



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Eighth report submitted by the Russian  
Federation under article 40 of the Covenant, due  
in 2019\***

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## Contents

|   | <i>Page</i> |
|---|-------------|
| I. Introduction .....   | 3           |
| II. Information concerning specific articles of the Covenant .....  | 3           |
| Article 1.....  | 3           |
| Article 2.....  | 7           |
| Article 3.....  | 10          |
| Article 4.....  | 12          |
| Article 5.....  | 12          |
| Article 6.....  | 12          |
| Article 7.....  | 14          |
| Article 8.....  | 17          |
| Article 9.....  | 17          |
| Article 10.....   | 18          |
| Article 11.....   | 20          |
| Article 12.....   | 20          |
| Article 13.....   | 20          |
| Article 14.....   | 21          |
| Article 15.....   | 25          |
| Article 16.....   | 25          |
| Article 17.....   | 26          |
| Article 18.....   | 26          |
| Article 19.....   | 26          |
| Article 20.....   | 29          |
| Article 21.....   | 29          |
| Article 22.....   | 30          |
| Article 23.....   | 32          |
| Article 24.....   | 33          |
| Article 25.....   | 33          |
| Article 26.....   | 34          |
| Article 27.....   | 37          |
| III. Information on the issues raised in the concluding observations of<br>the Human Rights Committee ..... | 38          |

## I. Introduction

1. This report, submitted under article 40 (1) of the International Covenant on Civil and Political Rights, has been drawn up in accordance with the compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties (HRI/GEN/2/Rev.6) and the guidelines for the treaty-specific document to be submitted by States parties under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/2009/1).
2. The report covers the period from November 2012 to February 2019 and includes a description of events that have taken place since the submission of the seventh periodic report of the Russian Federation (CCPR/C/RUS/7).
3. The report takes into account the concluding observations of the Committee following its consideration of the seventh periodic report of the Russian Federation (CCPR/C/RUS/CO/7).

## II. Information concerning specific articles of the Covenant

### Article 1

4. The federal system of government of the Russian Federation is founded on the concept of a balance of interests of the constituent entities, each equal in rights, with due consideration for their ethnic identity and regional and other distinctive features. The right to self-determination in the Russian Federation is exercised in various ways through ethnic autonomous areas and autonomous ethnic cultural organizations.
5. Of the 85 equal constituent entities of the Russian Federation, 22 republics, 1 autonomous province and 4 autonomous districts are ethnic State entities.
6. The dual principle of self-determination and federalism proclaimed in the Constitution of the Russian Federation is laid down in Federal Act No. 95-FZ of 4 July 2003 amending the Federal Act on Basic Principles for the Organization of the Legislative (Representative) and Executive Bodies of the Constituent Entities of the Russian Federation.
7. In accordance with article 9 of the Constitution, land and other natural resources in the Russian Federation are to be used and protected as the basis for the lives and activities of peoples in a given area.

### **Information on the issues raised in paragraph 23 of the Committee's concluding observations on the seventh periodic report of the Russian Federation**

8. The Russian Federation categorically rejects any assertion about the "occupation" or "annexation" of Crimea. The Republic of Crimea and the federal city of Sevastopol became part of the Russian Federation as a result of a referendum carried out in full compliance with international law. Through the referendum, the population of Crimea realized its right to self-determination, enshrined in such founding documents as the Charter of the United Nations and in article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and also in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.
9. The Constitution, Russian legislation and other laws and regulations are fully applicable in the territory of the Republic of Crimea and the city of Sevastopol, as constituent entities of the Russian Federation, as are the international treaties to which the Russian Federation is a party, including human rights instruments.
10. Persons living in territory of the Republic of Crimea and the city of Sevastopol enjoy all the human rights and freedoms, on an equal footing and without any discrimination, that are guaranteed by the Constitution, Russian law and the international

treaties to which the Russian Federation is a party. All credible reports of possible violations of human rights standards that warrant attention are checked by the competent Russian authorities.

11. If any persons consider that they have been victims of such violations, they have every opportunity to defend their rights within the national legal framework, including in the courts. There are no differences in the way the law enforcement agencies and judicial authorities in the territory of the Republic of Crimea and the city of Sevastopol and those in the other constituent entities of the Russian Federation operate.

12. The position of the Russian Federation on General Assembly resolution 68/262 and similar documents is well known and was set forth in the statements of the Russian representatives at the time of their adoption and those of the Ministry of Foreign Affairs of the Russian Federation.

13. Russia is committed to fulfilling its international obligations throughout the Russian Federation, including the Republic of Crimea and the city of Sevastopol. We are prepared to enter into a dialogue with the United Nations and other international organizations on the issue of human rights in Crimea under the procedures applicable to the observance by the Russian Federation of its human rights obligations in the territory of Russia. We are also prepared to host missions to Crimea from the relevant organizations, if they are conducted under the mandate of the organization in question in accordance with the procedures applicable to visits to the territory of the Russian Federation.

**Information on the issues raised in paragraph 23 (b) of the Committee's concluding observations**

14. In accordance with Act No. 2124-1 of 27 December 1991, the Media Act, all media outlets have equal opportunities to register themselves and obtain the appropriate licence. Media outlets may bring a complaint before the courts about the denial of an application or violation of the procedures or period of registration by a register office.

15. In connection with the admission of the Republic of Crimea and the federal city of Sevastopol to the Russian Federation, the deadline for the re-registration of media was extended until 1 April 2015 in accordance with Russian legislation. Furthermore, media outlets in Crimea were registered for free. As a result, 423 outlets that had permits issued under Ukrainian law were re-registered.

16. In total, during the transition period, over 20 media outlets broadcasting in the Crimean Tatar language were registered, including 5 television and 8 radio stations and more than 10 newspapers and magazines. No Ukrainian-language media outlet applied for a licence.

17. The Crimean Tatar television company Millet, with government support from the Republic of Crimea, began broadcasting on 1 September 2015 and the Crimean Tatar radio station Vetan sedasy (Voice of the Homeland) on 6 February 2017.

18. All residents of the republic have the right to freedom of expression and access to the Internet, and news media and other information resources are readily available on the Internet or are broadcast to the republic via satellite channels. There have been no complaints about restrictions on the use of the Internet, including prohibitions against posting information on social media networks.

19. In the course of monitoring the Internet, the procurator's office in the republic identifies any publications that contain public incitement to extremist activities.

**Information on the issues raised in paragraph 23 (c) of the Committee's concluding observations**

20. The Committee's assertions regarding the limitation of the possibility for Crimean residents to make a decision regarding citizenship in connection with the admission of the Republic of Crimea and the city of Sevastopol to the Russian Federation are not true.

21. Citizens of Ukraine and stateless persons permanently residing in the territory of the Republic of Crimea or Sevastopol as at 18 March 2014 are recognized as citizens of the

Russian Federation in accordance with article 5 of the Treaty between the Russian Federation and the Republic of Crimea on the Admission of the Republic of Crimea to the Russian Federation and the Formation of New Entities as Part of the Russian Federation and article 4 (1) of Federal Constitutional Act No. 6-FKZ of 21 March 2014 on the Admission of the Republic of Crimea to the Russian Federation and the Formation of New Entities as Part of the Russian Federation.

22. An exception is made for persons who, within one month after that day, declared their wish to retain their other citizenship or the other citizenship of their dependent children, or both, or to remain stateless persons.

23. Overall, since the Republic of Crimea and Sevastopol became part of the Russian Federation, with due account taken of the permanent residents of these entities who are Ukrainian citizens or stateless persons, more than 2 million residents of the Crimean Peninsula have been issued passports of the Russian Federation.

24. Furthermore, article 6 (3) of the Constitution guarantees the right of citizens of the Russian Federation to change their citizenship. Accordingly, Crimean residents who have acquired citizenship of the Russian Federation and subsequently decided to renounce their citizenship may do so in the manner prescribed by law.

25. Persons residing in the territory of this republic at the time of its admission to the Russian Federation were entitled to opt out of taking citizenship of the Russian Federation. This right was exercised by 2,519 persons.

26. For the purposes of upholding the rights of persons permanently residing in the territory of the Republic of Crimea and the city of Sevastopol held in places of detention, an instruction went out to the local prison authorities of the Federal Penal Service of Russia with a view to providing an explanation of the provisions on the right to be recognized as citizens of the Russian Federation or to retain their other citizenship.

27. The administration of remand centres and prisons carried out work to explain the provisions of the Federal Constitutional Act, in particular the procedures for the recognition of citizenship of the Russian Federation, the retention of citizenship of Ukraine and receipt of a passport of the Russian Federation while serving a sentence or while being released from custody.

28. The relevant information was provided in the form of a memorandum, a copy of which was issued to the above-mentioned persons against signature and a duplicate attached to the personal files.

29. Of the 3,010 persons held in the penal system of the Republic of Crimea and city of Sevastopol on the date when the Federal Constitutional Act was passed, 23 had expressed a desire to retain their citizenship of Ukraine. There were no cases of coercion to take citizenship of the Russian Federation.

30. Citizens of the Russian Federation have a constitutional right under article 62 of the Constitution to acquire citizenship of a foreign State (dual citizenship) in accordance with Federal Act No. 62-FZ of 31 May 2002 on Citizenship of the Russian Federation or international agreements to which the Russian Federation is a party.

31. Given the absence of a treaty between the Russian Federation and Ukraine on dual citizenship, citizens of the Russian Federation who have citizenship of Ukraine are considered by the Russian Federation solely as Russian citizens.

32. A federal law aimed at simplifying the procedure for confirming the choice of a citizen of Ukraine to renounce his or her citizenship of Ukraine when applying for Russian citizenship entered into force on 1 September 2017.

33. The Constitutional Court of the Russian Federation has come up with legal views on the recommendation to ensure that Crimean residents who retained their Ukrainian nationality are not discriminated against in any sphere of public life and are granted full access to public services on equal terms.

34. The Constitutional Court held that, in the Russian Federation – as a State governed by the rule of law with a duty to recognize, observe and protect human and civil rights and

freedoms – foreign nationals and stateless persons are to enjoy the same rights and have the same duties as Russian citizens except as provided for by federal law or international treaties to which the Russian Federation is a party. The Court also held that persons in the country who are not citizens of the Russian Federation should be afforded the opportunity to exercise the rights and freedoms guaranteed by the Constitution of the Russian Federation and to enjoy government protection, including judicial protection, against discrimination on the basis of respect for the dignity of the person.

35. Citizens of Ukraine living in the Republic of Crimea and Sevastopol who have turned down the offer of citizenship of the Russian Federation have a wide range of opportunities to exercise their rights and freedoms and are guaranteed government protection, including judicial protection.

36. Courts were established in the territory of the Republic of Crimea and Sevastopol, administering justice in accordance with the legislation of the Russian Federation, in accordance with Federal Act No. 154-FZ of 23 June 2014 on the Establishment of Courts of the Russian Federation in the Territory of the Republic of Crimea and Federal City of Sevastopol and on the Introduction of Amendments to Certain Legislative Acts of the Russian Federation.

37. The legislation of the Russian Federation does not in any way restrict or discriminate against citizens of Ukraine staying or residing in the territory of the Republic of Crimea and city of Sevastopol in terms of access to justice.

38. Nor does the legislation on the social rights of citizens allow for any discrimination on the grounds of citizenship of Ukraine. Citizens of Ukraine permanently residing in the Republic of Crimea and the federal city of Sevastopol are covered by the Agreement on the Guarantees of the Rights of Citizens of the States Members of the Commonwealth of Independent States in the Field of Pension Provision of 13 March 1992, based on the principle of territoriality.

39. Under articles 1 and 3 of the Agreement, citizens of the States parties to the Agreement and members of their families are to be provided with pensions in accordance with the State in whose territory they reside, and pension coverage is to extend to all types of State pensions that have been or will be established by the legislation of each State.

40. In view of the above, citizens of Ukraine permanently residing in the territory of the Russian Federation have the right to receive a pension under the Agreement in accordance with the legislation of the Russian Federation.

#### **Information on the issues raised in paragraph 23 (f) of the Committee's concluding observations**

41. Russian legislation on the human right to freedom of religion or belief fully extends to the territory of the Republic of Crimea and the city of Sevastopol, as entities of the Russian Federation in their own right.

42. The Republic of Crimea is one of the most diverse regions of Russia in terms of religion. As of October 2018, 757 religious organizations and communities were registered there (one of the highest figures in Russia). The traditional faiths in the republic are Orthodoxy, Islam, Judaism, Karaism, Catholicism and Armenian Apostolic Christianity.

43. The canonical Ukrainian Orthodox Church has traditionally been preponderant in the Republic of Crimea. Muslim religious organizations have the second largest number of members. Among them is the Central Religious Administration of Muslims of the Republic of Crimea and the City of Sevastopol, which is composed of more than 300 religious organizations, including religious communities, an administration and a religious school (madrassa). Protestant organizations as a whole are the third largest group among religious organizations in Crimea, after the Orthodox and Muslim communities.

## Article 2

44. Under article 19 of the Constitution, the State guarantees equal human and civil rights and freedoms regardless of a person's sex, race, ethnicity, language, origin, financial status, official capacity, place of residence, attitude to religion, beliefs or membership of voluntary associations. Any form of restriction of civil rights on social, racial, ethnic, linguistic or religious grounds is prohibited.

45. Violation of the equality of human and civil rights and freedoms on the basis of sex, race, ethnicity, language, attitude to religion and other grounds is a criminal offence (Criminal Code of the Russian Federation, art. 136).

### **Information on the issues raised in paragraph 5 of the Committee's concluding observations**

46. The Russian Federation considers that the International Covenant on Civil and Political Rights does not contain provisions concerning the status of Views adopted by the Committee. The Constitutional Court made this clear in particular in its judgment No. 1248-O of 28 June 2012, which states that "neither the International Covenant on Civil and Political Rights nor the Optional Protocol thereto contain provisions directly determining the meaning for States parties of the Human Rights Committee's Views on individual communications".

47. At the same time, in the opinion of the Court, this does not release Russia from complying in a conscientious and responsible manner with the Committee's Views within the framework of the international legal obligations that it has undertaken. However, it remains the sovereign right of the State to choose how the Committee's Views as well as these obligations are to be fulfilled. This is also implied by article 2 of the Covenant, which provides that States are to take the necessary legislative and other steps to give effect to the relevant rights in accordance with their constitutional processes and the provisions of the Covenant.

48. In addition, the commentary on the draft conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties adopted by the International Law Commission states that the "ordinary meaning of the term by which a treaty designates a particular form of pronouncement [by an expert treaty body] mostly indicates that such pronouncements are not legally binding".

49. The Russian Federation has always faithfully met its international obligations for the promotion and protection of human rights. In accordance with the above-mentioned judgment of the Constitutional Court, the adoption of the Committee's Views on Russia is recognized as a compelling reason for making an appropriate response. In particular, the judgment emphasizes that the "Committee's Views containing proposals for retrials put forward to the Russian Federation are compelling reasons for the procurator's office to order proceedings to be brought in the light of new circumstances if the violations of the provisions of the International Covenant on Civil and Political Rights that are found cannot otherwise be remedied and addressing them is necessary to ensure that the sentence (ruling, order) that has taken effect is fair and violations of the rights and legitimate interests of citizens and other persons are redressed."

50. The plenum of the Supreme Court drew attention to this fact in paragraph 9 of its decision on the application of generally recognized principles and rules of international law and international agreements to which the Russian Federation is a party, decision No. 5 of 10 October 2003, which states that, in the administration of justice, courts must bear in mind that "improper application by the courts of the generally recognized principles and rules of international law and international agreements to which the Russian Federation is a party may be the grounds for annulling or amending a judicial ruling".

**Information on the issues raised in paragraph 8 of the Committee's concluding observations**

51. Under article 29 of the Constitution, the right to freedom of thought and expression is guaranteed for all. Propaganda or agitation that incites social, racial, ethnic or religious hatred and enmity is prohibited. The advocacy of social, racial, ethnic, religious or linguistic superiority is also prohibited.

52. In accordance with Federal Act No. 114-FZ of 25 July 2002 on Countering Extremist Activities, extremist activity is understood to mean incitement to social, racial, ethnic or religious discord or public justification of terrorism and other terrorist activities.

53. The Russian Federation has made systematic efforts to counter extremism and various manifestations of extremism involving racism and xenophobia. These efforts have entailed a wide range of measures, including the prevention of social and inter-ethnic conflicts, the prevention, detection and suppression of terrorist and extremist activities and criminal offences against human and civil rights.

54. Regular preventive work has led to effective cooperation between law enforcement agencies in the regions in the campaign against extremism and to the establishment of a set of procedures for responding quickly to negative developments.

55. In 2018, the heads and officers of the regional investigative units took part in a number of workshops and lectures in schools with a view to creating an environment in which extremism is not tolerated in society and to preventing Russian citizens, in particular young persons, from being recruited by violent extremist groups abroad.

56. Between 2013 and 2018, investigative authorities of the Investigative Committee of the Russian Federation sent 96 requests for mutual legal assistance to the competent authorities of foreign States in criminal cases involving extremist crimes. Such cooperation is regularly reviewed and, based on the outcome of the reviews, recommendations are put forward to the investigative authorities of the Investigative Committee to ensure that Russian applications are not rejected because they are inconsistent with the national legislation of the requested State.

57. At the same time, between 2015 and 2018, the Investigative Committee of the Russian Federation responded to 34 requests from the competent authorities of foreign States in criminal cases concerning extremist crimes.

58. Work is being done to prevent the dissemination of radical content via the Internet. Practice has shown that holding offenders accountable at the propaganda and recruitment stage prevents further radicalization, which ultimately leads to a decrease in the number of more violent crimes.

59. In 2018, the number of violent extremist crimes decreased by 3.8 per cent. The total number of registered extremist crimes is also decreasing: in 2018, there were 762 such crimes, or 10.1 per cent fewer compared to the same period in the previous year.

60. Particular attention is paid to combating organized forms of manifestations of extremism. A total of 27 terrorist and 70 extremist organizations are banned in Russia.

61. There have been sustained efforts to prevent members of international extremist and terrorist organizations from entering the country, including through migration routes.

62. Measures are being taken to identify and suppress the activities of persons and organizations that facilitate the legalization of illegal migrants who come to the Russian Federation from countries with a potential terrorist threat.

63. With regard to the concerns expressed by the Committee about the activities of Cossack patrols, in accordance with Federal Act on the Public Service of Russian Cossacks, No. 154-FZ of 5 December 2005, the principles of public service by the Russian Cossacks are based on the rule of law, the primacy of human and civil rights and freedoms, and the obligation to recognize, observe and protect these rights and freedoms.



64. Under article 5 (3) of the Act, Russian Cossacks perform law enforcement work in the federal public service, including taking part in keeping the peace according to the established procedure.

65. Federal Act No. 44-FZ of 2 April 2014, the Act on the Participation of Citizens in Keeping the Peace, sets out the specific features of establishing volunteer militias from among the members of Kazakh communities and the obligations of such militias, including the obligation to uphold the rights and legitimate interests of citizens, voluntary associations and religious and other organizations.

66. The national law of the Russian Federation thus fully governs the activities of the Russian Cossacks as regards their participation in the maintenance of public order.

67. In 2013, a provision was introduced to the law to restrict access to media that disseminate information containing incitement to mass riots, extremist activities or participation in mass public events conducted in violation of established procedures.

68. There are ongoing campaigns to promote respect for human rights and tolerance for ethnic and cultural diversity. During the reporting period, among the events organized were the following: a photo exhibition entitled “Multi-ethnic Russia”, in June 2016; an academic workshop entitled “Preventing and addressing the challenges of extremism among young people”, in June 2016; the national competition “Puppets in the traditional costumes of the peoples of Russia”, in May 2017; the Big Ethnographic Dictation, in November 2017; the national public award for the preservation of language diversity, entitled “Key word”, in February 2017; the North Caucasus young persons’ education forum, entitled “Mashuk-2018”, in August 2018; the presentation of the book *The History and Culture of Mountain Jews* to the Moscow Government, on 9 October 2018; the national inter-ethnic camp for young patriots, Camp Generation, from 17 to 22 October 2018; and the second regional forum on ethnic unity, “Multi-ethnic Yugra”, in Khanty-Mansiysk, from 19 to 21 October 2018.

69. In 2018, a range of measures was adopted to improve the quality of investigations into hate crimes.

70. The Procurator General’s Office has taken additional measures to prevent the wrongful criminal prosecution of cases involving extremism.

71. On 14 September 2018, an information sheet on the particular features of procuratorial supervision of investigations of this category of crime was prepared and sent to procurators in the provinces. It points out that the very fact of providing free access to information is not grounds for prosecution under articles 280 and 282 of the Criminal Code. The intention to incite hatred and enmity or induce others to engage in extremist acts is required for such prosecution. In addition, certain facts are now to be taken into account when deciding on the motives and goals of an Internet user, such as the personal creation of an audiovisual file, text or image with extremist content or the user’s propensity for radical views, etc.

72. At the start of the reporting period, the electoral law had already contained provisions to help effectively counteract extremist activities during election campaigns.

73. It is prohibited to engage in agitation that causes social, racial, ethnic or religious discord, constitutes an affront to the dignity of an ethnic group or advocates the exclusivity, superiority or inferiority of persons on the grounds of their attitude to religion, social background, race, ethnicity, religion or language; it is also prohibited to engage in agitation in which Nazi or Nazi-like paraphernalia or symbols are promoted or publicly displayed.

74. Non-observance of the restrictions on actions of an extremist nature constitute grounds for denying the registration of a candidate.

75. Under a provision that took effect during the reporting period, citizens of the Russian Federation convicted of extremist offences whose records have not been expunged or whose conviction for the offences is unspent on the day of elections may not stand for election for senior posts in the constituent entities of the Russian Federation.

76. In the period since 2013, there have been no recorded incidents of the use of discriminatory speech against national, ethnic, religious and other minorities, xenophobia or racist speech in political discourse in the course of election campaigns.

**Information on the issues raised in paragraph 13 of the Committee’s concluding observations**

77. The Federal Counter-Terrorism Act lays down the principles for ensuring and protecting fundamental human and civil rights and freedoms, upholding the rule of law and giving priority to the protection of the rights and legitimate interests of persons at risk of terrorism.

78. Under article 2 of the Act, counter-terrorism in the Russian Federation is based on the following principles:

- Promotion and protection of basic human and civil rights and freedoms
- Rule of law
- Protection of the rights and lawful interests of persons subjected to a terrorist threat as a matter of priority

79. Prevention is an important feature of efforts to combat terrorism.

80. In a territory in which a counter-terrorism regime is introduced, only the measures and temporary restrictions on rights and freedoms provided for in the national legislation may be applied during a counter-terrorism operation, in the manner prescribed by the law of the Russian Federation.

81. Over the period 2013–2018, counter-terrorism regimes were introduced on a number of occasions in the constituent entities of the Russian Federation that are part of the North Caucasus Federal Area and Southern Federal Area. As a rule, the decision to introduce such regimes was taken when members of illegal armed groups putting up active opposition were found and suppressed or after a terrorist act had been committed.

82. Since 2013, the Russian Federation has taken the following steps to expand the legal framework for cooperation in preventing and combating terrorism, including the financing of terrorism, and extremism:

- Signing of the Shanghai Cooperation Organization Convention on Combating Extremism, on 9 June 2017
- Signing of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, on 27 July 2017
- Ratification of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, on 28 September 2017 (with the entry into force for Russia on 1 January 2018)
- Entry into force of the Agreement on the Exchange of Information within the framework of the Commonwealth of Independent States in the field of Combating Terrorism and Other Violent Manifestations of Extremism and the Financing Thereof, on 5 September 2018

**Article 3**

83. Under article 19 of the Constitution, the State guarantees equal human and civil rights and freedoms regardless of sex, race, ethnicity and other factors. Men and women have equal rights and freedoms and equal opportunities to exercise them.

84. The Eurasian Women’s Community media outlet was established as part of the national action strategy for women for 2017–2022.

85. The Eurasian Women’s Community portal is a space for communication that is designed to bring together women from around the world and develop a proactive approach to life.

86. There were more than 1.5 million visitors to the website in 2018. The website's followers come from over 100 countries, with 38 per cent from Russia, 25 per cent from Europe, 23 per cent from Asia and 14 per cent from the United States of America.

87. The focus is on women creators, women leaders and women entrepreneurs and women's success stories are published.

88. Annual "Sexist of the Year" awards are handed out under the auspices of the International Newswomen's Club, the women's faction of the Yabloko party and moderators of the social networks FAKTY\_ANTIseksizm\_ANTIshovinizm and FemUnity.

89. During the reporting period, the Constitutional Court ordered lawmakers to introduce amendments to the Code of Criminal Procedure of the Russian Federation to ensure that women enjoy the right to have their criminal cases heard by a court of law with the participation of jurors, as established by the Constitution, on the basis of the principles of legal equality and equal rights, without any discrimination.

**Information on the issues raised in paragraph 11 of the Committee's concluding observations**

90. A section entitled "Increasing women's participation in political life and decision-making" is included in the national strategy on action for women 2017–2022.

91. As at 1 October 2016, 743 men and 1,021 women in the legislative branch held supervisory posts (with 381 men and 367 women in the senior civil service group).

92. In the executive branch of government of the Russian Federation, 42,839 men and 71,819 women held supervisory posts (with 5,841 men and 3,848 women in the senior civil service group).

93. Women thus make up 72 per cent of public servants: 62 per cent in the legislative branch; 70.5 per cent in the executive branch and 80 per cent in the judiciary and procuratorial system.

94. Women account for 69 per cent of government posts in the Russian Federation. Federal civil service positions are held by 73 per cent of women, with 63 per cent occupying supervisory positions, as follows: 40 per cent in the senior civil service group; 56 per cent senior managers; and 67 per cent middle managers.

95. With this in mind, women are fairly represented on the administrative staff of the legislative and executive branches of government.

96. As at 21 January 2019, 378 men and 72 women were members of the State Duma of the Federal Assembly of the Russian Federation, and 138 men and 31 women were members of the Federation Council of the Federal Assembly.

97. The procedure for electing deputies to the State Duma and for forming the Federation Council are established by the Constitution and federal law.

98. In accordance with article 97 (1) of the Constitution, citizens over 21 years of age who have the right to take part in elections are eligible to stand for election to the State Duma.

99. Article 1 of Federal Act No. 20-FZ of 22 February 2014, the Act on the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation, establishes that State Duma deputies are to be elected by the citizens of the Russian Federation on the basis of universal, equal and direct suffrage by secret ballot.

100. Article 95 (1) of the Constitution and article 1 (1) of Federal Act No. 229-FZ of 3 December 2012 on the Procedures for Forming the Federation Council of the Federal Assembly of the Russian Federation provide that the Federation Council is to include two representatives from each constituent entity of the Russian Federation – one from legislative (representative) branch and one from the executive branch of government of the entity.

101. In accordance with article 95 (2), powers are vested in a member of the Federation Council from the relevant government body of the constituent entity of the Russian Federation on the basis of the will of the voters of that entity.

102. There are thus no restrictions on the election of women to the above-mentioned public authorities under established procedures.

#### **Article 4**

103. Under article 56 of the Constitution, in the event of a state of emergency, specific restrictions on rights and freedoms may be introduced, with an indication of the scope and period of validity of such restrictions, in accordance with federal constitutional law, to ensure the safety of citizens and protect the constitutional system. The introduction of a state of emergency is an interim arrangement used only to ensure the safety of citizens and protect the constitutional system of the Russian Federation.

104. Furthermore, the Constitution lists a number of rights that may not be restricted under a state of emergency. These include the right to life, the prohibition of torture, violence, other cruel or degrading treatment or punishment, the right to the inviolability of private life, personal and family privacy, the protection of a person's honour and good name, freedom of conscience, freedom of religion, etc.

105. Federal Constitutional Act No. 3-FKZ of 30 May 2001, the State of Emergency Act, was adopted in accordance with the Constitution. The Act governs matters concerning states of emergency, including the purposes, circumstances and procedures for declaring a state of emergency. It also provides for an exhaustive list of time limits and measures that may be introduced in the event of a state of emergency.

#### **Article 5**

106. Under the Constitution, legislation may not be used for the purpose of making exceptions to the rights and freedoms proclaimed in the Constitution and the instruments of international law that the Russian Federation has undertaken to observe.

107. The enumeration in the Constitution of fundamental rights and freedoms should not be interpreted as negating or diminishing other generally recognized human and civil rights and freedoms.

108. In accordance with article 55 (3) of the Constitution, human and civil rights and freedoms may be restricted by federal law only to the extent necessary to protect the constitutional order, morality, health, rights and legitimate interests of others and national defence and security.

#### **Article 6**

109. In accordance with article 20 of the Constitution, everyone has the right to life.

110. Under article 59 (1) of the Criminal Code, the death penalty is an exceptional punishment, which may be imposed only for especially serious offences involving attempts on someone's life.

111. The Russian Federation continues to observe its moratorium on the use of the death penalty as a form of criminal punishment. On joining the Council of Europe, the Russian Federation took on the obligation to abolish the death penalty. Presidential Decree No. 724 of 16 May 1996, on phasing out the use of the death penalty following Russia's entry into the Council of Europe, was issued as a result. The ban on the imposition of the death penalty by the courts was confirmed by Constitutional Court Judgment No. 1344-O-R of 19 November 2009. This decision effectively concludes the process of establishing a prohibition of this form of punishment in the Russian Federation by law. The long-term moratorium on the death penalty has produced firm guarantees of the human right not to be subjected to capital punishment, and the Russian Federation is moving inexorably towards

abolition under the constitutional order that has emerged and in the light of trends in international law and the obligations that it has assumed.

**Information on the issues raised in paragraph 7 of the Committee's concluding observations**

112. The North Caucasus Federal Area investigation departments have stepped up their efforts to ensure that any reports of offences involving allegations of human rights violations committed during security and counter-terrorism operations in the federal area are investigated in a thorough and independent manner and that the victims of such offences enjoy legal protection.

113. In the event that evidence comes to light that military personnel have committed unlawful acts, a decision is taken on whether to transfer the relevant evidence or case file to the corresponding Investigative Committee of the Russian Federation for the Southern Military District.

114. In order to increase the efficiency of procedural supervision and improve cooperation between the investigating agencies of the investigation department for the Chechen Republic, a unit of the Investigative Committee of the Russian Federation, and the bodies carrying out investigative activities, a joint order was issued on 17 July 2014, No. 107/233, which regulates the procedure for considering applications, reports of offences and other information on incidents in this category.

115. In accordance with this regulatory instrument, investigative bodies have improved access to the information resources of the internal affairs agencies related to the search for missing persons.

116. In order to improve searches for missing persons, identify possible burial sites and carry out relevant forensic examinations, regular hearings of the progress and results of procedural checks have been held and investigations of criminal cases have been pursued at briefing sessions with the participation of forensic investigators and persons providing support for the investigations.

117. In every criminal case, investigators draw up joint plans for investigative and other procedural actions with the agencies responsible for conducting initial inquiries and follow up on allegations of the involvement of military and law enforcement personnel in crimes.

118. Procurator's offices and investigative bodies in the region systematically analyse the investigation of criminal cases brought before the European Court of Human Rights. Special attention is paid to the application and use of existing databases, including DNA records.

119. In the course of investigations of criminal cases involving the kidnapping or murder of citizens during a counter-terrorist operation, upon the direct orders of the highest ranking law enforcement officials (from among the general officers), subordinate officers investigate leads in every case and passport checks are carried out in the course of special operations and in other cases.

120. When such facts are established, investigations are conducted to determine whether senior officers were involved in the commission of crimes or overstepped their authority in the course of their work.

121. To do so, in all criminal cases, the central archives of the security, defence and interior departments are examined for relevant information, military commanders, local government heads of administration and law enforcement officers who were performing their duties during the period of interest to the investigation are questioned and a wide range of other measures are taken depending on the specific circumstances of the case.

122. In a number of cases, the measures taken have led to the identification and interrogation of military commanders who were performing their duties during periods of time of interest to the investigation and of the senior officials and staff of temporary internal affairs departments.

123. In every criminal case, there is an ongoing practice of taking blood samples from the relatives of the abducted or missing persons, conducting forensic DNA analysis to identify their genotypes and then checking them against the DNA records of unidentified bodies found at various times in the territory of the North Caucasus region.

**Information on the issues raised in paragraph 18 of the Committee’s concluding observations**

124. In the Russian Federation, the Bar is a professional community of lawyers and, as an institution of civil society, is not part of the system of government or the local authorities. The Bar operates on the basis of the principles of the rule of law, independence, self-regulation, corporate responsibility and equality between lawyers.

125. Lawyers may not be held liable in any way for expressing views while exercising their profession, unless a sentence that has just taken effect implicates them in a criminal act (or failure to act).

126. Lawyers, members of their families and their property enjoy the protection of the State. The internal affairs agencies are under the obligation to take the steps necessary to ensure the safety of lawyers and their family members and to protect their property. The criminal prosecution of lawyers is carried out in conformity with the safeguards provided for under the criminal procedural law.

127. Searches, inspections and seizures with respect to lawyers (including at their place of residence and offices used by them to practise law) may take place only after a criminal case has been brought against them or they have been charged with an offence, if the criminal case was brought against other persons or on evidence that a criminal act was committed on the basis of an order of the court authorizing such searches, inspections or seizures, provided that the inviolability of privileged material and information is not compromised.

128. The Investigative Committee makes the necessary organizational arrangements for thoroughly investigating and solving crimes against lawyers, journalists, human rights defenders and opposition politicians in connection with their professional activities and establishing the circumstances that gave rise to them.

129. The heads of investigative agencies devote particular attention to investigations into such cases, which they assign to the most experienced investigators.

**Article 7**

130. The Constitution provides that no one is to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. The commission of such criminal acts is punishable by law.

131. The Code of Criminal Procedure provides that evidence obtained through torture, violence or degrading treatment may not be used as grounds for prosecution and is inadmissible.

132. Criminal liability is incurred for acts of coercion to testify, including those involving violence, bullying or torture, or the use of threats, blackmail or other unlawful acts on the part of the investigator or person conducting an initial inquiry or by any other person with the knowledge or tacit consent of the investigator or person conducting the inquiry.

133. The policy outline for the development of the prison system of the Russian Federation in the period up to 2020 identifies as key objectives the provision of more humane detention conditions for persons remanded in custody and those serving sentences of deprivation of liberty and added safeguards of their rights and legitimate interests.

134. In 2016, a law was adopted that prescribes effective measures to monitor the use of physical force, non-lethal weapons and firearms against convicted and remand prisoners and regulates the prosecution of abuse of authority in breach of the rights of persons held in institutions of the penal system.

135. Checks are carried out of all cases where physical force and non-lethal weapons are used against convicts and persons held in custody by local authorities.

**Information on the issues raised in paragraph 12 of the Committee’s concluding observations**

136. Since 2010, the Ministry of Labour and Social Protection of the Russian Federation and the Children’s Support Fund have been conducting a nationwide information campaign to combat child abuse.

137. As part of this campaign, a nationwide social movement, Russia without Child Abuse, has been set up, as has a website on responsible parenting ([www.ya-roditel.ru](http://www.ya-roditel.ru)) on which information is posted about various aspects of non-violent child-rearing. Regional assistance centres for families and children offer parents advice regarding the psychological aspects of child-rearing.

138. The Russian Federation currently has several helplines operating at the federal level. In addition, an extensive network of helplines has been established in the country’s constituent entities and municipalities. They all provide opportunities for seeking help and receiving advice in confidence.

139. Every year, nationwide public events are organized in the regions under the banner “The police – watching over our children”; these events, timed to coincide with International Child Helpline Day, are aimed at preventing family problems and helping and supporting children in difficulty.

140. The child helpline responds to every call received. Citizens who call the helpline are provided with information on the legal aspects of parent-child, family and other relationships, and, in some cases, emergency psychological and other assistance.

141. Inter-agency services are being set up to offer prompt assistance to families and children in difficulty (emergency response services, comprehensive mobile social rehabilitation services for young persons and their families, the social safety patrol and the community social service).

142. In order to further improve public policies for the protection of children, on 29 May 2017, the President of the Russian Federation signed Decree No. 240 proclaiming the Decade of Childhood in the country.

143. In response to the Committee’s concerns about the increase in the number of reported cases of domestic violence against women and children, it should be noted that the number of such cases has been on a downward trend since 2017.

144. In 2017, the number of domestic violence offences against women fell by 42.9 per cent (from 42,164 to 24,058) and the number against children by 72.9 per cent (from 8,989 to 2,432).

145. In the first nine months of 2018, the number of offences against women fell by 13.5 per cent (from 19,137 to 16,547) and the number against children by 6.2 per cent (from 1,896 to 1,779).

146. It should also be noted that acts involving violence against family members are punishable under Russian law.

147. In accordance with article 6.1.1 of the Code of Administrative Offences of the Russian Federation, beatings or other violent acts causing physical pain carry an administrative fine of 30,000 roubles, administrative detention for a period of up to 15 days or unpaid community service for a period of up to 120 hours.

148. The Criminal Code covers beatings and other violent acts causing physical pain, including by a person who has previously incurred an administrative penalty for a similar act. This ensures that legislative guarantees against physical assault are fully preserved.

149. A working group on the prevention of social disadvantage among women and violence against women has been established under the coordinating council responsible for implementing the National Strategy for Women for the period 2017–2022.

150. In order to raise awareness and build skills in the area of combating violence against women, training is organized for the staff of the internal affairs agencies and penal institutions.

151. A draft road map has been developed to prevent social disadvantage among women and violence against women. It provides for the following measures to enhance the legislation on preventing violence:

- Monitoring of the effectiveness of measures implemented to prevent various forms of violence, including domestic and sexual violence, against women and children with a view to assessing the scope of the problem and providing a rapid response to any incidents
- Creation of effective models to prevent violence against women and children
- Development and strengthening of the resource base of institutions providing services to women and children who are victims of, or have suffered, domestic, sexual and other forms of violence

**Information on the issues raised in paragraph 12 (c) of the Committee’s concluding observations**

152. The constituent entities of the Russian Federation conduct an annual information campaign as part of the international 16 Days of Activism against Gender-Based Violence campaign.

153. The Human Rights Commissioner of the Russian Federation and the human rights commissioners in the constituent entities play an active role in this campaign.

154. A round table on the theme “Preventing social disadvantage among women and violence against women: causes and solutions” was held within the framework of cooperation between the Russian Federation and the Council of Europe on the implementation of the National Strategy for Women for the period 2017–2022. It was aimed at exchanging practical experience and best practices in this area and raising awareness of applicable standards with respect to the prevention of violence against women and the protection of victims.

155. There are regular conferences and workshops on the prevention of violence against women.

156. In 2018, international conferences were held on the themes “Women against violence” and “Preventing gender-based violence”.

157. The National Education Trade Union and the Ministry of Education and Science held a joint conference on the theme “Violence in the education sector: causes, negative trends and finding solutions”. Conferences were also held in St. Petersburg and in provinces including Astrakhan, Kalinigrad, Kemerovo and Tver.

158. The commissioner for Arkhangelsk province prepared a report titled “Women’s rights as an integral part of human rights: the growing problem of violence against women”. Following an expert discussion of the report, the decision was taken to establish a working group on combating violence against women under the regional commissioner’s office.

**Information on the issues raised in paragraph 17 (a) of the Committee’s concluding observations**

159. Assistance for women, including women victims of violence, is provided by social service organizations active in the constituent entities of the Russian Federation on the basis of Federal Act No. 442-FZ of 28 December 2013 on the principles of social service provision in the country.

160. Social services are available to all citizens duly recognized as requiring them, regardless of their sex or age.

161. In addition to providing services, social service organizations carry out activities to prevent family and child problems and domestic abuse. The aim of this work is to prevent



family problems and provide comprehensive assistance to the entire family and individual members, including male perpetrators of abuse.

162. Families at risk are offered rehabilitation and comprehensive social support with a view to ensuring the early detection and prevention of hardship and abuse among families.

163. Voluntary associations, which usually operate helplines, play a major role in providing social and psychological support to victims of violence. One example is the nationwide telephone helpline for victims of violence set up and maintained by the ANNA Centre (+7 800 7000 600).

164. Women in crisis, including domestic violence crises, can get help in medical and social assistance units in women's clinics and centres for the medical and social support of pregnant women facing financial difficulties, which have their own psychologists and social work specialists.

165. The Russian Federation has social centres offering assistance to victims of crime and violence (for example, the Sisters Centre for Victims of Sexual Violence in Moscow, the Centre against Violence and Trafficking in Persons in Perm and the Fatima Women's Crisis Centre in Kazan).

#### **Information on the issues raised in paragraph 14 of the Committee's concluding observations**

166. Pursuant to article 21 (2) of the Constitution, no one may be subjected to torture, violence or other cruel or degrading treatment or punishment.

167. The investigation of crimes involving the use of torture and cruel treatment by law enforcement officials is a current focus of the work of the investigative bodies.

168. The investigative bodies detained Z.S. Dadaev and T.D. Eskerkhanov as suspects in the criminal case launched in connection with the murder of the public and political figure B.E. Nemtsov on 28 February 2015.

169. Mr. Dadaev and Mr. Eskerkhanov claimed that law enforcement officials were violent towards them during their detention and that they were threatened with physical harm and pressured into confessing involvement in Mr. Nemtsov's assassination.

170. Procedural checks were subsequently carried out, but the claims of the two accused that they had been subjected to unlawful acts could not be objectively confirmed. As no offence had been committed, criminal proceedings were not initiated.

### **Article 8**

171. The Russian Federation has signed and ratified a number of international instruments guaranteeing the prohibition of slavery and forced labour: the Slavery Convention, as amended by the Protocol of 7 December 1953; the International Labour Organization Forced Labour Convention, 1930 (No. 29); the Universal Declaration of Human Rights; the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949; and the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950.

172. There is also effective legislation at the national level to safeguard against the use of slave and forced labour. Pursuant to article 37 of the Constitution, labour is given freely, and forced labour is prohibited. In accordance with article 127.2 of the Criminal Code, the use of slave labour is a criminal offence for which the applicable penalty is punitive labour for a period of up to 5 years or deprivation of liberty for the same period.

### **Article 9**

173. In accordance with international legal standards (the International Covenant on Civil and Political Rights, arts. 19 and 20), the Constitution prohibits propaganda fomenting

social, racial, ethnic or religious hatred or enmity or the advocacy of social, racial, ethnic, religious or linguistic superiority (art. 29 (2)).

#### **Information on the issues raised in paragraph 20 of the Committee's concluding observations**

174. The Russian Federation has adopted a series of measures to strengthen its legislation on countering extremism.

175. Federal Act No. 519-FZ of 27 December 2018 amending article 282 of the Criminal Code, which sets out a new version of the article in question, was adopted to rule out criminal responsibility for one-off offences that do not seriously endanger the foundations of the constitutional system and State security.

176. A person may be found to have committed the criminal offence of inciting hatred or enmity or degrading a person or group of persons only if he or she has committed an administrative offence of a similar nature in the previous year.

177. Publicizing and publicly displaying Nazi paraphernalia or symbols, or the paraphernalia or symbols of extremist organizations, and producing or disseminating extremist materials constitute administrative offences.

#### **Article 10**

178. In the Russian Federation, it is prohibited to perform acts or adopt decisions that denigrate the honour of one of the parties to ongoing criminal proceedings or to treat such a person in a manner that destroys human dignity or endangers his or her life and health.

179. None of the parties to criminal proceedings may be subjected to violence, torture or other cruel or degrading treatment or punishment.

180. A person who has been remanded in custody as a preventive measure or detained on suspicion of having committed an offence must be held in conditions that do not endanger his or her life or health.

181. The Russian Federation respects and protects the rights, freedoms and legitimate interests of convicted persons and, in the enforcement of their sentences, ensures that the means used for their reform are lawful and guarantees their legal protection and personal safety.

182. Convicted persons who are serving sentences are guaranteed the rights and freedoms of citizens of the Russian Federation, subject to the exemptions and restrictions set out in the country's criminal, criminal penalties enforcement and other legislation.

183. Convicted foreign nationals and stateless persons enjoy the rights and bear the obligations set out in the international treaties to which the Russian Federation is a party and its legislation on the legal status of foreign citizens and stateless persons, subject to the exceptions and restrictions set out in the country's criminal, criminal penalties enforcement and other legislation.

184. Convicted persons have the right to be informed of their rights and duties and the procedure and conditions for serving sentences handed down by courts. The administration of the prison system must provide convicted persons with this information and update them on any changes in the procedure and conditions for serving sentences.

185. Convicted persons have a right to personal safety. If the personal safety of a convicted person is at risk, he or she may approach any official of an institution of the prison system for help in ensuring such safety. In such cases, the official is required to take immediate steps to ensure the personal safety of the convicted person.

186. Convicted persons have the right to be treated with courtesy by the staff of the institution enforcing their sentence. They may not be subjected to cruel or degrading treatment or punishment. Coercive measures may be applied only in accordance with the law.

187. Convicted persons may not, without their consent, be subjected to medical, scientific or other experiments conducted to test medicines, new diagnostic techniques and disease prevention and treatment methods or as part of biomedical research projects.

188. Convicted prisoners have the right to health protection, including primary health care and specialized care, as outpatients or inpatients, depending on their diagnosis.

189. Convicted persons also have the right to psychological care provided by members of the psychological service of the correctional institution or other persons authorized to provide such care.

190. Foreign nationals sentenced to punitive labour, a short term of rigorous imprisonment or deprivation of liberty have the right to maintain contact with the diplomatic missions and consulates of their States in the Russian Federation.

191. In penal institutions, men and women prisoners and young and adult prisoners are detained separately.

192. Convicted women who are pregnant or breastfeeding and convicted minors, sick persons and persons with category I or II disabilities enjoy better living conditions and enhanced nutritional standards.

193. The Russian Federation makes wide use of alternative punishments with a view to reducing the number of convicted prisoners held in penal institutions. The available non-custodial penalties include fines, deductions of military service pay and restrictions on military promotion, community service, unpaid labour, deprivation of the right to hold certain posts or engage in certain activities, restriction of liberty and punitive labour, along with other measures, such as deferral of actual custody, suspended sentences and monitoring of the compliance by convicted persons with an obligation to undergo drug addiction treatment and medical or social rehabilitation or both.

194. Since 2012, house arrest has been a preventive measure available in Russia as an alternative to remand in custody.

195. On 1 January 2017, a new type of criminal penalty, punitive labour, was introduced as an alternative to imprisonment for minor and ordinary offences or for serious offences committed for the first time. Sentences of punitive labour are served in special institutions, which are correctional centres in the territory of the constituent entity of the Russian Federation in which the convicted person resided or was sentenced.

#### **Information on the issues raised in paragraph 16 of the Committee's concluding observations**

196. The legislation of the Russian Federation on combating illicit drug trafficking is based on the United Nations conventions ratified by the country: the 1961 Single Convention on Narcotic Drugs; the 1971 Convention on Psychotropic Substances; and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

197. The Strategy for the State Anti-Drug Policy of the Russian Federation for the period up to 2020 was approved by Presidential Decree No. 690 of 9 June 2010. The main objective of the Strategy is to significantly reduce the illicit proliferation and non-medical use of drugs and their impact on the safety and health of individuals, society and the State.

198. The country's legislation is constantly being improved in order to encourage persons to give up illicit drug use and seek help from health centres and rehabilitation facilities for drug addiction treatment and medical and social rehabilitation.

199. Criminal legislation has been amended to create a system of treatment for drug addicts as an alternative to criminal penalties.

200. Medical care for suspects and accused and convicted persons who are drug addicts is provided in accordance with the principles of humanity and respect for human rights. The principle of voluntary treatment is fully implemented with respect to drug addicts in penal institutions as well. Drug addicts may be subjected to treatment against their will only on

medical grounds, in cases in which they present a danger to themselves or others and their health would be significantly harmed without specialist care.

201. Russia has nine treatment and rehabilitation facilities for drug addicts, eight of which provide outpatient treatment for convicted men who are dependent on psychoactive substances or alcohol and one for women.

202. In addition to medical care, the rehabilitation and socialization of drug- and alcohol-dependent persons are also very important, as are programmes to prepare former drug users for life after their release from penal institutions.

203. The main criteria for admitting a convicted person to a rehabilitation unit are a high likelihood of successful rehabilitation and his or her consent to rehabilitation measures. The rehabilitation course is tailored to the individual and lasts two to six months. The programme provides for the creation of a rehabilitative environment, psychopharmacological interventions, a treatment centre, psychotherapeutic measures, and health and fitness facilities.

204. A departmental social and psychological programme for alcohol- or drug-dependent persons who are held in remand centres and correctional institutions is currently being implemented. In addition to medical professionals, those with a role in its implementation include specialists from other services such as mental health, social, legal and vocational rehabilitation services.

205. The medical service of the penalties enforcement system organizes the provision of care for drug addicts in a transparent manner, and treatment rooms and inpatient facilities may be visited by the regulatory authorities.

## **Article 11**

206. Russian legislation makes no provision for the deprivation of liberty of persons who are unable to meet contractual obligations.

207. Deprivation of liberty for such offences is prohibited under the Civil Code of the Russian Federation.

## **Article 12**

208. Article 27 (1) of the Constitution enshrines the right of every person lawfully present in the territory of the Russian Federation to move freely and to choose their place of stay and residence. This is a fundamental human and civil right in the territory of the Russian Federation.

## **Article 13**

209. Since 1992, when the Russian Federation acceded to the 1951 Convention relating to the Status of Refugees, a comprehensive system for granting asylum to foreign nationals has been established in the country. It is based on the generally recognized rules of international law and, first and foremost, on the provisions of the Convention.

210. Federal Act No. 4528-1 of 19 February 1993, the Refugees Act, governs the reception of persons who enter the territory of the Russian Federation as part of an emergency mass influx.

211. The Act stipulates that a person who has applied for or has been recognized as a refugee, has lost or been deprived of refugee status, or has been granted temporary asylum may not be returned against his or her will to the territory of his or her State of nationality.

212. The Act prohibits the forced return of a refugee or asylum seeker to a State if there are substantial grounds for believing that he or she would face a real risk of torture in that State.

213. Resolutions of the plenum of the Supreme Court No. 11 of 14 June 2012 and No. 21 of 27 June 2013 stipulate that a person may also not be extradited if there are serious grounds to believe that he or she may be subjected to inhuman or degrading treatment or punishment in the requesting State, even if it does not amount to torture.

**Information on the issues raised in paragraph 15 of the Committee's concluding observations**

214. Work on draft federal legislation on asylum in the Russian Federation has been resumed. The bill has been prepared with due regard to the provisions of the Convention, the conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, the Office of the United Nations High Commissioner for Refugees Handbook on Procedures and Criteria for Determining Refugee Status and an analysis of the asylum legislation of foreign States.

215. In accordance with article 1 of Federal Act No. 190-FZ of 25 October 1999 ratifying the European Convention on Extradition, the Russian Federation reserves the right to refuse extradition if there are serious grounds to believe that the person in respect of whom extradition is requested will be subjected to torture or other cruel, inhuman or degrading treatment or punishment in the requesting State.

**Article 14**

216. The Constitution guarantees everyone legal protection of his or her rights and freedoms (art. 46). No one may be deprived of the right to have his or her case heard by the court and judge with jurisdiction over the case. Under the specific circumstances provided for by law, a person accused of a crime has the right to have his or her case heard by a court with the participation of a jury.

217. In the administration of justice, judges are independent and subject only to the Constitution and federal law. Judges hear and settle criminal cases in circumstances that preclude external influence on them. Interference in a judge's administration of justice is prohibited and constitutes an offence under the law.

218. Everyone has a guaranteed right to qualified legal assistance, which may be provided free of charge in the circumstances specified by law. Every person who is detained, remanded in custody or charged with an offence has the right of access to a (defence) lawyer from the moment that he or she is detained, remanded in custody or charged, as the case may be.

219. Under article 49 of the Constitution, every person accused of a crime is presumed innocent until his or her guilt has been proven and established by a court sentence that has entered into legal force (art. 49). The accused is not obliged to prove his or her innocence. The burden of proving the guilt of a suspect or defendant and refuting the evidence presented in support of his or her innocence lies with the prosecution. No one is obliged to testify against himself or herself or his or her spouse or close relatives. Any remaining doubt regarding the guilt of the accused is interpreted in his or her favour. According to the Constitution, no one may be held guilty for an act that did not constitute an offence at the time when it was committed (art. 54).

220. In the Russian Federation, no one may be convicted of the same crime twice. The use of evidence obtained in violation of federal law is not permitted as part of the administration of justice. Everyone convicted of a crime has the right to have his or her sentence reviewed by a higher court in accordance with the procedure established by federal law, as well as the right to request a pardon or commutation of the sentence.

221. Criminal procedure in the Russian Federation is based on the adversarial relationship between the parties. The functions of the prosecution, the defence and the adjudication of a criminal case are distinct from one another and cannot be entrusted to one and the same body or official.

222. Criminal proceedings are conducted in the Russian language or in one of the State languages of the republics that form part of the Russian Federation. Parties to criminal proceedings who are not proficient in the language in which the proceedings are being conducted, or do not have sufficient knowledge of that language, must be able to exercise and receive an explanation of their right to make statements, give explanations and testimony, lodge petitions, file complaints, consult the case file, speak in court in their native language or another language in which they are proficient, and be assisted by an interpreter free of charge in accordance with the procedure established by law.

223. Criminal proceedings in the Russian Federation are conducted in open hearings in all courts, except in the circumstances specified by law (Code of Criminal Procedure, art. 241). Proceedings may be conducted in closed hearings on the basis of a court order or ruling if: the criminal proceedings risk disclosing State or other federally protected secrets in court; the criminal case being heard concerns offences committed by persons aged under 16 years; information about intimate aspects of the lives of the parties to the proceedings or information that constitutes an affront to their honour and dignity is at risk of being disclosed in criminal cases involving offences against the sexual inviolability and sexual freedom of individuals and other offences; or closed hearings are necessary to guarantee the safety of the parties to the proceedings or that of their close relatives, friends and family.

224. Persons attending an open court hearing have the right to make audio recordings and written records. Taking photographs, video recording and/or filming and broadcasting of public hearings by radio or television or on the Internet is allowed with the permission of the presiding judge.

#### **Information on the issues raised in paragraph 17 of the Committee's concluding observations**

225. Pursuant to article 21 (6) of Federal Act No. 30-FZ of 14 March 2002 on the judicial bodies of the Russian Federation, court presidents and vice-presidents, the heads of the Judicial Department of the Supreme Court and bodies within its system, presidents and vice-presidents of councils of judges and of other qualification boards of judges, and their representatives may participate in the meetings of qualification boards of judges and express their opinion on the matters under discussion. Such opinions have a purely recommendatory status for the qualification board.

226. On the basis of articles 16 (9) and (10) and 18 (1) of the regulations governing the work of qualification boards of judges, as approved by the Higher Qualification Board of Judges of the Russian Federation on 22 March 2007, court presidents and vice-presidents, the heads of the Judicial Department of the Supreme Court and bodies within its system, presidents and vice-presidents of councils of judges and of other qualification boards of judges, and their representatives may express their opinions on the matters under discussion. In accordance with established procedure, once the qualification board has studied the materials, the participants in the meeting read their closing statements. Decisions are taken once all invited persons have left the meeting room. Only members of the qualification board of judges may be present in the meeting room during the discussion of the matter under consideration and the voting.

227. In order to ensure the independence and impartiality of appointed lawyers, legislative amendments were introduced to grant the Council of the Federal Bar Association of the Russian Federation (an independent professional body) the power to determine the procedure for appointing defence lawyers in certain circumstances.

228. The procedure for appointing defence lawyers in criminal proceedings was approved by a decision of the Council of the Federal Bar Association of 5 October 2017.

229. The independence of the Bar has been established as the basic principle governing the appointment of defence lawyers in criminal proceedings. This means that bodies conducting initial inquiries, bodies conducting pretrial investigations and courts may not influence the allocation of defence assignments among specific lawyers, which should be performed by the bar association of a constituent entity of the Russian Federation and not delegated to the body conducting the initial inquiry, the body conducting the pretrial investigation and/or the court.

**Information on the issues raised in paragraph 17 (a) of the Committee's concluding observations**

230. Candidates for judicial posts are selected on a competitive basis.

231. The preliminary selection of candidates for vacant judicial posts in the Russian Federation is performed by judicial bodies: the examination boards that administer the examinations for judicial posts, the examination boards of the constituent entities of the Russian Federation that administer the qualifying examination for judicial posts, qualification boards of judges, and the qualification boards of judges of the constituent entities of the Russian Federation.

232. The boards are primarily responsible for adopting the qualifying examination and evaluating the knowledge of candidates for judicial posts. These responsibilities are fulfilled in accordance with the procedure established in the examination board regulations approved by the Higher Examination Board. Separate examination papers are prepared for candidates for the posts of ordinary court judge, arbitration court judge and specialized court judge.

233. The examination board awards persons who have passed the qualifying examination for judicial posts a certificate indicating their mark for each question and overall final mark. Candidates for judicial posts may appeal against the decision of the examination board in court within 10 days of the date of receipt of the certificate. They also have the right to challenge actions or omissions on the part of an examination board that prevented them from taking the qualifying examination.

234. Citizens who have passed the qualifying examination may apply to the relevant qualification board of judges to be recommended for a vacant judicial post if they have submitted the required documents.

235. The composition of each of the qualification boards of judges is determined in accordance with the representation quotas established by law. They are composed of representatives of the legal community who have not committed any dishonourable acts, who do not occupy State or municipal posts or posts in the State or municipal civil service, and who are not heads of organizations and institutions, regardless of the type of legal entity or form of ownership, lawyers or notaries, and a representative of the President of the Russian Federation.

236. Court presidents and vice-presidents may not be elected to the qualification boards of judges of constituent entities of the Russian Federation. The President and Vice-President of the Supreme Court may not be elected to the Higher Qualification Board of Judges.

237. Qualification boards of judges are not answerable to the bodies that elected them for any decisions adopted.

238. Upon receipt of the relevant materials from applicants, the qualification board of judges verifies the accuracy of the documents and information provided about such persons. The qualification board of judges is also entitled to request the relevant competent authorities to verify the accuracy of the documents and information submitted to it.

239. Between 2013 and 2018, the Higher Qualification Board of Judges and the qualification boards of judges of the constituent entities of the Russian Federation considered 39,825 applications for vacant judicial posts. Of these, 29,575 applicants were recommended (74.3 per cent).

240. Amendments will come into effect on 1 September 2019 making it much more difficult for court presidents to exert any improper outside influence on the procedure for appointing judges.

**Information on the issues raised in paragraph 17 (b) of the Committee's concluding observations**

241. In order to give effect to the constitutional powers of the President of the Russian Federation to appoint federal court judges, Presidential Decree No. 1185 of 4 October 2001

established a presidential commission on the preliminary consideration of applications for federal court judge posts.

242. The commission's main responsibilities and functions, which are advisory and recommendatory in nature, are set out in Presidential Decree No. 1185 of 4 October 2001. Its main responsibilities include drawing up recommendations regarding the appointment of judges and senior officials of the Constitutional Court and of the Supreme Court and drawing up recommendations for the President of the Russian Federation regarding the appointment of judges, including presidents and vice-presidents, of federal courts of ordinary jurisdiction and federal arbitration courts.

**Information on the issues raised in paragraph 17 (c) of the Committee's concluding observations**

243. In the Russian Federation, only qualification boards of judges may take disciplinary action against judges.

244. Between 2013 and 2018, the Higher Qualification Board of Judges took disciplinary action against 11 judges (6 were dismissed, 4 issued with a written warning and 1 with a verbal warning) and decided against taking such action with respect to 3 other judges. Over the same period, the qualification boards of judges of the constituent entities of the Russian Federation took disciplinary action against 1,196 judges (142 were dismissed, 687 issued with a written warning and 367 given a verbal warning) and decided against taking such action with respect to 130 other judges.

245. Federal Act No. 179-FZ of 2 July 2013 introduced significant amendments to the Act on the Status of Judges in the Russian Federation, which regulates disciplinary action against judges.

246. In particular, the grounds on which disciplinary action may be taken against judges have been expanded; three forms of disciplinary measure are provided for (verbal warnings, written warnings and dismissals); the circumstances that must be considered when deciding whether to impose a disciplinary measure and which specific measure to impose have been determined; the statute of limitations for taking disciplinary action against a judge has been established; and the bodies responsible for deciding whether to take disciplinary action against judges have come into being.

247. The Council of Judges of the Russian Federation is currently drafting a bill that will address aspects of disciplinary proceedings against judges.

248. On 1 September 2019, amendments designed to improve the process by which disciplinary action against judges is taken will come into effect. In particular, the grounds on which disciplinary action may be taken have been expanded; a new type of disciplinary measure (demotion) has been introduced and the grounds and procedure for its imposition specified; and the grounds and procedure for imposing on a judge the disciplinary measure of dismissal have also been specified.

249. Significant amendments will also be introduced to restrict the role of presidents of relevant courts in the process of taking disciplinary action against judges and ensure that discipline among judges is enforced by an independent body.

250. Since 2013, the procedure for the judicial review of decisions to impose disciplinary measures has been improved. In 2015, the Code of Administrative Procedure entered into force. It governs the conduct of administrative proceedings brought to challenge decisions, acts or omissions on the part of public authorities, local governments, other bodies, organizations vested with certain State or other public powers, officials, and State and municipal officers.

251. The establishment of the disciplinary board of the Supreme Court offers an important additional guarantee of the constitutional and legal status of judges in the country. The disciplinary board is one component of the independent judicial review of decisions to impose the disciplinary measure of dismissal, as is the codification, in chapter 23 of the Code of Administrative Procedure, of the process by which the disciplinary board of the Supreme Court handles administrative cases.



252. Between its creation in 2014 and 2018, the disciplinary board of the Supreme Court received 90 appeals against decisions of qualification boards of judges to impose the disciplinary measure of dismissal. Of these, 89 cases were heard and settled. In 17 cases, or 19 per cent of the total, the appeal was upheld and the decision of the relevant qualification board of judges overturned.

#### **Information on the issues raised in paragraph 17 (d) of the Committee's concluding observations**

253. The reporting period saw the adoption of Federal Act No. 73-FZ of 17 April 2017 amending the Code of Criminal Procedure, which introduced provisions to the Code stipulating that defence lawyers are to be appointed by the body conducting the initial inquiry, the body conducting the pretrial investigation and the court in accordance with the procedure established by the Council of the Federal Bar Association. On 5 October 2017, the Council approved the procedure for appointing defence lawyers in criminal proceedings, thereby giving effect to these powers. Regional councils of judges adopted decisions to implement the procedure.

254. The procedure will ensure that defence lawyers provide adequate legal assistance and will stamp out corrupt practices, such as the appointment of lawyers through personal contact outside established procedures with the person conducting the initial inquiry, the pretrial investigator or the judge and the inappropriate use of budgetary funds to pay such lawyers' remuneration.

255. Several of the constituent entities of the Russian Federation, including Moscow and Moscow Province, are currently introducing automated systems for assigning criminal cases to lawyers. This software package will prevent persons who submit requests for appointed lawyers from exerting any influence over the selection of a specific lawyer, which will help to preserve the impartiality of defence lawyers and their independence from the prosecution.

#### **Article 15**

256. The Criminal Code sets out the rules for the time for application of criminal law that are fully compliant with the requirements of article 15 of the Covenant. In accordance with article 9 of the Criminal Code, the criminality and punishability of an act is determined by the criminal law in force at the time when the act was committed. Pursuant to article 10 of the Criminal Code, a criminal law that decriminalizes an act, reduces a penalty or otherwise improves the situation of the offender has retroactive effect, i.e. it applies to persons who committed the act before the entry into force of the law, including persons currently serving a sentence or who have already completed a sentence but have a criminal record. A criminal law that criminalizes an act, increases a penalty or otherwise worsens the situation of the person does not have retroactive effect. If a new criminal law reduces a penalty that has come into effect, the penalty is to be reduced within the limits provided for in the new criminal law.

#### **Article 16**

257. The right to recognition of citizens as persons before the law in the territory of the Russian Federation is guaranteed in the Constitution (chapter 2) and the Civil Code. The rights enshrined in the core human rights treaties are also taken into account. The Civil Code provides that citizens may own any property, engage in business or any other lawful activities, conduct any lawful transactions and assume obligations.

258. The exercise of citizens' legal capacity is subject to certain limits. In enjoying their civil rights and freedoms, citizens must not violate the legally established rights and interests of other persons.

## Article 17

259. The Russian Federation has an extensive regulatory framework to ensure the protection of privacy. A citizen who is the victim of a violation of civil liberties can seek protection through civil proceedings. There are also provisions for criminal liability. In accordance with article 137 of the Criminal Code, the illegal collection or dissemination of private information concerning an individual or his or her family without consent or the dissemination of such information in public, in a publicly displayed work or in the media constitutes a criminal offence.

260. The Personal Data Act (Federal Act No. 152-FZ of 27 July 2006) is also in place. The Act closely regulates matters related to the collection, storage, dissemination and use of private information.

261. On 1 October 2013, the amended Civil Code entered into force, with the addition of article 152.2 on the protection of citizens' privacy.

262. The article provides that it is prohibited to collect, store, disseminate or use any private information concerning a citizen without his or her consent unless otherwise provided by law.

263. Another provision stipulates that citizens and legal entities may seek compensation for losses and the non-material harm resulting from the dissemination not only of information that defames the person's honour, dignity or business reputation but of any personal information that is not true.

264. It is expressly stipulated that the parties to an obligation are required to maintain the confidentiality of any private information about a citizen known to them through the creation or fulfilment of the obligation.

## Article 18

265. In accordance with article 28 of the Constitution, everyone is guaranteed freedom of conscience and freedom of religion, including the right to practise any religion or none, individually or in community with others and to freely choose, have or disseminate religious and other beliefs and act in accordance with them.

266. The Russian Federation also has the Freedom of Conscience and Religious Associations Act (Federal Act No. 125-FZ of 26 September 1997). In accordance with the Act, it is prohibited to establish advantages, restrictions or any other form of discrimination on the basis of attitude to religion.

267. In 2015, the Act was supplemented with a provision concerning the right of religious associations to provide religious education and instruction to their followers as prescribed by national legislation and in the forms determined by the internal regulations of the religious associations.

268. In 2018, the Freedom of Conscience and Religious Associations Act was amended to regulate voluntary activities carried out as part of the work of religious associations.

## Article 19

269. The Constitution guarantees freedom of thought and expression (art. 29). Freedom of the press is also guaranteed, while censorship is prohibited.

270. However, propaganda and agitation inciting social, racial, ethnic or religious hatred and enmity is prohibited. The advocacy of social, racial, ethnic, religious or linguistic supremacy is also prohibited.

271. The Constitution guarantees the freedom to seek, receive, impart, produce and disseminate information by any legal means.

272. Under article 55 (3) of the Constitution, human and civil rights and freedoms may be restricted by federal law only to the extent necessary for the protection of constitutional order, morality, health, the rights and interests of others or national defence and security.

**Information on the issues raised in paragraph 19 of the Committee’s concluding observations**

273. Federal Act No. 97-FZ of 5 May 2014 requires Internet sites (referred to as organizers of information dissemination) to keep information about the activities of their users. Information on user activities facilitates crime detection by the law enforcement authorities.

274. “Activities” means signing up to a social media platform and receiving, sending, delivering and processing voice data, text, images, sounds and video and other electronic communications.

275. Organizers of information dissemination have no access to the content of personal correspondence or the personal data of users. The content of correspondence may be disclosed only pursuant to a court order.

276. It should be noted that the provision regulating the dissemination by bloggers of publicly available information was repealed in 2017.

277. The very principles of the constitutional order established under the Constitution make it necessary to take adequate measures for its defence, as does the obligation of the State to establish legal mechanisms that ensure public safety to the greatest extent possible and prevent and combat crime and its negative consequences for the legally protected rights and interests of citizens (Constitutional Court Decision No. 137-O-O of 19 February 2009).

278. Therefore, if citizens violate the rights and freedoms of other persons in the exercise of their own constitutional rights and freedoms and the violation is illegal and constitutes a danger to public order, the perpetrators may be prosecuted in order to safeguard public interests (Constitutional Court Decision No. 1873-O of 25 September 2014).

279. The current criminal definition of defamation was introduced in Federal Act No. 141-FZ of 28 July 2012 amending the Criminal Code of the Russian Federation and certain legislative acts of the Russian Federation. The adoption of these amendments increased the protection of constitutional rights for citizens, particularly protection from the dissemination of information known to be false and constituting an affront to personal honour and dignity.

280. Offences covered under article 128.1 of the Criminal Code (Defamation) are not punishable by deprivation of liberty.

281. Pursuant to Federal Act No. 190-FZ of 12 November 2012 amending the Criminal Code of the Russian Federation and article 151 of the Code of Criminal Procedure, amendments were made to article 275 of the Criminal Code (Treason) to elaborate on the material circumstances and mental elements of the crime for the three traditional types of treason and also the perpetrators of acts of treason such as the disclosure of State secrets. These amendments both exclude the very possibility of arbitrary acts and abuses by law enforcement officials in cases involving prosecutions for offences covered under this article and completely fulfil the purpose of criminal proceedings, namely to protect victims from crime and persons from wrongful and unfounded accusations, convictions or restrictions on rights and freedoms.

282. The amendments made pursuant to the Federal Act resulted in optimization and democratization of the criminal law.

283. For example, article 275 of the Criminal Code now contains significantly fewer subjective provisions open to arbitrary interpretation, such as those describing activities as “hostile”, which has ideological connotations, or security as “external”, which is not legally defined. The article distinguishes between entities, such as foreign and international organizations, on whose behalf treason and espionage are engaged in. It is clearly stipulated that a person can only be prosecuted for disclosing State secrets (a type of treason) or divulging information constituting a State secret (Criminal Code, art. 283) if such

information is known or was entrusted to the person as part of his or her work or studies or in other circumstances prescribed by national law. This precludes the possibility that persons could be prosecuted for accidental access to State secrets (for example information found, heard or read on the Internet or in the media). The above-mentioned Act also criminalized trafficking in State secrets.

284. The provision of any assistance to a foreign State or a foreign organization with the intention of harming national security was already a criminal offence in the previous version of the article. The current version merely contains a list of the forms such assistance might take. The applicability of the law depends on the existence of a threat to the security of the Russian Federation posed by a person's acts, which must be proved through a criminal investigation regardless of the status of that person (human rights defender or activist).

285. Federal Act No. 136-FZ of 29 June 2013 amending article 148 of the Criminal Code of the Russian Federation and certain legislative acts of the Russian Federation for the purpose of countering insults to citizens' religious beliefs and feelings was drafted and adopted to address gaps in the legislation regarding the liability of persons who insult the religious beliefs of Russian citizens practising Christianity, Islam, Buddhism, Judaism or other religions that are an integral part of the heritage of the peoples of Russia or desecrate sacred objects (or pilgrimage sites) or places of worship or other rites and ceremonies of religious associations.

286. This type of offence poses a danger to public order, since it violates the traditional and religious norms established by society over many centuries and its ethical standards, is contrary to morality, has serious consequences and is clearly antisocial.

287. Despite the measures taken, in the territory of the Russian Federation, there remain international groups actively pursuing their goals of committing extremist and terrorist crimes and destabilizing the sociopolitical situation in certain regions of the country.

288. Terrorist groups often exploit the opportunities for communication offered by social media platforms such as VKontakte, YouTube, Facebook, Instagram, Odnoklassniki and Twitter, which are used by members of violent organizations to create extensive literature and networks in order to disseminate extremist material, recruit members and accomplices into illegal armed groups and carry out propaganda activities.

289. The numerous violations of the law perpetrated on the Internet and the danger they pose to public order have made it necessary to place extrajudicial restrictions on access to harmful information.

290. For example, a community was identified on VKontakte called the Tatar Haters Society, whose members were disseminating statements intended to incite hatred or enmity against ethnic Tatars and openly calling for the killing of Tatars. The relevant websites were blocked by the Federal Service for the Supervision of Telecommunication, Information Technologies and Mass Communications at the request of the Office of the Procurator General. Numerous sites have been blocked that were promoting the activities of terrorist organizations such as Islamic State in Iraq and the Levant, Emarat Kavkaz and Jabhat Al-Nusra and hosting calls to commit extremist and terrorist acts.

291. The blocking mechanism established pursuant to article 15.3 of Federal Act No. 149-FZ of 27 July 2006 on Information, Information Technologies and Data Protection is highly efficient and adapted to the specific characteristics of information. The process of restricting access to information is strictly regulated by law.

292. Access to a blocked information resource may be restored on the basis of a notification to the Federal Service for the Supervision of Telecommunication, Information Technologies and Mass Communications by its owner that the prohibited information has been removed.

293. Website owners have the right to bring a complaint about restrictions on access to the sites before a court, and this does occur in practice.

294. Pursuant to Federal Act No. 128-FZ of 5 May 2014 amending certain legislative acts of the Russian Federation, it is a criminal offence to disseminate information known to be

false about the actions of the Soviet Union during the Second World War and the prosecution of crimes established in the judgment of the Nuremberg Tribunal.

295. The judgment of the Nuremberg Tribunal is an international legal instrument adopted by the entire international community following the Second World War and giving a legal assessment on the basis of facts, materials, witness statements and evidence to the participating countries and a direct assessment of crimes against peace, war crimes and crimes against humanity – the gravest and most dangerous violations of the principles and rules of international law. The decisions and conclusions laid out in the judgment of the Nuremberg Tribunal are not subject to appeal and reversal since they hold immeasurable historical and humanitarian significance for the entire global community and also for the legal and documentary assessment of the events of the Second World War.

296. The judgment of the Nuremberg Tribunal is an instrument ensuring, inter alia, the defence of historical memory concerning the tragedies and victims of the Second World War and its crimes and criminals, which also ensures a future international consensus to protect universal human values, prevent the reappearance of fascism and permit no tolerance for any attempts to violate international law. The principles recognized by the judgment of the Nuremberg Tribunal are generally recognized principles of international law and have fundamental significance for the entire international community. They were affirmed in United Nations General Assembly resolutions on 11 December 1946 and 27 November 1947, and formed the basis of the post-war instruments of international law aimed at preventing wars of aggression, war crimes, genocide and crimes against humanity. The principles are also an integral part of the legal system of the Russian Federation (Constitution, art. 15 (4)).

297. Crimes against peace, war crimes and crimes against humanity are always of global interest and represent a threat to international peace and security. Therefore, the introduction into Russian legislation, in line with the practice of other countries, of the criminal offence of rehabilitation of Nazism as an international crime ensures respect for the generally recognized principles of international law laid out in the judgment of the Nuremberg Tribunal, which are an integral and essential foundation of the contemporary international order.

## **Article 20**

298. National legislation contains provisions that fully meet the requirements of article 20 of the Covenant, including specific criminal offences established to prevent propaganda for war and advocacy of different forms of discrimination.

299. Under article 354 of the Criminal Code, it is a criminal offence to call publicly for a war of aggression.

300. The following specific offences are also established: public calls to carry out extremist activity, incitement of hatred or enmity and degrading treatment.

## **Article 21**

301. In accordance with the Constitution, citizens of the Russian Federation have the right of peaceful assembly, unarmed, and to hold meetings, rallies, demonstrations, marches and pickets (art. 31).

302. This right, as has been indicated on multiple occasions by the Constitutional Court, is one of the fundamental and inalienable elements of the legal status of the individual in the Russian Federation as a democratic State governed by the rule of law, which counts ideological and political diversity and a multiparty system among the foundations of its constitutional order and which is obliged to protect human and civil rights and freedoms, including by judicial means.

**Information on the issues raised in paragraph 21 of the Committee's concluding observations**

303. Policing involves the effective protection of the organizers and participants of peaceful public events from potential wrongdoing by any persons attempting to put pressure on them or to obstruct or disrupt the event.

304. Citizens who object to having been taken by police officers to a police station or who believe that this has caused them harm have the right to challenge the use of such a measure in court.

305. Pursuant to article 33 of the Police Act (Federal Act No. 3-FZ of 7 February 2011), police officers are responsible for their own actions and omissions and the orders and instructions they issue, regardless of the position they hold. Compensation is paid for any harm caused to citizens or organizations through the wrongful actions or omissions of a police officer in the course of his or her official duties, in accordance with national legislation.

306. Regarding the increased penalties for violations of the rules on holding public events, it should be recalled that such penalties are only applicable to the organizers and participants of protests if the national law is violated.

307. The experience of other countries with the legal regulation of social relations in this regard was analysed in the process of drafting the amendments to the Code of Administrative Offences. The result of this analysis showed that the amendments made to the legislation of the Russian Federation were almost identical to the equivalent legal provisions in other States, where persons who organize and take part in unauthorized protests receive harsher punishments.

308. In the Bolotnaya Square case, a number of persons were convicted of participation in mass unrest involving the destruction of property and use of violence against public officials. These persons were prosecuted after a thorough investigation of all the evidence and the facts of the case and found guilty by the courts.

309. The mass unrest was accompanied by arson, property damage and destruction and the use of physical force in attempts to break through the lines of police officers and military personnel from the internal troops of the Ministry of Internal Affairs.

310. The participants of the mass unrest threw various objects at the public officials present (police officers and military personnel) including empty bottles, lumps of asphalt, smoke bombs they had prepared in advance and brought with them and Molotov cocktails, sprayed tear gas and poured unidentified pungent-smelling substances onto the ground. They obstructed the movements of the police officers and military personnel, hit them, including with banner poles and other objects, and pulled off and destroyed their protective equipment (bulletproof vests and helmets).

311. The actions of the mass unrest participants resulted in varying degrees of bodily injuries to more than 50 police officers, military personnel from the internal troops of the Ministry of Internal Affairs and civilians and property damage and destruction amounting to over 28 million roubles.

**Article 22**

312. In the Russian Federation, all persons have the right of association, including the right to form trade unions for the protection of their interests (Constitution, art. 30). However, no one may be compelled to join or be a member of any association.

313. The operation of civil society institutions in the Russian Federation is legally underpinned by the Constitution, Federal Act No. 82-FZ of 19 May 1995, the Voluntary Associations Act, Federal Act No. 7-FZ of 12 January 1996, the Non-Profit Organizations Act, Federal Act No. 10-FZ of 12 January 1996, the Act on Trade Unions, Their Rights and Guarantees of their Activities, and a number of other statutory instruments.

314. Currently, there are more than 225,000 non-profit organizations registered in the Russian Federation and their register is maintained by the Ministry of Justice. About one half of these organizations are socially oriented and their work is focused on social problems. Most of the organizations are active in the fields of education, science, culture and the arts, personal development, health care, physical culture and sport, the development of inter-ethnic cooperation, and the preservation and protection of the identity, culture, language and traditions of the peoples of the Russian Federation.

315. One of the most important areas of State policy is the provision of financial, material, informational and advisory support to non-profit organizations. Much of this support is provided through grants awarded by the President of the Russian Federation to non-profit organizations involved in the development of civil society institutions and conducting projects in the public interest and projects relating to the protection of human and civil rights and freedoms. In 2018, more than 8 billion roubles in federal funding were earmarked for such purposes. Programmes to support civil society institutions have also been mounted in a number of federal agencies. Work in this area is being conducted by local authorities.

316. A State prize is awarded every year for outstanding achievements in the field of human rights. In 2017, the winner was the Chair of the Moscow Helsinki Watch Group, a regional public organization set up to support implementation of the Helsinki Final Act, Lyudmila Alekseeva. In 2018, the prize was awarded to the Chair of the National Society of Disabled People, Mikhail Terentiev.

#### **Information on the issues raised in paragraph 22 of the Committee's concluding observations**

317. In its Decision No. 10 of 8 April 2014, the Constitutional Court found that the legislative provisions on non-profit organizations concerning the definition of foreign agents were compatible with the Constitution since they stipulated that, to be acting as a foreign agent, a non-profit organization must:

- Be a Russian non-profit organization, which means that international and foreign organizations, including their offices (branches) operating in the territory of the Russian Federation, cannot be considered non-profit organizations acting as foreign agents
- Receive money or other assets from foreign States or government bodies, international or foreign organizations, foreign citizens, stateless persons or their authorized representatives or from Russian legal entities receiving money or other assets from such sources (except for publicly traded companies with government shareholders and their subsidiaries)
- Take part in political activities within the territory of the Russian Federation

318. The clarifications provided by the Constitutional Court clarify what is meant by the term "political activity" and eliminate any ambiguity in the legal status of foreign agents.

319. In Federal Act No. 179-FZ, adopted on 2 June 2016, the scope and forms of political activity and its aims were specified, which then helped harmonize law enforcement practices.

320. Activities carried out by non-profit organizations in fields such as science, culture, art, health care, public health prevention and protection, social support and protection, maternal and child welfare, social support for persons with disabilities, promotion of healthy lifestyles, physical culture and sport, the protection of flora and fauna, charitable work, the promotion of charitable work and volunteering do not constitute political activity and so cannot be used as the basis for declaring such an organization to be acting as a foreign agent.

321. In accordance with current legislation, the purpose of political activity is to influence the formation and implementation of government policy and the composition, decisions and actions of central and local government bodies.

322. Thus, the concept of “political activity” is now clearly formulated and its legal facets have been finely honed, taking into consideration the specificities of law enforcement.

323. In March 2015, a mechanism for removing a non-profit organization from the register was legally established and time limits were set for decisions on removal from the register.

324. Under Russian legislation, non-profit organizations included in the register have the right to file an application for removal from the register with the Ministry of Justice.

325. As at 22 January 2019, the register listed 177 organizations.

326. The obligation of non-profit organizations acting as foreign agents to apply for registration does not preclude them from receiving financial support from foreign and international organizations, foreign nationals and stateless persons.

327. Nor are these organizations precluded from participating in political activities in the territory of the Russian Federation or thereby discriminated against in comparison to non-profit organizations that do not receive foreign funding.

328. Therefore, the requirement for a non-profit organization acting as a foreign agent to apply for registration before engaging in political activity is simply intended to ensure greater transparency and openness in the activities of such organizations.

329. Pursuant to Federal Act No. 129-FZ of 23 May 2015 amending certain legislative acts, legislation was amended to provide for the formal recognition of activities of foreign or international non-governmental organizations as undesirable in the territory of the Russian Federation and for such organizations to be included in a corresponding list, for the purpose of safeguarding the domestic interests of the Russian Federation.

330. The activities of a foreign or international non-governmental organization may be deemed undesirable in the territory of the Russian Federation if they pose a threat to the constitutional order of the Russian Federation, its defence capabilities or national security, including by helping or hindering the nomination of candidates or lists of candidates, the election of registered candidates, the initiation or conduct of a referendum and the achievement of a particular outcome in elections.

331. The decision to declare the activities of a foreign or international non-governmental organization undesirable in the territory of the Russian Federation is made by the Procurator General or a deputy procurator general in consultation with the federal executive authority responsible for the formation and implementation of government policy and the legal framework in the area of international relations.

332. The list of foreign and international non-governmental organizations whose activities have been declared undesirable in the territory of the Russian Federation currently contains the details of 15 foreign non-governmental organizations.

### **Article 23**

333. The family, maternity, paternity and childhood are all protected by the State. Family law is based on the need to strengthen the family, to promote family relationships founded on mutual love, respect and support and a sense of responsibility towards the family on the part of all its members, to prevent any arbitrary interference in family life and to ensure the free exercise of rights and access to the judicial protection of these rights for family members.

334. A family policy outline for the Russian Federation has been adopted for the period up to 2025. A plan of action for 2015–2018 on the implementation of the first phase of the outline has been approved.

335. The current priorities in family policy are the affirmation of traditional family values and lifestyles, the renewal and preservation of moral and spiritual traditions in family relations and the upbringing of children, the creation of conditions to ensure family well-



being, responsible parenting and respect for the authority of parents in the family and society and support for the welfare and stability of every family.

## Article 24

336. The protection of the rights, interests and safety of minors is a priority area for the State. The aim of developing a modern and effective public policy on childhood is reflected in the following documents:

- Outline for long-term socioeconomic development in the Russian Federation up to 2020, approved by Government Order No. 1662 of 17 November 2008;
- Outline for demographic policy in the Russian Federation up to 2025 (approved by Presidential Decree No. 1351 of 9 August 2007);
- Outline for the development of a system to prevent child neglect and youth offending up to 2020, approved by Government Order No. 520 of 22 March 2017.

337. Article 4 of the Federal Act on Fundamental Guarantees for the Rights of the Child in the Russian Federation provides that the aims of public policy on children are, *inter alia*, to realize the rights of the child enshrined in the Constitution, to prevent discrimination against children, to consolidate fundamental guarantees of the rights and interests of children and to restore their rights if they have been violated, to promote children's physical, intellectual, psychological, spiritual and moral development, to instil patriotism and a sense of public spirit, and to nurture the child's personality in the public interest and in accordance with those traditions of the peoples of the Russian Federation that do not contradict the Constitution or federal law and with achievements in Russian and world culture.

338. The development of government action to defend children's rights took a step forward with the adoption of the national action strategy for children for 2012–2017, approved by Presidential Decree No. 761 of 1 June 2012. One of the most important principles highlighted in it was the protection of every child's rights, which entails the creation of a system to respond to violations of rights in all circumstances without discrimination, with an analysis of the causes, conditions and follow-up planning, including the implementation of rehabilitation measures to provide redress for the violations.

339. Building on the provisions of the national strategy, the outline for the development of a system to prevent child neglect and youth offending up to 2020 and the plan of action for 2017–2020 on implementation of the outline were approved by Government Order No. 520 of 22 March 2017.

## Article 25

340. Since January 2013, a number of amendments have been made to Federal Act No. 67-FZ of 12 June 2002 on Fundamental Guarantees of Electoral Rights and the Right to Participate in Referendums of Citizens of the Russian Federation and other election laws with a view to putting in place further safeguards for citizens' electoral rights.

341. Pursuant to Federal Act No. 19-FZ of 21 February 2014 amending certain legislative acts of the Russian Federation, the indefinite and indiscriminate restriction on the right to stand for election for citizens of the Russian Federation who have been convicted of serious or especially serious offences has been repealed.

342. Pursuant to Federal Act No. 51-FZ of 2 April 2014 amending certain legislative acts of the Russian Federation, voters now have the right to complain about the decisions, actions or omissions of polling station officials in relation to the counting of votes at the polling station where they cast their ballot.

343. Pursuant to Federal Act No. 146-FZ of 4 June 2014 amending the Federal Act on the Enjoyment of the Constitutional Rights of Citizens of the Russian Federation to Vote and to Stand for Election to Local Government Bodies and the Federal Act on Fundamental

Guarantees of Electoral Rights and the Right to Participate in Referendums of Citizens of the Russian Federation, voters now have the option to vote against all candidates (or lists of candidates) in local elections.

344. In accordance with the amendments introduced in Federal Act No. 419-FZ of 1 December 2014 on Amendments to Certain Legislative Acts of the Russian Federation Pertaining to the Social Protection of Persons with Disabilities in Connection with the Ratification of the Convention on the Rights of Persons with Disabilities, when polling stations are set up, they are to meet the requirements stipulated in national legislation for unimpeded accessibility and use as a polling place by persons with disabilities.

345. Amendments have been introduced to ensure that polling station officials must immediately stop their work and observers and other persons must leave the polling station if they violate the electoral legislation of the Russian Federation and a court finds that such a violation occurred.

346. In 2017, amendments were introduced to specify that voters who will be away from their place of residence on election day may apply to the electoral commission for inclusion on the electoral roll in their current location. The application can be made through the federal information system (Public Services Portal of the Russian Federation) or through a one-stop public service centre, if the service is available.

347. This new development has significantly strengthened guarantees of the right to vote for citizens who are outside of the polling district where they are registered to vote on election day.

348. One of the most important reforms is the introduction of election observation in the country by members of the public. A number of amendments to federal legislation have given civic chambers the opportunity to send observers, which has allowed for highly transparent elections to be held and is an additional guarantee that the electoral rights of citizens will be upheld.

349. All these amendments to electoral law have facilitated a high degree of competitiveness and accessibility of election campaigns and therefore increased the trust of voters in the electoral system.

## **Article 26**

350. In accordance with article 19 of the Constitution, the State guarantees equal human and civil rights and freedoms regardless of sex, race, ethnicity, language, origin, financial status, official capacity, place of residence, attitude to religion, beliefs, membership of voluntary associations or other circumstances. Any restriction of civil rights on social, racial, ethnic, linguistic or religious grounds is prohibited.

### **Information on the issues raised in paragraph 9 of the Committee's concluding observations**

351. Article 29 of the Constitution prohibits propaganda and agitation that incites social, racial, ethnic or religious hatred and enmity.

352. In the Russian Federation, offences committed for reasons of political, ideological, racial, ethnic or religious hatred or enmity, or for reasons of hatred or enmity directed against any specific social group are prosecuted. Moreover, these motives are deemed to be aggravating circumstances.

353. Law enforcement officers undergo regular training in matters relating to the combating of racial discrimination and racial profiling.

354. The law imposes an absolute prohibition against public servants' giving any preference to specific social groups. It is now a legal requirement to take into account the specific characteristics of the various ethnic groups and to promote inter-ethnic and interfaith harmony.

355. The law stipulates that the pre-election programmes of candidates and political parties, other campaign materials and speeches at public events and in the media must not contain incitements to extremist activities, or endeavour to rationalize or justify extremism.

356. One of the basic principles of public policy on ethnic groups is to prevent and eliminate any form of discrimination on the grounds of social, racial, ethnic, linguistic or religious affiliation. This approach is reflected in the ethnic policy strategy of the Russian Federation up to 2025, approved by Presidential Decree No. 1666 of 19 December 2012.

357. The Federal Agency for Ethnic Affairs, which seeks to address the key issues in ethnic policy, was set up in 2015, together with the Advisory Council on Autonomous Ethnic and Cultural Organizations, which regularly organizes seminars, lectures, discussions, conferences and other events aimed at promoting tolerance and preventing all forms of racial discrimination and xenophobia.

358. Article 26 of the Constitution provides that everyone has the right to determine and indicate his or her ethnic affiliation. No one may be compelled to determine or indicate his or her ethnic affiliation.

359. The determination of ethnic affiliation is based on the principle of self-identification and depends on the subjective feelings of the individual. The Constitution does not contain any legal requirement for the definitive determination of nationality by citizens of the Russian Federation or for ethnicity to be determined based on any objective criteria.

360. Article 1 of Act No. 5242-1 of 25 June 1993 on the Right of Nationals of the Russian Federation to Freedom of Movement and to the Choice of a Temporary or Permanent Place of Residence in the Russian Federation provides that, in line with the Constitution and international human rights instruments, all citizens of the Russian Federation have the right to freedom of movement and to choose their place of residence in the Russian Federation. This civil right may only be restricted by law.

361. In accordance with article 3 of the Act, citizens of the Russian Federation are required to register their temporary and permanent places of residence in the Russian Federation. However, this registration or the lack of such registration cannot be a condition for the enjoyment of civil rights and freedoms or a ground for their restriction.

362. In order to protect the rights of prisoners and persons sentenced to punitive labour, article 7 (4) of the Act, which provided for the removal of such persons from the resident register when a court judgment was handed down, has been repealed.

363. Foreign citizens in the Russian Federation have the right to freedom of movement and to choose their place of residence in the Russian Federation and the same obligations as citizens of the Russian Federation, except as provided by federal constitutional law, federal law or international agreements.

364. Since 2013, Federal Act No. 109-FZ of 18 June 2006 on the Migration Registration of Foreign Nationals and Stateless Persons in the Russian Federation has been amended on more than one occasion to improve the migration registration system.

365. The activities of the Advisory Council on Autonomous Ethnic and Cultural Organizations reporting to the Federal Agency for Ethnic Affairs include organizing preventive work with members of ethnic communities to coincide with significant social and political events (in 2018, four meetings were held).

366. The integration of Crimean Tatars into Russian society is now a priority area in the government regulation of inter-ethnic relations. Crimean Tatar has been recognized as an official language of the Republic of Crimea.

367. On 21 April 2014, the President of the Russian Federation signed Decree No. 268 on measures to rehabilitate the Armenian, Bulgarian, Greek, Italian, Crimean Tatar and German peoples and to provide State support for their revival and development. The aim was to redress historical injustices and remedy the consequences of the unlawful deportation from the territory of the Crimean Autonomous Soviet Socialist Republic of Armenian, Bulgarian, Greek, Crimean Tatar and other peoples.

368. The measures for rehabilitation of the Crimean Tatars include the adoption by the State Council of the Republic of Crimea on 10 December 2014 of the Act on Measures for the Social Support of Certain Categories of Citizens and Persons Living in the Territory of the Republic of Crimea, to give the Crimean Tatar people the right to receive the benefits stipulated in the Act of the Russian Federation on the Rehabilitation of Victims of Political Repression.

369. On 17 April 2017, the President of the Russian Federation signed the Federal Act amending articles 8 and 9 of the Federal Act on the Legal Status of Foreign Nationals in the Russian Federation to ensure that preference would be given in the granting of permanent residency in Russia to citizens who were illegally deported from the territory of the Crimean Autonomous Soviet Socialist Republic and their close relatives. The legal provisions apply both to the deportees of 1944 themselves and to their relatives.

**Information on the issues raised in paragraph 10 of the Committee's concluding observations**

370. In Russia, discrimination on the grounds of sexual orientation or gender identity is prohibited, as is any other form of discrimination.

371. Labour law prohibits discrimination on any grounds or circumstances unrelated to the person's professional competencies.

372. Under article 3 of the Labour Code of the Russian Federation, no person's labour rights and freedoms may be restricted, nor may any person enjoy any advantages, on the basis of sex, race, colour, ethnicity, language, origin, financial status, official capacity, age, place of residence, attitude to religion, beliefs, membership or non-membership of voluntary associations or any social groups, or other considerations unrelated to the person's professional competencies. This non-exhaustive list of protected grounds implies that discrimination is prohibited not only on the listed grounds but on any other basis, including that of sexual orientation and gender identity.

373. It must also be recalled that in criminal proceedings the sexual orientation of the victim is of no significance.

**Information on the issues raised in recommendation (b) in paragraph 10 of the Committee's concluding observations**

374. On 23 September 2014, the Constitutional Court adopted Decision No. 24-P, in which it found that the provision of the Code of Administrative Offences prohibiting the promotion of non-traditional sexual relations to minors was not unconstitutional. Its constitutional and legal intent is to defend constitutionally significant values such as the family and childhood and to prevent harm to the health of minors and their moral and spiritual development. It does not entail interference in individual autonomy, including sexual self-determination. The purpose of the provision is not to prohibit or officially stigmatize non-traditional sexual relations and it does not hinder public discussion on the legal status of sexual minorities or the use by their representatives of all legal means of expressing their opinion on these issues and defending their rights and interests, including by organizing and holding public events.

375. The only acts that can be deemed unlawful are public acts intended to disseminate information promoting non-traditional sexual relations among minors or imposing such relations on them, including as a result of the circumstances in which the act was committed.

376. This has allowed for a balance to be reached between the rights of sexual minorities and the rights of minors.

**Information on the issues raised in recommendation (d) in paragraph 10 of the Committee's concluding observations**

377. The right of citizens to hold peaceful unarmed meetings, rallies, demonstrations, marches and pickets is enshrined in article 31 of the Constitution and Federal Act No. 54-FZ of 19 June 2004 on Meetings, Rallies, Demonstrations, Marches and Picketing.

378. In the Russian Federation, Federal Act No. 54-FZ of 19 June 2004 on Meetings, Rallies, Demonstrations, Marches and Picketing provides for a notification-based system for holding public events.

379. In accordance with article 5 of the Act, the organizer of a public event can be a citizen of the Russian Federation, political parties, other voluntary associations, religious associations or the regional and other structural subdivisions of all such organizations. Therefore, the law does not place restrictions on the right to organize or hold public events of persons with a non-traditional sexual orientation.

## **Article 27**

380. The rights of indigenous peoples are regulated in Federal Act No. 82-FZ of 30 April 1999 on Guarantees of the Rights of Numerically Small Indigenous Peoples of the Russian Federation and in Federal Act No. 49-FZ of 7 May 2001 on Territories of Traditional Nature Use of the Numerically Small Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation. Government Order No. 631-r of 8 May 2009 contains a list of the places where small indigenous minorities of the Russian Federation traditionally reside and make their living and a list of their traditional livelihood activities.

381. The rights of these persons to carry out their livelihood activities (subsurface rights, forest rights and hunting rights) are established in sector-specific legislation.

382. Pursuant to Federal Act No. 33-FZ of 14 March 1995 on Specially Protected Natural Areas, the use of natural resources is permitted in public protected areas and national parks that are home to numerically small ethnic communities to protect the native habitat of these ethnic groups and preserve their traditional ways of life.

383. In the zoning process for national parks, it is possible to allocate zones for the extensive traditional use of natural resources for the purpose of securing the livelihoods of small indigenous minorities of the Russian Federation and within which traditional activities and the sustainable use of natural resources for that purpose are permitted. This includes the polar bear and snow leopard conservation work to which members of the indigenous peoples contribute.

### **Information on the issues raised in paragraph 24 of the Committee's concluding observations**

384. Work is under way to improve federal legislation on interactions between industrial extractive companies and numerically small indigenous peoples in the North, Siberia and the Far East of the Russian Federation. On 27 March, a federal bill was passed on first reading, giving the power to approve a compensation procedure and calculation method for losses resulting from damage to the native habitat of numerically small indigenous peoples of the Russian Federation caused by the business activities of organizations with all forms of ownership and also by physical persons.

385. In 2008, the Bikin and Kedr forest conservation projects were launched in the Far East, with the aim of supporting traditional use of natural resources by the numerically small indigenous peoples of the region to improve the lives of the local population, develop infrastructure, create jobs and attract ecotourism for conservation.

386. To further protect the rights of such peoples, the position of commissioner for the rights of numerically small indigenous peoples has been established in the Sakha Republic (Yakutia) and the Kamchatka and Krasnoyarsk territories.

### **III. Information on the issues raised in the concluding observations of the Human Rights Committee**

#### **Information on the issues raised in paragraph 6 of the Committee's concluding observations**

387. The Russian Federation has never and does not exercise effective control in the territory of Donbass or in South Ossetia.

388. It is the view of the Russian Federation that a non-international armed conflict is ongoing in Donbass. The conflict has been characterized in that way by the International Committee of the Red Cross. Therefore, all questions concerning the implementation of the Covenant in the region should be addressed directly to the parties to the conflict, namely Ukraine, the Donetsk People's Republic and the Luhansk People's Republic.

389. South Ossetia is an independent sovereign State. The country's authorities have full State powers and perform their functions independently, including in matters related to respect for human rights. Therefore, any questions related to the implementation of the Covenant in that location should be addressed directly to the South Ossetian authorities. In any case, as far as the Government of the Russian Federation is aware, South Ossetia is not a party to the Covenant.

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