

**Submission by the United Nations High Commissioner for Refugees**

**For the Office of the High Commissioner for Human Rights' Compilation Report**

**Universal Periodic Review: 3rd Cycle, 30th Session**

## **RUSSIAN FEDERATION**

### **I. BACKGROUND INFORMATION**

The Russian Federation acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* in 1992 (hereinafter jointly referred to as the *1951 Convention*). The Russian Federation has not acceded to the *1954 Convention relating to the Status of Stateless Persons* nor to the *1961 Convention on the Reduction of Statelessness* (the *1954 Convention* and the *1961 Convention* respectively).

The Russian Federation adopted its *Federal Law on Refugees*<sup>1</sup> in 1993 and established the Federal Migration Service (FMS) that dealt *inter alia* with asylum and nationality issues up until April 2016. As of 5 April 2016, the FMS was abolished and its functions were transferred to the newly-created General Administration for Migration Issues under the Ministry of Interior (Mol). With a recognition of the need to harmonise the current law on refugees with international norms, a new *Federal Law on Asylum* has been in the process of being developed since 2010-2011. UNHCR was recently informed that the Russian Federation aims to pass it in the first half of 2018. The latest available version dates back to August 2015 and does not include most of UNHCR comments that, *inter alia*, suggest to align the ground of exclusion and the scope of *non-refoulement* with the *1951 Convention*, improve access to asylum, including for those applying at the border, and ensure integration prospects for asylum holders.

There are two types of asylum provided for in the *Federal Law on Refugees*: “refugee status” (granted indefinitely) and “temporary asylum” (granted for one year with possibility of extension). According to the Mol, as of 30 June 2017, there were 589 refugee status (RS) holders and 187,785 temporary asylum (TA) holders.

The largest refugee population is composed of Ukrainians, who fled Ukraine as a result of recent conflict when more than several hundred thousands of Ukrainians arrived in the Russian Federation mostly in 2014-2015.

The Government of the Russian Federation has allocated substantial resources to meet the international protection and assistance needs of Ukrainian nationals, originating mainly from the Donetsk and Luhansk regions, passing several legislative and administrative measures to regularize their status and facilitate their integration. Ukrainians from Eastern Ukraine continue to enjoy simplified migration regime, i.e. they can extend their period of stay in Russia beyond 90 days without having to exit and re-enter the country. Legislative changes were made to ease the path toward obtaining residence permits and naturalization. In particular, following the amendments to Art. 8 of the *Federal Law on the Legal Status of Foreigners*, adopted in April 2016, Ukrainians who fled the conflict and were granted refugee

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<sup>1</sup> *Federal Law No. 4528-I* of Feb. 19, 1993 on Refugees.

status or temporary asylum in the Russian Federation became eligible for a simplified access to resident permits if they opted for the State Compatriot's Programme: namely, they were exempted from a requirement to first obtain temporary stay permits.

While Ukrainians form the biggest refugee group, UNHCR's primary concern lies with non-Ukrainian refugees, as they do not enjoy the same protection as Ukrainian refugees. The main problems for non-Ukrainian refugees include hindered access to the territory, non-admission or hampered access to the asylum procedure, growing rejection rates of persons of concern to UNHCR and lack of integration opportunities for TA holders and recognized refugees. As of 30 June 2017, the Russian Federation hosted 2,294 temporary asylum holders and 410 individuals with refugee status from countries other than Ukraine. The largest population from this group included Syria (1,301 with TA / 2 with RS), Afghanistan (422 with TA / 289 with RS), Georgia (226 with TA / 32 with RS) and Uzbekistan (67 with TA / 19 with RS). These numbers do not include individuals who did not succeed in getting access to the national asylum procedure, or those who were rejected in earlier years and are now in the appeal procedure. In the absence of sufficient statistical information from the Mol UNHCR does not have the number of cases pending decision, but estimates acceptance rates on temporary asylum claims by applicants from Syria at 33 per cent, for applicants from Afghanistan at 35 percent, and for applicants from Yemen at 29 per cent.<sup>2</sup> Moreover, the acceptance rates may further decline in light of the articulated position of the Mol that Syrians should be assisted in Syria rather than in the Russian Federation.

Reiterated in the New York Declaration for Refugees and Migrants, as well as the priorities developed in relation to forcibly displaced persons in the State Migration Policy (2012-2025), UNHCR is encouraged to see that the Russian Federation is committed to refugee protection and integration. The recommendations below are being made as part of our interest in reinvigorating constructive dialogue and cooperation with the Government of the Russian Federation.

## **II. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS**

### **Challenges linked to outstanding 2nd cycle UPR recommendations**

#### **Issue 1: Reduction of Statelessness**

**Linked to 2nd cycle UPR recommendation No. 140.14: "Ratify the Rome Statute of ICC, the Conventions regarding stateless persons and OP-CAT (Austria)"; and 140.21: "Consider the possibility of ratifying CPED, OP-CAT, ICRMW, ICCPR-OP2, the Rome Statute of ICC and the Conventions on Statelessness (Argentina)".**

The Russian Federation has taken significant steps to reduce statelessness. However, UNHCR remains concerned about the remaining stateless population. Mol territorial branches do not as a general practice suggest appropriate solutions or advise applicants on necessary actions, placing the burden on the applicants to figure out what steps to take to overcome their statelessness. This also includes situations when applicants need to obtain confirmation from foreign embassies that they are not their nationals. When it comes to establishing residence in Russia, Mol officials refer applicants to the courts without advising the latter why this procedure is necessary. Without this recommendation, the courts refuse to establish the fact of residence. The Mol territorial branches rarely assist individuals in the process without an instruction from the central level, so at each stage of the process applicants often need to write to the central Mol for assistance. The latter then sends instructions to the territorial structure, which creates a very lengthy and cumbersome process.

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<sup>2</sup> Estimated are made using a formula mutually agreed upon by the former FMS and UNHCR.

UNHCR is particularly concerned about stateless persons or persons with undetermined nationality in pre-removal and other detention facilities. UNHCR positively notes the decision of the Constitutional Court of the Russian Federation dated 23 May 2017 that declared several articles of the Administrative Code unconstitutional. By the same decision, the lawmakers are encouraged to introduce an interim legal status based on which the stay of such person in Russia can be legalized. While UNHCR has observed that the release of stateless persons from pre-removal detention centres has become smoother, we hope that other measures stipulated in the decision will be implemented in the nearest future.

### **Recommendations:**

UNHCR recommends that the Government of the Russian Federation:

- (a) Accede to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*;
- (b) Amend legislation to oblige courts to verify whether a person concerned is stateless, to consider alternatives to detention, and to review any deportation or expulsion orders relating to stateless persons or persons who may be stateless; and,
- (c) Provide regular trainings and other capacity-building events for judges, bailiff service personnel and other relevant law-enforcement bodies on legislation concerning statelessness, as well as on immigration and refugee<sup>3</sup> legislation.

### **Additional protection concerns**

#### **Issue 2: Access to asylum**

In April 2015, the Human Rights Committee expressed serious concerns regarding access to asylum procedures and safeguards against *refoulement*, and recommended that the Russian Federation “[e]nsure that asylum seekers who may be in need of international protection are able to access asylum procedures, more specifically by establishing accessible asylum and referral procedures at all border points, international airports and transit zones ...”<sup>4</sup>.

Regarding access to territory and asylum for non-Ukrainian asylum-seekers applying from the border, including transit zones of international airports, the Border Guard Service (in the majority of cases known to UNHCR) do not accept their asylum applications and do not transfer them to the Mol in accordance with the art. 4 of the *Federal Law on Refugees*. Intensive lobbying efforts that include phone calls to the Border Guard Service, letters and notes verbal to the Ministry of Foreign Affairs and the Mol generally have had no effect.

As for the access to the asylum procedure for those non-Ukrainians who are already in the territory of the Russian Federation, they face tremendous challenges in accessing it and are often not freely admitted, registered or documented. In many cases, they have to make repeated efforts to register and be interviewed. As they are not documented upon their initial visit to the Mol, they remain at risk of detention and expulsion for not having regular status in the Russian Federation.

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<sup>3</sup> See, OHCHR, *Report of the Special Rapporteur on the independence of judges and lawyers - Addendum*, (30 April 2014), A/HRC/26/32/Add.1 “87. Assessing the effectiveness of the training is not a straightforward matter, but some interlocutors reported to the Special Rapporteur that, even after attending the training provided by the Academy, many judges continue to be unaware of legislation concerning immigration and refugees and regional and international human rights and the jurisprudence of the European Court.”

<sup>4</sup> UN Human Rights Committee (HRC), *Concluding observations of the Human Rights Committee: Russian Federation*, 28 April 2015, CCPR/C/RUS/CO/7, available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/RUS/CO/7&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/RUS/CO/7&Lang=En).

The situation is more difficult for those non-Ukrainian asylum-seekers who do not have ID and/ or confirmation of legal residence in the Russian Federation. When such undocumented individuals come to seek asylum, the Mol contacts another police department and the individuals are taken to courts for administrative expulsion. This recent development, when the Mol fines and/ or detains individuals lacking legal status when they come to apply for asylum, results in an imminent risk of *refoulement* through removal proceedings. While UNHCR with its partners were able to successfully intervene before the courts in known cases, there are likely other cases which did not benefit from legal assistance. This practice seems to be endorsed by the Mol, despite UNHCR's repeatedly stated position that it contradicts art. 31 of the *1951 Convention*.

Persons of concern to UNHCR who cannot access the asylum procedure remain in the country illegally and face the risk of detention and *refoulement*. They also lack legal source of income and do not have access to medical assistance, while their children do not attend schools. The problems are most acute in the Moscow, St. Petersburg and Leningrad regions.

UNHCR is also concerned that the access to asylum for person in pre-removal detention centres has recently deteriorated. In many instances known to UNHCR, asylum-seekers are not being registered or interviewed, thereby it creates a serious risk of *refoulement*. UNHCR is aware of four cases of *refoulement* in 2016, involving two citizens of Nepal (whose applications were not registered by the Mol) and two citizens of Sudan (refouled despite being in the asylum procedure). There was also a case of the asylum-seeker from Tajikistan who submitted his application on 16 June 2017 and was deported on 4 September due to failure of migration authorities to register and process his asylum application.

Other concerns include: 1) lack of interpreters that results in asylum-seekers having to either find their own interpreters or to wait for the Mol to find one, which can take from several days to several months, during which time asylum-seekers remain at risk of *refoulement*; 2) Mol requesting asylum-seekers to pay for their medical examination, which is an obligatory part of the asylum procedure and used to be covered by the FMS. Such practice puts significant financial burden on asylum-seekers, who are often unable to afford it.

### **Recommendations:**

UNHCR recommends that the Government of the Russian Federation:

- (a) Ensure unhindered access to the territory and to asylum procedures for all asylum-seekers, without discrimination, including from detention centres and transit zones;
- (b) Provide free-of-charge interpretation services and medical examinations for asylum-seekers;
- (c) Adhere to the principle of non-penalization for illegal entry or presence for asylum-seekers, with adequate safeguards against arbitrary detention and deportation before an application for asylum has been officially registered and adjudicated on; and,
- (d) Invest in the upgrading of capacity of asylum procedures, through: (i) regular training and technical support to increase the capacity of asylum officers to conduct timely registration of asylum applications; (ii) increasing the number of personnel conducting refugee status determination procedures; (iii) reviewing the efficiency of registration and documentation procedures; and, (iv) requesting regional migration departments to take appropriate measures to accelerate and improve registration of claims.

### **Issue 3: Refugee status determination procedures**

UNHCR is concerned about the quality of the national asylum procedure. In many instances, individuals who would likely qualify for refugee status under the *1951 Convention* are instead directed by the personnel of the Mol migration departments to apply for temporary asylum. Furthermore, as a general trend, the Mol seems to be rejecting claims of most non-Ukrainian

asylum-seekers in first instance. There are indications of alarming practice of not assessing the risk of persecution in light of the applicant's individual circumstance, but rather relying on selected country of origin information sources corresponding to the Mol internal policy.

The last RSD training organised jointly (by the FMS) with UNHCR dates back to March 2016. UNHCR believes that Mol personnel working on asylum issues are in need of additional training on international standards relating to the treatment of asylum-seekers and refugees and on of RSD procedures.

**Recommendations:**

UNHCR recommends that the Government of the Russian Federation:

- (a) Ensure that the RSD system meets international standards; namely, assessing the risk of persecution in light of the applicant's individual circumstances and relevant country of origin information; taking into due consideration humanitarian grounds when adjudicating asylum applications; and,
- (b) Provide comprehensive training on asylum legislation and RSD procedures, in line with international standards, for all Mol staff receiving or processing asylum applications, in collaboration with UNHCR.

**UNHCR**  
**October 2017**

## ANNEX

### Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

### RUSSIAN FEDERATION

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to the Russian Federation.

#### I. Universal Periodic Review (Second Cycle – 2013)

Recommendation <sup>5</sup>	Recommending State/s	Position <sup>6</sup>
<b>Trafficking in persons</b>		
140.115. Continue its actions against domestic violence, especially when the victims are children and women, and fight effectively against human trafficking	Serbia	Supported
140.116. Continue its efforts to further improve the situation on trafficking in persons and to enhance protection and support for the victims of trafficking	Singapore	Supported
140.117. Further intensify efforts in order to prevent and eliminate human trafficking	Belarus	Supported
140.118. Take further actions to combat trafficking in persons in accordance with the United Nations Convention against Transnational Organized Crime and the Protocols Thereto	Cambodia	Supported
140.119. Continue its efforts in fighting against trafficking in persons, especially women and children	Egypt	Supported
<b>Discrimination</b>		
140.76. Amend its legislation so as to include an explicit provision on prohibition of discrimination based on gender and a specific provision on the definition of direct and indirect discrimination	Iceland	Noted
140.77. Continue efforts in combating discrimination against women in all levels	Greece	Supported
140.80. Improve the legislation and the activity of State institutions in combating discrimination, ethnic strife and different forms of extremism	Pakistan	Supported
140.81. Intensify its efforts to combat all discrimination based on social, racial, ethnic, linguistic and religious grounds	Angola	Supported
140.82. Effectively counter all forms of racism, xenophobia and intolerance	Uzbekistan	Supported
140.83. Encourage high-level State officials and politicians to clearly take a position against racist and xenophobic political discourse	Tunisia	Supported
140.84. Take all necessary measures to prevent violence and intolerance of a racist, xenophobia and homophobic character in conformity with international law and standards	Switzerland	Supported
140.85. Continue efforts to address hate crimes and racially motivated attacks against ethnic and religious minorities, including racial profiling by	Botswana	Supported

<sup>5</sup> All recommendations made to Russian Federation during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Russian Federation" (8 July 2013), A/HRC/24/14, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/RUindex.aspx>.

<sup>6</sup> Russian Federation's views and replies can be found in: *Addendum* (2 September 2013), A/HRC/24/14/Add.1, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/RUindex.aspx>.

law enforcement personnel		
<b>Groups with specific needs</b>		
140.75. Introduce a definition of direct and indirect discrimination to prevent discrimination in specific spheres, such as those relating to women, children, migrants and indigenous peoples	Paraguay	Noted
140.9. Consider ratifying the two remaining Optional Protocols to CRC to further ensure children's rights	Thailand	Partially supported
140.30. Expand the activity of the Commissioner for the Rights of Child	Tajikistan	Supported
140.31. Further strengthen the legal and policy frameworks for the protection of the rights of women, children, persons with disabilities and elderly persons	Ethiopia	Supported
140.43. Continue its measures with regard to the promotion and protection of children's rights and combating violence against women	Azerbaijan	Supported
140.44. Keep on taking efforts in favour of the promotion and protection of the rights of women and children	Senegal	Supported
140.46. Continue working on children's rights taking into account its international obligations on this area	Nicaragua	Supported
140.49. Maintain and strengthen its initiatives on the promotion and protection of the rights of the child particularly with regard to children with disabilities	Iran	Supported
140.50. Continue and enhance its efforts to ensure that all people, particularly those vulnerable groups are benefited from the measures to fulfil the economic, social and cultural rights, including a rise in the minimum wage	Indonesia	Supported
140.52. Continue efforts to promote the rights of the vulnerable and marginalized groups in the country	Nepal	Supported
140.53. Carry on its efforts to protect the rights of vulnerable groups including children and persons with disabilities	Greece	Supported
<b>Sexual and gender-based violence</b>		
140.23. Ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence	Finland	Supported
140.78. Take effective measures to prevent violence against women and prevent discrimination in employment on the grounds of gender	Iraq	Supported
140.106. Further enhance the prevention of domestic violence	Myanmar	Supported
140.107. Fast track the drafting of a federal bill on prevention of violence in the family	South Africa	Partially supported
140.109. Adopt a comprehensive law on violence against women	Poland	Supported
140.111. Strengthen all kinds of measures to combat violence against women and girls, inter alia, adoption of a broader law to criminalize all forms of violence against women	Uruguay	Supported
140.112. Continue its efforts towards the total elimination of discrimination and violence against women	Rwanda	Supported
140.113. Develop a comprehensive action plan to combat domestic violence against women and girls	Brazil	Partially supported
140.114. Consider the approval of a general law on violence against women, in conformity with the recommendation made by CEDAW	Chile	Supported
140.115. Continue its actions against domestic violence, especially when the victims are children and women, and fight effectively against human trafficking	Serbia	Supported
<b>SOGI</b>		
140.87. Bring existing regional and draft federal-level legislation related to homosexuality into conformity with its commitment to the principles of non-discrimination and take steps to ensure that the rights of all minorities, including gays and lesbians, are protected and respected	Canada	Noted

140.88. Rescind regional laws and regulations which favour and tolerate discrimination based on sexual orientation, and refrain from adopting similar laws at the federal level, as well as take measures to prevent the arbitrary use of existing regulations against LGBT rights, including their rights to freedom of expression and peaceful assembly	Belgium	Noted
140.89. Repeal regional laws and regulations which promote discrimination on grounds of sexual orientation, and abstain from passing similar legislation at the federal level	Denmark	Noted
140.90. Repeal existing regional laws banning homosexual propaganda	Slovenia	Noted
140.91. Introduce legislation prohibiting discrimination on grounds of sexual orientation and take measures to ensure that it is fully and effectively implemented	Sweden	Noted
140.92. Reconsider the approval of the new provisions that can affect the rights of LGBT people, delinking homosexuality from pederasty, and in any case, avoid that the provisions be applied in a discriminatory form	Spain	Noted
140.93. Take effective steps to prevent arbitrary use of existing regulations to discriminate against LGBT people, including their rights to freedom of expression and peaceful assembly	Denmark	Supported
140.95. Step up measures of protection against violence and discrimination on the grounds of sexual orientation, particularly by enacting laws that prohibit such discrimination, and take measures to ensure the effective exercise of the rights to peaceful association and assembly of the LGBT community	Uruguay	Partially supported
140.96. Take specific measures to ensure effective investigation of acts of violence against LGBT persons and hold the perpetrators to account	Iceland	Supported
140.97. Adopt the necessary measures to eradicate the tendency and/or diffusion, through the media, and by public officials, of stereotypes that may promote discrimination against persons, based on their sexual orientation	Argentina	Supported
<b>Stateless persons</b>		
140.14. Ratify the Rome Statute of ICC, the Conventions regarding stateless persons and OP-CAT	Austria	Noted
140.21. Consider the possibility of ratifying CPED, OP-CAT, ICRMW, ICCPR-OP2, the Rome Statute of ICC and the Conventions on Statelessness	Argentina	Partially supported
<b>Migrants</b>		
140.11. Consider ratifying / acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Philippines, Egypt	Noted
140.226. Standardize the legal requirements for migrant workers, taking into account the time of residence, in particular with regard to the obligation to pass the exam of knowledge of the Russian language	Mexico	Noted <sup>7</sup>
140.228. Strengthen its system of protection of migrant workers and members of their families, by ratifying in particular the related international convention	Burkina Faso	Partially Supported <sup>8</sup>

## II. Treaty Bodies

### Committee on the Elimination of Discrimination against Women

Concluding observations. (20 November 2015) [CEDAW/C/RUS/CO/8](#)

<sup>7</sup> Addendum: "The rules provided for in the Federal Act on the Legal Status of Foreign Nationals that make it compulsory for some categories of migrant workers to be proficient in Russian were developed by the competent authorities after a thorough examination of the situation and came into force on 1 December 2012. If practice shows that adjustments to the Act are needed, a review will be conducted to consider the relevant amendments."

<sup>8</sup> Addendum: "Ratification of the International Convention on the Protection of the Rights of All Migrant Workers – **not accepted**. See 140.11."



### **Stereotypes and harmful practices**

19. The Committee remains concerned at the persistence of patriarchal attitudes and stereotypes concerning the roles and responsibilities of women and men in the family and in society, which consider women primarily to be mothers and caregivers, discriminate against women and perpetuate their subordination within the family and society, restrict women's educational and professional choices and their participation in political and public life and in the labour market, and perpetuate their unequal status in family relations. The Committee recalls that such stereotypes are among the root causes of violence against women and expresses its concern that, to date, the State party has not taken sustained measures to modify or eliminate discriminatory stereotypes and negative traditional attitudes. The Committee notes with concern that the media persistently convey stereotyped and sometimes degrading images of women and that there is not a sufficient overview of such representation.

#### **20. The Committee urges the State party:**

- (a) **To put in place a comprehensive strategy with proactive and sustained measures, targeting women and men at all levels of society, including religious leaders, to eliminate stereotypes and patriarchal attitudes concerning the roles and responsibilities of women and men in the family and in society;**
- (b) **To take all appropriate measures to raise the awareness of the media of the need to eliminate gender stereotypes by promoting positive images of women actively participating in social, economic and political life and to encourage the media to institute an effective self-regulatory mechanism for addressing the degrading representation of women, and use the education system to enhance positive and non-stereotypical portrayals of women.**

### **Violence against women**

21. The Committee remains concerned at the high prevalence of violence against women, in particular domestic and sexual violence, in the State party and the lack of statistics disaggregated by age, nationality and relationship between the victim and the perpetrator and of studies on its causes and consequences. While noting the information provided by the delegation during the dialogue that the bill on domestic violence is currently undergoing a second reading in the parliament, the Committee is concerned that cases of violence against women are underreported, given that they are considered a private matter, and that victim protection services, such as crisis centres and shelters, are insufficient.

#### **22. Recalling its general recommendation No. 19 (1992) on violence against women, the Committee urges the State party:**

- (a) **To adopt comprehensive legislation to prevent and address violence against women, including domestic violence, introduce ex officio prosecution of domestic and sexual violence and ensure that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and adequately punished;**
- (b) **To provide mandatory training for judges, prosecutors, police officers and other law enforcement officials on the strict application of criminal law provisions on violence against women and on gender-sensitive procedures to deal with women who are victims of violence;**
- (c) **To provide adequate assistance and protection to women who are victims of violence, including sexual violence, by establishing shelters in both urban and rural areas and enhancing cooperation with non-governmental organizations providing assistance to victims;**

- (d) **To collect statistical data on domestic and sexual violence disaggregated by sex, age, nationality and relationship between the victim and the perpetrator.**

#### **Harmful practices and violence against women in the northern Caucasus**

23. The Committee remains concerned at the increasing prevalence of violence against women in the northern Caucasus, as well as of harmful practices, such as child and/or forced marriage, abduction of women and girls for forced marriage, crimes in the name of so-called honour, female genital mutilation and polygamy, notwithstanding the criminalization of such practices by federal law. The Committee is concerned that such harmful practices appear to be socially legitimized and surrounded by a culture of silence and impunity. The Committee reiterates its previous concern (see [CEDAW/C/USR/CO/7](#), para. 10) that the federal Government may lack the will and an efficient mechanism to ensure the application of federal legislation in the regions and autonomous entities to fully implement the Convention coherently and consistently.

#### **24. The Committee urges the State party:**

- (a) **To conduct research on the extent of harmful practices in the northern Caucasus and develop a comprehensive strategy to eliminate them, including through education and awareness-raising campaigns for community and religious leaders and the general public to ensure the effective prosecution and conviction of perpetrators as well as the provision of remedies and support services for victims, in particular shelters;**
- (b) **To strengthen the capacity of law enforcement authorities to protect women and girls from violence, adopt standardized procedures for the police in all regions of the State party on gender-sensitive investigations and the treatment of victims, and encourage women to file complaints without having to fear retribution or stigma.**

#### **Trafficking and exploitation of prostitution**

25. The Committee notes the State party's efforts at the regional and international levels to combat trafficking in persons, including through the conclusion of bilateral and multilateral agreements, but is concerned at:

- (a) The absence of a national action plan on trafficking, as well as of a coordinating body and the lack of coordination among the relevant State structures;
- (b) The reports of widespread violence and discrimination against women in prostitution, enabled by the penalization of prostitution as an administrative offence under article 6.11 of the Code of Administrative Offences, which results in various forms of abuse, including extortion, beatings, rape and even killing of women in prostitution, the limited assistance available to them and the absence of exit and reintegration programmes for women who wish to leave prostitution.

#### **26. The Committee recommends that the State party:**

- (a) **Adopt a comprehensive national action plan to combat trafficking in persons and establish a coordinating body responsible for the implementation of programmes and action plans to combat trafficking in persons and for the coordination of relevant State structures.**

#### **Women and peace and security**

29. The Committee notes that the Russian Federation is a party to the Minsk peace agreements and to the protocol to the first Minsk agreement, which are aimed at the cessation of hostilities between Ukraine and the self-proclaimed "Donetsk people's republic" and "Luhansk people's republic". While the Committee has taken into account the explanations provided by the State party during the dialogue, it remains concerned about:

- (a) Reports of sexual and gender-based violence, including rape, murder, torture and ill-treatment of women, perpetrated by armed groups in the self-proclaimed “Donetsk people’s republic” and “Luhansk people’s republic”;
- (b) Reports of acts of violence and discrimination against women and allegations of reprisals against women human rights defenders on the territory of the Autonomous Republic of Crimea, which is under the de facto authority of the Russian Federation;
- (c) The exacerbation of the already difficult living conditions of internally displaced and refugee women, as well as the protection concerns of the affected population in the conflict areas in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia.

**30. The Committee calls upon the State party:**

- (a) **To make use of its influence in the context of the Minsk peace agreements to ensure that women are not subjected to sexual and gender-based violence in the self-proclaimed “Donetsk people’s republic” and “Luhansk people’s republic”;**
- (b) **To ensure the respect and fulfilment of the rights guaranteed under the Convention in the Autonomous Republic of Crimea.**<sup>9</sup>

**Human Rights Committee**

Concluding Observations, (28 April 2015), [CCPR/C/RUS/CO/7](#)

**Racism and xenophobia**

8. The Committee expresses concern about:

- (a) Manifestations of Islamophobia and anti-Semitism, as well as other racist and xenophobic acts, including racially motivated crimes, such as violent attacks by the Cossack patrols, which particularly target non-Slav persons, including migrant workers from Central Asia, the Caucasus and Africa, and persons of Roma origin;
- (b) The proliferation and functioning of extremist groups, such as ultra-nationalist, racist and neo-Nazi groups, including skinheads;
- (c) The use of discriminatory language against national, ethnic, religious or other minorities, and xenophobic and racist rhetoric in the political discourse, in particular during electoral campaigns, and in the media (arts. 2, 20 and 26).

**The State party should strengthen its efforts to combat all acts of racism, xenophobia, Islamophobia and anti-Semitism, including in political discourse and in the mass media by, inter alia:**

- (a) **Instituting awareness-raising campaigns aimed at promoting respect for human rights and tolerance for diversity;**
- (b) **Addressing effectively the illegal activities of extremist organizations and groups and the Cossack patrols;**
- (c) **Thoroughly investigating alleged hate crimes under the relevant provisions of the Criminal Code, punishing such acts with appropriate sanctions and providing victims with adequate remedies, including compensation.**

**Racial profiling**

9. The Committee remains concerned (see [CCPR/C/RUS/CO/6](#) and Corr.1, para. 11) about reports of racial profiling by law enforcement officers targeting Roma, persons originating from the Caucasus, Central Asia and Africa, who appear to be disproportionately affected by frequent identity checks, confiscation of identity documents, extortion of bribes, harassment, arrests, detentions, physical violence and verbal abuse (arts. 2, 9, 12, 17 and 26).

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<sup>9</sup> See General Assembly resolution 68/262 on the territorial integrity of Ukraine.

**The State party should take all the measures necessary to effectively combat and eliminate racial profiling by law enforcement officers, inter alia by clearly defining and prohibiting racial profiling by law and providing mandatory training on cultural awareness and the inadmissibility of racial profiling to law enforcement personnel. It should also investigate misconduct based on racially discriminatory grounds and bring perpetrators to justice.**

#### **Discrimination on the grounds of sexual orientation and gender identity**

10. The Committee is concerned:

- (a) About reports of discrimination, hate speech, violence against lesbian, gay, bisexual and transgender (LGBT) individuals and activists and violations of their rights to freedom of expression and assembly;
- (b) About the absence of explicit protection against discrimination on the grounds of sexual orientation and gender identity in the anti-discrimination legislation;
- (c) That article 63, paragraph 1 (e), of the Criminal Code recognizing as aggravated circumstances the commission of an offence for reasons of, inter alia, “hatred or enmity” or “hate or hostility towards a given social group” does not appear to have ever been applied to cases involving violence against LGBT individuals;
- (d) That the laws adopted at the regional and federal levels banning “promotion of non-traditional sexual relations to minors”, although upheld by the Constitutional Court (rulings No. 151-O-O of 19 January 2010 and No. 24-P of 23 September 2014), exacerbate the negative stereotypes against LGBT individuals and represent a disproportionate restriction of their rights under the Covenant.

**The State party should clearly and officially state that it does not tolerate any form of social stigmatization of homosexuality, bisexuality or transexuality, or hate speech, discrimination or violence against persons based on their sexual orientation or gender identity. It should also:**

- (a) **Take all the steps necessary to strengthen the legal framework protecting LGBT individuals from discrimination and violence and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim’s sexual orientation or gender identity and apply the provisions of article 63, paragraph 1 (e), of the Criminal Code to such acts;**
- (b) **Repeal laws banning the “promotion of non-traditional sexual relations to minors” adopted at the regional and federal levels;**
- (c) **Exclude transgender identity, bi-gender identity, asexuality and cross-dressing from the list of medical conditions constituting contraindications to driving;**
- (d) **Guarantee the exercise in practice of the rights to freedom of expression and assembly of LGBT individuals and their supporters.**

#### **Non-discrimination and gender equality**

11. While noting the steps taken by the State party to promote gender equality and the progress made, the Committee remains concerned about the continued underrepresentation of women in decision-making positions in political and public life, including in the State Duma, the Federal Council and executive bodies (arts. 2, 3 and 26).

**The State party should:**

- (a) **Develop strategies to combat patriarchal attitudes and stereotypes on the roles and responsibilities of women and men in the family and society at large, including campaigns aimed at raising the awareness of the population on the need to ensure the enjoyment by women of their rights;**
- (b) **Step up its efforts to achieve equitable representation of women in the State Duma and the Federal Council and at the highest levels of Government within specific time frames.**

### **Domestic violence**

12. The Committee is concerned about the increase by 20 per cent in the number of reported cases of domestic violence affecting women and children since 2010 and about the slow progress in adopting the draft federal act on the prevention of domestic violence. It also notes with concern the lack of due diligence of law enforcement officers in registering and investigating domestic violence cases, and that support services for victims, including the number of psychological and educational centres and shelters, are insufficient (arts. 2, 3, 7, 24 and 26).

**The State party should step up its efforts to prevent and combat all forms of domestic violence, including by:**

- (a) **Adopting without undue delay specific federal legislation prohibiting domestic violence;**
- (b) **Ensuring that law enforcement authorities, as well as medical and social workers, receive appropriate training to deal with cases of domestic violence;**
- (c) **Strengthening its efforts to raise the awareness of the wider public to the adverse impact of domestic violence and encouraging the reporting of domestic violence cases, inter alia by systematically informing women and children of their rights and of the existing legal avenues through which they can receive protection;**
- (d) **Ensuring that domestic violence cases are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are adequately compensated;**
- (e) **Ensuring that victims have access to effective remedies and means of protection, including to an adequate number of psychological and educational centres, and that other support services, such as accommodation or shelters, are available in all parts of the country.**

### **Asylum and *non-refoulement***

15. The Committee is concerned that access to asylum procedures by asylum seekers who may be in need of international protection is allegedly still problematic. It is also concerned about the lack of any specific legal safeguard against *refoulement* of a person to another State where there are substantial grounds for believing that he or she would be at real risk of being subjected to torture and at reports of *refoulement* of asylum seekers and persons granted protection on the territory of the State party. The Committee is further concerned that such persons are often subjected to *refoulement* in spite of pending requests for interim measures issued by international human rights bodies, including the Committee and the European Court of Human Rights (arts. 6, 7 and 13).

**The State party should:**

- (a) **Ensure that asylum seekers who may be in need of international protection are able to access asylum procedures, more specifically by establishing accessible asylum and referral procedures at all border points, international airports and transit zones;**
- (b) **Amend legislation to clearly prohibit the *refoulement* of refugees and asylum seekers to another State where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated in articles 6 and 7 of the Covenant, by authorities involved in the execution of expulsion or deportation decisions and to introduce mandatory prior verification mechanisms for those authorities adjudicating asylum claims, as an effective instrument to consistently comply with the *non-refoulement* principle;**
- (c) **Prevent the *refoulement* of asylum seekers and persons granted protection on the territory of the State party, in line with articles 6, 7 and 13 of the Covenant and ensure respect for requests for interim measures issued by international human rights bodies.**

### **Rights of indigenous peoples**

24. The Committee remains concerned (see CCPR/C/RUS/CO/6 and Corr.1, para. 28) about the fact that insufficient measures are being taken to respect and protect the rights of indigenous peoples and to ensure that members of such peoples are recognized as indigenous. It notes with concern that no “territory of traditional nature use” has been established to date under the 2001 Federal Law on Territories of Traditional Nature Use of Small Indigenous Peoples of the North, Siberia and the Far East, that indigenous peoples’ sacred areas are largely unprotected from desecration, contamination and destruction by extractive, development and related activities, that consultation with indigenous peoples on matters of interest to their communities is insufficiently enforced in practice and that access to effective remedies remains a challenge (arts. 2 and 27).

**The State party should ensure the full implementation of the provisions of the *Federal Law on Territories of Traditional Nature Use of Small Indigenous Peoples of the North, Siberia and the Far East* and effective legal protection for indigenous peoples’ rights to their lands and natural resources, adopt measures to effectively protect their sacred areas and ensure that consultations are held with the indigenous communities that might be adversely affected by the State party’s development projects and extractive industries operations, with a view to obtaining their free, prior and informed consent for all proposed project activities. It should also ensure access to effective remedies for all members of indigenous groups for any violations of their rights.**

### **Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

Concluding Observation, (25 February 2014), [CRC/C/RUS/CO/20-22](#)

#### **Data**

6. The Committee regrets the insufficient data on children below the age of 18 years studying in military schools and asylum-seeking, refugee and migrant children who may have been recruited or used in armed hostilities in other countries.

**7. The Committee recommends that the State party establish a mechanism for the comprehensive collection of data, disaggregated by sex, age, nationality, ethnic origin and socioeconomic background, on all areas relevant for the implementation of the Optional Protocol. In particular, such data should be collected in relation to children below the age of 18 years in military schools and asylum-seeking, refugee and migrant children under the State party’s jurisdiction who may have been involved in armed hostilities in other countries.**

#### **Measures adopted to protect the rights of child victims**

20. The Committee is concerned about the lack of mechanisms in place to identify at an early stage refugee, asylum-seeking and migrant children who may have been involved in armed conflicts in other countries. It also regrets the lack of information on the procedures for their protection, recovery and reintegration.

**21. The Committee recommends that the State party put in place mechanisms to identify at an early stage refugee, asylum-seeking and migrant children coming from countries where there are or have been armed conflicts and who may have been involved in armed conflict. It also recommends that the State party ensure that the personnel responsible for such identification are trained in child rights, child protection and interviewing skills. The Committee further recommends that the State party develop protocols and specialized services to ensure that former child soldiers**

are provided with appropriate assistance for their physical and psychological recovery and social reintegration.

#### **International cooperation**

22. The Committee calls upon the State party to continue and to strengthen its cooperation with the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees and the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with other relevant United Nations entities in the implementation of the Optional Protocol. The Committee also recommends that the State party use its permanent position in the Security Council in a more consistent and child rights-focused manner, in order to promote the implementation of the Optional Protocol in all States parties.

#### **Committee on the Elimination of Racial Discrimination**

Concluding Observations, (17 April 2013), [CERD/C/RUS/CO/20-22](#)

#### **Rights of Roma**

15. While appreciating the information provided by the State party delegation during the dialogue with the Committee regarding the adoption of an action plan in January 2013 to improve the socio-economic situation of Roma communities, the Committee is concerned that specific objectives, strategies, timeframe, implementation and evaluation mechanisms have not yet been established, and that the plan is not available publicly (arts.2 and 5).

#### **The Committee urges the State party to ensure that:**

- (a) **Open and participatory consultations are held in devising and implementing the National Action Plan to address the obstacles faced by Roma to enjoy their rights, including the participation of Roma community, civil society representatives and experts on this issue, and that such a plan is made available publicly;**
- (b) **The plan includes special measures to facilitate their access to residence registration, citizenship, education, adequate housing with legal security of tenure, employment and other economic, social and cultural rights, in accordance with general recommendation No. 27 (2000) on discrimination against Roma, as previously recommended by the Committee (CERD/C/RUS/CO/19, para. 14), and that the plan contains a particular focus on the rights of Roma women, in accordance with general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination;**
- (c) **The plan is sufficiently funded to guarantee its effectiveness.**

16. The Committee remains deeply concerned that forced evictions of Roma and destruction of Roma settlements continue to take place, as acknowledged by the State party (CERD/C/RUS/20-22, para. 500). It is also concerned about reports that such actions are frequently carried out with violence, and that Roma are rarely offered alternative housing or adequate compensation, leaving them in an even more precarious situation (arts.2 and 5).

**The Committee recommends that the State party halt the persistent practice of forced evictions and destruction of Roma settlements without offering alternative housing or adequate compensation. It also reiterates its previous recommendation that existing settlements be legalized to the extent possible (CERD/C/RUS/CO/19, para. 26).**

17. While noting the information provided by the State party that the practice of placing Roma children in special classes in a number of regions is not a forced segregation measure (CERD/C/RUS/20-22, para. 507), the Committee is nevertheless concerned about reports

that Roma children placed in such classes are usually isolated from other pupils and are not permitted into the corridors or bathrooms designed for common use, and that conditions in schools designated for Roma children are often much worse than in mainstream schools (arts.3 and 5).

**The Committee recommends that the State party take effective measures to:**

- (a) **End all practices of de facto segregation of Roma children and ensure that they have access to all facilities in schools;**
- (b) **Carefully review the criteria by which Roma children are allocated to special remedial classes;**
- (c) **Ensure that Roma children are fully integrated into the general education system and that they participate proportionately at all levels of the system.**

### **Issues related to registration**

18. While noting the efforts made by the State party to simplify the procedure for obtaining temporary residence and work permits, the Committee remains concerned about reports that various administrative barriers are put in place by the police in some areas to delay, or sometimes even prevent the registration of individuals belonging to some minorities, including Chechens and other persons originating from the Caucasus, as well as migrants and Roma. Moreover, while noting that residence registration is not required to enjoy the rights set out in the Constitution pursuant to the *Federal Act No. 5242-1 of 1993* on the right to freedom of movement and choice of residence, the Committee is concerned that in practice, the enjoyment of many rights and benefits, such as access to housing, social services, and health care, and in some instances, education, is dependent on registration (arts. 2 and 5).

**The Committee recommends that the State party:**

- (a) **Ensure that the residence registration system is implemented in a transparent manner without bias and in ways that guarantees the rights of those seeking registration, including through accessible translation of the information;**
- (b) **Take necessary administrative measures to ensure the registration of members of all vulnerable communities, including internally displaced persons and Roma;**
- (c) **Prosecute and sanction as appropriate discriminatory or arbitrary behaviour by officials involved in such activities;**
- (d) **Ensure that applicants can appeal decisions deemed to be discriminatory.**

### **Rights of indigenous peoples**

20. While the Committee welcomes the adoption of a Concept Paper in 2009 on the sustainable development of indigenous peoples defining the federal policy from 2009 to 2025, it nevertheless remains concerned that:

- (a) The implementation of the objectives outlined in the Concept Paper remains slow, and that recent changes to federal legislation regulating the use of land, forests and water bodies, such as the voiding of article 39(2) of the *Federal Act on Fishing and the Preservation of Aquatic Biological Resources*, revision of article 48 of the *Law on the Animal Kingdom*, and amendments to the *Land and Forest Code*, have reportedly diminished the rights of indigenous peoples to preferential, free and non-competitive access to land, wildlife and other natural resources by granting licences to access such resources to private businesses;
- (b) Since the adoption of the *2001 Federal Law on Territories of Traditional Nature Use (TTNU) of Numerically Small Indigenous Peoples of the North, Siberia and Far East*, which foresees the possibility of establishing federally protected territories to guarantee indigenous peoples' free access to land, no such territory has been established to date;
- (f) Indigenous communities allegedly face obstacles to engage in economic activities beyond their "traditional activities";



- (g) Indigenous peoples continue to be underrepresented in the State Duma and other Government bodies at federal and regional levels (arts.2 and 5).

**The Committee recommends that the State party:**

- (a) **Include, in its next periodic report, concrete information on the results and impact achieved through the implementation of the 2009 Concept Paper on the sustainable development of indigenous peoples, as previously requested by the Committee (CERD/C/RUS/CO/19, para. 15);**
- (b) **Ensure that any legislative changes enhance, rather than diminish, the rights of indigenous peoples, as enshrined in the United Nations Declaration on the Rights of Indigenous Peoples;**
- (c) **Take all necessary steps to approve and establish Territories of Traditional Nature Use to ensure the protection of such territories from third-party activities.**

### **III. Special Procedures**

#### **Report of the Special Rapporteur on the independence of judges and lawyers**

Addendum, (30 April 2014), [A/HRC/26/32/Add.1](#)

#### **Training and capacity-building**

87. Assessing the effectiveness of the training is not a straightforward matter, but some interlocutors reported to the Special Rapporteur that, even after attending the training provided by the Academy, many judges continue to be unaware of legislation concerning immigration and refugees and regional and international human rights and the jurisprudence of the European Court.