justice.<sup>48</sup>

35. ICJ stated that underlying and perpetuating the violations of human rights are chronic problems of impunity, and lack of effective investigation, lack of legal redress or remedies for victims in violation of the Russian Federation’s international human rights obligations to investigate, prosecute and provide reparations for human rights violations.<sup>49</sup>

#### **4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

36. HRWF stated that the 1997 Religious Law grants privileged status to four founding religions recognized by the State, the Russian Orthodox Church, Buddhism, Islam, and Judaism. Other religions must accept registration and tighter control. HRWF alleged that there is increasing tension and discrimination towards Muslims in outlying parts of the country such as Kabardino-Balkaria where Muslims are often branded “Wahhabi” extremists.<sup>50</sup>

37. Forum 18 News Service (Forum 18) noted that the 2002 Extremism Law contains clauses describing activities in a religious context, including incitement of religious hatred, propaganda of the exclusivity, superiority or inferiority of citizens according to their attitude towards religion or religious affiliation, obstruction of the lawful activity of religious associations accompanied by violence or the threat of violence, and committing a crime motivated by religious hatred. Forum 18 stated that while the formulations of “extremism” in the Law may be sound, the Russian Federation’s track records in applying the law are worrisome.<sup>51</sup>

38. The European Association of Jehovah’s Christian Witnesses (EJCW) stated that a campaign against Jehovah’s Witnesses in the Russian Federation has been initiated. 400 local religious organizations are threatened by investigations by the Russian authorities.<sup>52</sup> The situation has hardened with the implementation of new legislation on “extremist” activity and/or

literature, which is being unfairly abused to categorize Jehovah's Witnesses as an "extremist" organization.<sup>53</sup>

39. AI expressed concern about the shrinking space for expressing dissenting views, and for independent media and independent NGOs to operate throughout the country. The law on NGOs and its implementing regulations are overly burdensome and may have been applied selectively to interfere with the work of independent civil society organizations. While only a limited number of NGOs had to be closed down following the introduction of the law, many more had to devote a substantive amount of time to ensuring their documents were in line with the law.<sup>54</sup> AI stated that the overly broad definition of "extremism" in the law on combating extremist activities has restricted the rights to freedom of expression and association. In at least one case an organization has been wrongfully refused registration, possibly in connection with the above-mentioned law, which has been used to threaten closure in other cases seriously hampering the organizations' ability to exercise their rights to freedom of expression and association.<sup>55</sup>

40. Reporters Without Borders (RWB) stated that journalists often fall victim to the prevailing climate of violence, with the perpetrators rarely being punished. The situation is especially disturbing in the Caucasus.<sup>56</sup> RWB noted the closure of the investigation into Anna Politkovskaya's murder<sup>57</sup> RWB further stated that news websites are often the target of accusations of extremism designed to hamper or completely block their operations.<sup>58</sup>

41. Russian NGOs stated that the number of unlawful prosecutions of political, public and religious groups (especially Muslim groups), mass media, and individuals on charges of extremism is growing, and increasingly a criminal prosecution is initiated as a retaliation measure for criticism of the authorities, the police or the army.<sup>59</sup>

42. Russian NGOs stated that all main TV channels are under effective State control conducting propaganda and not providing necessary information and diverse opinions, noting that this became especially obvious during the crisis in South Ossetia. Russian NGOs noted that criminal prosecution for defamation substantially limits freedom of expression of critical opinions.<sup>60</sup>

43. With regard to alternative military services, Conscience and Peace Tax International (CPTI) expressed concerns inter alia that; the relevant arrangements are not under civilian control; that military training in the last year of school is compulsory, without any exemption for conscientious objectors; that not all alternative service placements are appropriate to the nature of the objection; and that the duration and other conditions of alternative service are punitive.<sup>61</sup>

44. Russian NGOs stated that, although only a "notification" to the local authorities is required by law to organize an assembly, the authorities require an "approval", in practice. Moreover, the authorities try to derange peaceful assemblies by various means, including by putting forward unacceptable conditions, terminating assemblies and detaining their participants, by the use of unlawful reasons for forbidding assemblies or punishing the organisers and participants, preventive detention of the participants before assemblies, and fabrication of administrative cases against the organizers and participants.<sup>62</sup>

45. AI stated that during demonstrations ahead of the 2007 Duma and 2008 presidential elections, the police used excessive force to disperse demonstrators. AI noted that there has been no prosecution or disciplinary measure taken in relation to members of the law enforcement agencies in connection with excessive use of force.<sup>63</sup>

46. Russian NGOs stated that the ongoing campaign against homosexuality limits the rights of homosexuals to freedom of conscience and expression and to freedom of assembly. It alleged that in 2007, there were two cases of unlawful refusal to register NGOs of sexual minorities.<sup>64</sup>

47. Russian NGOs stated that the right of citizens to form a political party is limited through unreasonably high requirements of its membership and through a ban on regional parties. Political parties are subjected to excessive and selective control. It recommended that the Russian Federation change the system of formation of electoral commissions at all levels with a view to ensuring their independence from the executive power.<sup>65</sup>

### **5. Right to work and to just and favourable conditions of work**

48. MBHR stated that the labour law puts numerous conditions for strike which are difficult to meet. In 2007, only two strikes were officially registered although, according to the Federation of Independent Trade Unions of Russia, there were over 1,100 labour conflicts. MBHR noted that the curtailing of the right to strike risks leading not only to a degradation of labour conditions but also to more radical forms of protest.<sup>66</sup>

49. Russian NGOs stated that there are massive violations of the right to work in safe conditions, which result in a very large number of injuries and occupational illnesses. It stated that lawful strikes are practically impossible due to the restrictive legislation on strikes.<sup>67</sup>

50. HRW stated that employers frequently fail to pay migrant workers fully and promptly; in many cases employers may not pay wages at all for several months. Employers may threaten or use violence by construction site guards, police, or others to intimidate workers who protest against non-payment of wages. HRW stated that numerous cases of police abuse against migrant workers, including arbitrary detention, beatings, use of threats of expulsion in order to force migrants to pay a bribe and to work for free.<sup>68</sup>

51. Russian NGOs noted that the right of people with disabilities to work are limited due to legislative deficiencies, lack of government policy and discriminatory practices. Regional legislations on accessibility and on employment quotas for persons with disabilities are not effective due to the lack of implementation mechanisms. Many people with disabilities are forbidden from working by government regulations.<sup>69</sup>

### **6. Right to social security and to an adequate standard of living**

52. Russian NGOs stated that low level of retirement benefits is not only an issue of poverty but also that of the right to social security.<sup>70</sup> MBHR noted that even though the budget receives sufficient funds for the implementation of a variety of projects, non-payment of wages and pensions continues. Besides wage arrears, which are only partly imputable to lack of government financing, the situation remains critical regarding social payments, in particular for army pensioners and those who took part in the liquidation of the consequences of the Chernobyl accident in 1986.<sup>71</sup>

53. The CoE/Commissioner recommended that the Russian Federation provide officers and soldiers with better living conditions; ensure that all units are supplied with sufficient food; modernise and adequately equip the medical services of the armed forces; and arrange systematic access to health care for all soldiers.<sup>72</sup>

54. The CoE/Commissioner also recommended that the Russian Federation solve the problems raised by the reform of the national health insurance system; ensure that the cost of

medicines is refunded to a greater extent, so as to provide access to health care for the most disadvantaged sections of the population; speed up the renovation and modernisation of hospitals; and combat the practices of certain hospitals that refuse to provide treatment free of charge though legally obliged to do so.<sup>73</sup>

55. HRW stated that hundreds of thousands of people in Russia, many of them youths and young adults, are dependent on drugs and at immediate risk of HIV infection. While the Russian Federation has made considerable progress expanding access to antiretroviral (ARV) treatment for people living with HIV, its efforts to ensure that injection drug users have access to effective drug dependence treatment services, a key factor in both general HIV prevention and treatment for injection drug users, have fallen far short.<sup>74</sup>

56. AI alleged that during the conflict in Georgia that broke out in August 2008, the destruction of civilian property by South Ossetian forces and irregular paramilitary groups is occasionally reported to have taken place in the presence of Russian forces. AI stated that continuing security concerns and the destruction of houses belonging to displaced Georgians will hinder their right to a safe and sustainable return to their property.<sup>75</sup>

### **7. Right to education and to participate in the cultural life of the community**

57. The CoE/Commissioner recommended that the Russian Federation maintain efforts to safeguard minority rights; promote education in the national minority languages and, to this end, meet schools' needs for teaching materials, textbooks and teacher training.<sup>76</sup>

58. Russian NGOs stated that most children with disabilities receive education in isolation at home or are segregated in special schools.<sup>77</sup>

### **8. Minorities and indigenous peoples**

59. RRAIPON and IWGIA noted that that all socio-economic indicators concerning the indigenous peoples of the North are at levels dramatically worse than the Russian average figures. It further noted that the Federal Law "On local self-administration", allows for the possibility of settlements with less than 1,000 inhabitants to be merged into neighbouring larger settlements. Following a decision by the Government, this possibility is being aggressively used with regard to indigenous settlements, which are often very remote and small. In those indigenous villages impacted by this policy, health care and education facilities as well as other social services are being terminated. As a consequence, the majority of indigenous peoples in rural areas are now left on the brink of misery, without access to employment, health care or education.<sup>78</sup>

60. RAIPON and IWGIA noted that the bulk of natural resources, such as oil, natural gas, diamonds and timber from the indigenous territories are being extracted. Indigenous communities are increasingly feeling the negative impacts of the encroachment of national and international extractive corporations into their remaining territories upon which they rely for subsistence.<sup>79</sup>

61. RAIPON and IWGIA stated that as a result of changes in legislation, indigenous peoples are currently deprived of legal rights, the right to property, use or tenure of their land, where they live, hunt, fish and graze their reindeer. Commercial companies, having obtained through tenders the right to use land and resources are not legally obliged to obtain consent from indigenous peoples for the realisation of projects. Nor are they obliged to assess the amount of damage to the indigenous peoples' territories and natural environment and to their traditional way of life

resulting from their projects. Furthermore, they are not required to pay indigenous peoples due damages or to take into account the existence of sacred sites of indigenous peoples within those territories.<sup>80</sup>

62. RAIPON and IWGIA noted that while some regions offer limited legislative recognition of the land rights of indigenous peoples, many regions do not afford any recognition of these rights.<sup>81</sup>

63. RAIPON and IWGIA stated that the current energy strategy of the Russian Federation - valid until 2020 - includes projects involving mass resettlement of indigenous peoples without prior consultation and without their consent.<sup>82</sup>

### **9. Migrants, refugees and asylum seekers**

64. The CoE/Commissioner recommended that the Russian Federation respect the rights of asylum-seekers and in particular of those pending deportation; improve the detention conditions of foreigners held in administrative detention centres.<sup>83</sup>

### **10. Internally displaced persons**

65. IDMC stated that IDPs struggle to acquire and extend residence registration, forced migrant status and other documents required to access employment, services and benefits such as government-provided housing, free medical care and pensions. The inconsistent interpretation and respect of legislation by local officials and courts make the application process for these documents unpredictable.<sup>84</sup>

66. AI stated that in Chechnya, internally displaced people, including young children, elderly and disabled people have been forcibly evicted from temporary accommodation centres without adequate consultation and without guaranteed alternative accommodation. When alternative accommodation has been provided, in some cases it has turned out to have disputed ownership, leaving the families vulnerable to eviction.<sup>85</sup>

67. IDMC stated that while only some displaced pensioners managed to receive their entitled pension through the courts, most decisions left claimants with only a minimum pension and no reparation. As a result of their displacement and the loss of relevant documentation, the majority of internally displaced pensioners are discriminated against and continue to receive a pension that does not reflect their work experience.<sup>86</sup>

68. IDMC recommended that the Russian Federation create mechanisms for the systematic involvement and participation of different groups of IDPs in all stages of national programmes and policies affecting them.<sup>87</sup>

### **11. Human rights and counter-terrorism**

69. AI noted that the 2006 federal law "*On counteracting terrorism*" fails to make explicitly clear the relation between the Criminal Procedure Code, with all the safeguards involved, and procedures of a counter-terrorist operation. The law contains no provision making clear the obligation of the authorities to respect and protect human rights in the context of a counter-terrorist operation.<sup>88</sup> Russian NGOs stated that disproportionate use of force in special and counter-terrorist operations, extra-judicial executions, kidnapping, involuntary disappearances, torture, fabrication of criminal cases against assumed combatants of illegal armed groups and against Islamic extremists, and organized impunity for officials who commit crimes during

counter-terrorist operations, were used in the fight against terrorism in particular in the North Caucasus.<sup>89</sup>

70. ICJ recommended through the Human Rights Council that the Russian Federation review counter-terrorism laws, policy and practice with a view to compliance with international standards, and take steps to end human rights violations in counterterrorism operations by all security forces, including those active in Chechnya under the control of President Kadyrov.<sup>90</sup>

## **12. Situation in or in relation to specific regions or territories**

71. AI stated that enforced disappearances, extrajudicial executions, torture, ill-treatment, and arbitrary arrest and secret detention continue to be reported in the Chechen Republic, Ingushetia, Dagestan and North Ossetia, while impunity for these violations remains entrenched.<sup>91</sup> According to AI, the climate of impunity is deepening in particular in Chechnya, due to victims of human rights abuses justifiably fearing reprisals if they turn to the authorities for redress.<sup>92</sup> MBHR stated that armed underground movements have spread in the North Caucasus as a response to the harsh actions by members of the federal security forces against persons suspected of belonging to Islamist or separatist movements. They have disappeared or were taken to police stations where they were beaten and forced to renounce from “unorthodox” Islam.<sup>93</sup>

72. AI welcomed the decreased number of reported enforced disappearances in Chechnya. However, it noted that an increasing number of such human rights violations were reported in Dagestan and Ingushetia.<sup>94</sup> HRW stated that the counter-insurgency practices adopted by the authorities of Ingushetia involve extra-judicial executions, unlawful, abduction-style detentions, and torture and cruel or degrading treatment.<sup>95</sup> MBHR mentioned that a new tactic used since 2007 is shoot suspects where evidence for their arrest is insufficient. The relatives of disappeared persons and young people who have experienced beatings at police stations feed into the ranks of separatists and Islamists.<sup>96</sup>

73. AI alleged that many human rights defenders, lawyers and journalists working in the North Caucasus have been subjected to threats, harassment, abuse and enforced disappearance, and extrajudicial executions. Such crimes occurred amidst a climate of growing suspicion against human rights defenders and civil society organizations, which have been repeatedly accused by Government representatives of supporting extremism or working for foreign secret services.<sup>97</sup>

## **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

74. IDMC stated that Russia helped many IDPs gain access to basic rights and benefits, including, temporary accommodation, compensation for travel expenses to the area of temporary residence, housing loans, unemployment allowance and free medical assistance. Since 1997, the federal government has paid compensation for lost or destroyed property to some 85,000 displaced families and more recently included IDPs with forced migrant status in a national housing programme. The Federal Ombudsman and the Commission of the State Duma on North Caucasus Issues continue to appeal to the relevant government bodies to solve the outstanding issues of IDPs.<sup>98</sup>

75. RAIPON and IWGIA stated that the adoption of the three framework laws on the rights of indigenous peoples, on Territories of Traditional Nature Use and on indigenous *obshchinas*

have been landmark steps for the indigenous peoples of the Russian North. However, its centrepiece, i.e. the “Territories of Traditional Nature Use” has never been put into practice.<sup>99</sup>

### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

#### *Civil society*

ARPMHR and FDRP	All-Russia Public Movement for Human Rights and the Foundation in Defence of Rights of Prisoners, Moscow, Russian Federation, Joint Submission
AI	Amnesty International*, London, UK
CPTI	Conscience and Peace Tax International, Leuven, Belgium
EAJCW	The European Association of Jehovah’s Christian Witnesses, London, the UK
Forum 18	Forum 18 News Service, Oslo, Norway
HRF	Human Rights First*, New York, USA
HRO	HRO Soldiers Mother of Saint-Petersburg, Saint-Petersburg, Russian Federation
HRW	Human Rights Watch*, New York, USA
HRWF	Human Rights Without Frontiers, Brussels, Belgium
ICJ	International Commission of Jurists*, Geneva, Switzerland
IDMC	Internal Displacement Monitoring Centre*, Geneva, Switzerland
MBHR	Moscow Bureau of Human Rights, Moscow, Russian Federation
NAN	Russian Charitable Fund “No to Alcoholism and Drug Addiction”, Moscow, Russian Federation
RAIPON and IWGIA	Russian Association of Indigenous Peoples of the North (RAIPON)*, Moscow, Russian Federation, International Work Group for Indigenous Affairs (IWGIA)*, Copenhagen, Denmark, Joint Submission
RWB	Reporters Without Borders*, Paris, France
Russian NGOs	Russian NGOs, Joint Submission made by 15 NGOs, Russian Federation

#### *Regional Organizations*

CoE	The Council of Europe, Strasbourg, France
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<sup>2</sup> Russian NGOs, Joint Submission, Russia, p. 2. These NGOs comprise of SOVA Center for Information and Analysis, Center for the Development of Democracy and Human Rights, “Public Verdict” Foundation, “Memorial” Human Rights Center, Institute for Human Rights, Moscow Helsinki Group, Center for Social and Labor Rights, “Golos” Association, Glasnost Defense Foundation, Youth Human Rights Movement, Center “Demos,” “Social Partnership” Foundation, “Perspektiva,” “Civic Assistance to Refugees and Forced Migrants” Committee, and Interregional Committee Against Torture.

<sup>3</sup> RAIPON and IWGIA, para. 27.

<sup>4</sup> AI, p. 7 and HRW p. 4.

<sup>5</sup> HRW, p. 5.

<sup>6</sup> AI, p. 7.

<sup>7</sup> Russian NGOs, p. 7. See also ARPMHR and FDRP, p. 7

<sup>8</sup> AI, p.3.

<sup>9</sup> IDMC, para. 5.

<sup>10</sup> NAN, p. 1.

<sup>11</sup> Russian NGOs, p. 1.

<sup>12</sup> Russian NGOs, p. 2.

<sup>13</sup> The CoE/Commissioner, p. 4.

- <sup>14</sup> HRF, p. 5.
- <sup>15</sup> HRF, p.4.
- <sup>16</sup> Russian NGOs, p. 2.
- <sup>17</sup> HRW, p.4.
- <sup>18</sup> HRWF, p. 6. See also ICJ, p. 6. and RAIPON and IWGIA, para. 27.
- <sup>19</sup> RAIPON and IWGIA, para. 26.
- <sup>20</sup> AI, p. 6. See also RAIPON and IWGIA, para. 22. and Russian NGOs, p. 5.
- <sup>21</sup> ARPMHR and FDRP, p. 2. See also The CoE/Commissioner, p. 2. MBHR, pp. 2-3.
- <sup>22</sup> AI, p. 6. See also RAIPON and IWGIA, para. 22. and Russian NGOs, p. 5.
- <sup>23</sup> Russian NGOs, p. 5. See also HRF, paras. 3 and 10.
- <sup>24</sup> HRF, para. 4.
- <sup>25</sup> AI, p. 7. See also HRW, p. 1.
- <sup>26</sup> ARPMHR and FDRP, p. 2.
- <sup>27</sup> ARPMHR and FDRP, p. 2.
- <sup>28</sup> AI, p. 7.
- <sup>29</sup> ICJ, p.5.
- <sup>30</sup> MBHR, p. 2. See also The CoE/Commissioner, p. 2., and HRO, p. 1.
- <sup>31</sup> The CoE/Commissioner, p. 1. See also ARPMHR and FDRP, p. 8. and MBHR, p.2.
- <sup>32</sup> Russian NGOs, pp. 7 - 8. See also ARPMHR and FDRP, p. 8.
- <sup>33</sup> ARPMHR and FDRP, p. 9.
- <sup>34</sup> MBHR, p.1.
- <sup>35</sup> AI, p. 5.
- <sup>36</sup> The CoE/Commissioner, p. 4. See also AI, pp. 5 and 7.
- <sup>37</sup> The CoE/Commissioner, p. 4.
- <sup>38</sup> The CoE/Commissioner, p. 4.
- <sup>39</sup> Russian NGOs, p. 8. See also ARPMHR and FDRP, p. 3.
- <sup>40</sup> The CoE/Commissioner, p. 1.
- <sup>41</sup> The CoE/Commissioner, p. 1.
- <sup>42</sup> ICJ, pp. 3 – 4.
- <sup>43</sup> ICJ, pp. 2 - 3.
- <sup>44</sup> Russian NGOs, p. 8.
- <sup>45</sup> AI, p. 6.
- <sup>46</sup> Russian NGOs, p. 7.
- <sup>47</sup> NAN, p. 1.
- <sup>48</sup> NAN, p. 1.
- <sup>49</sup> ICJ, pp. 1 – 2.
- <sup>50</sup> HRWF, pp. 1 and 4.
- <sup>51</sup> Forum 18, p. 1.

<sup>52</sup> EAJCW, p. 1.

<sup>53</sup> EAJCW, p. 3. See also HRWF, pp. 3 -4.

<sup>54</sup> AI, pp. 5-6. See also, ICJ, pp. 4-5.

<sup>55</sup> AI, pp. 5-6. See also ARPMHR and FDRP, pp. 4 and 5, the CoE/Commissioner, p. 3., HRW, p. 2, HRWF, p. 3, ICJ, p.4., RWB, p. 2, and Russian NGOs, p. 3.

<sup>56</sup> RWB, p. 1.

<sup>57</sup> RWB, p. 2. See also, MBHR, p. 3.

<sup>58</sup> RWB, p.2.

<sup>59</sup> Russian NGOs, p. 6.

<sup>60</sup> Russian NGOs, p. 4. See also RWB, p. 2.

<sup>61</sup> CPTI, p.1.

<sup>62</sup> Russian NGOs, p. 3. See also MBHR, p. 2.

<sup>63</sup> AI, p. 6.

<sup>64</sup> Russian NGOs, p. 10. See also AI, p. 6.

<sup>65</sup> Russian NGOs, p. 4.

<sup>66</sup> BMHR, p. 4.

<sup>67</sup> Russian NGOs, p. 9.

<sup>68</sup> HRW, p. 4.

<sup>69</sup> Russian NGOs, pp. 9 – 10.

<sup>70</sup> Russian NGOs, p. 9.

<sup>71</sup> MBHRR, p. 3. See also The CoE/Commissioner, p. 4.

<sup>72</sup> The CoE/Commissioner, p. 2.

<sup>73</sup> The CoE/Commissioner, p. 3.

<sup>74</sup> HRW, p. 5.

<sup>75</sup> AI, p. 7. See also HRW, p. 1.

<sup>76</sup> CoE, p. 2.

<sup>77</sup> Russian NGOs, p. 9.

<sup>78</sup> RAIPON and IWGIA, paras. 5 and 21.

<sup>79</sup> RAIPON and IWGIA, para. 4.

<sup>80</sup> RAIPON and IWGIA, paras. 14 - 20.

<sup>81</sup> RAIPON and IWGIA, para.13.

<sup>82</sup> RAIPON and IWGIA, para.23. See also Russian NGOs, p. 5.

<sup>83</sup> The CoE/Commissioner, p. 2.

<sup>84</sup> IDMC, paras. 1 and 18.

<sup>85</sup> AI, p. 4. See also IDMC, paras. 11 – 14.

<sup>86</sup> IDMC, para. 21.

<sup>87</sup> IDMC, p. 5.

<sup>88</sup> AI, p. 3.

<sup>89</sup> Russian NGOs, p. 6.

<sup>90</sup> ICJ, p. 3.

<sup>91</sup> AI, p. 4. See also ICJ, p. 1. and IDMC, para. 16.

<sup>92</sup> AI, p. 4.

<sup>93</sup> MBHR, p. 3.

<sup>94</sup> AI, p. 4.

<sup>95</sup> HRW, p. 3.

<sup>96</sup> MBHR, p. 3.

<sup>97</sup> AI, p. 4.

<sup>98</sup> IDMC, paras. 6 - 8.

<sup>99</sup> RAIPON and IWGIA, para.29

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