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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review*

Russian Federation

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.

**POSITION OF THE RUSSIAN FEDERATION CONCERNING
RECOMMENDATIONS BY DELEGATIONS PARTICIPATING
IN THE UNIVERSAL PERIODIC REVIEW OF THE HUMAN
RIGHTS SITUATION IN THE RUSSIAN FEDERATION**

4 February 2009

The Russian Federation has considered the recommendations made by delegations participating in the Universal Periodic Review of the Russian Federation and wishes to make the following comments:

<i>No. of recommendation</i>	<i>Position of the Russian Federation</i>
1 and 2	The Russian Federation's accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, will depend on whether a majority of Russian public opinion will come to favour the de jure abolition of the death penalty. As for de facto abolition, the situation is that the Russian Federation has not carried out any death sentences since August 1996; in 1999, all those already sentenced to death had their sentence commuted to life imprisonment or a 25-year sentence of deprivation of liberty. On these grounds, the Russian Federation does not accept the recommendations.
3	The Russian Federation is party to the overwhelming majority of the basic international human rights conventions and intends in the future gradually to extend the range of its international human rights commitments, with due regard for the financial consequences and the need to amend legislation and practice. The question of ratifying the Optional Protocol to the Convention on the Rights of the Child will be considered in the light of the above considerations. Meanwhile, however, the Russian Federation does not accept the recommendation.
4	The Russian Federation accepts the recommendation that it should continue its efforts to improve the situation as regards persons held in custody and to take measures to achieve that end. The Russian Federation is also party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 26 November 1987 and, as such, actively cooperates with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The mechanism of the European Convention largely duplicates that of the Optional Protocol to the Convention against Torture. On these grounds, the Russian Federation does not accept the recommendation where it calls for accession to the Optional Protocol.
5	The question of ratifying the Rome Statute of the International Criminal Court is currently under consideration by the relevant Russian authorities. The basic premise here is that a decision on acceding to the Statute and the timing of such accession is the

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	<p>prerogative of States and is taken on the basis of a State's national interest. In deciding whether to ratify the Rome Statute, the Russian Federation will take into account, among other factors, the first results obtained by the Court and the progress made in defining the crime of aggression. On these grounds, the Russian Federation cannot accept this recommendation until an agreed position on the Rome Statute has been worked out between all the relevant authorities.</p>
6	<p>The question of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families will be considered following further detailed examination of the acceptability of a number of provisions in terms of the Russian Federation's legal system. The Russian Federation cannot accept the recommendation at this stage.</p>
7	<p>The Russian Federation accepts the recommendation on the ratification of the Convention on the Rights of Persons with Disabilities and is already engaged in preparing its implementation.</p> <p>The Russian Federation will also consider the question of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.</p> <p>The Russian Federation does not, however, accept the recommendation on the ratification of International Labour Organization (ILO) Convention, 1989 (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries, since the legislation of the Russian Federation relating to numerically small indigenous peoples is more progressive, in a number of ways, and provides a more realistic picture of the specific situation of the country's indigenous peoples.</p>
8	<p>A bill to ratify Protocol No. 14 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention, is currently under consideration by the State Duma of the Federal Assembly of the Russian Federation and the legislature is fully cognizant of the question of its ratification. On those grounds, the Russian Federation cannot accept the recommendation, since to do so might indirectly exert pressure on the legislature.</p> <p>The question of preparing to ratify the European Charter for Regional or Minority Languages is under consideration by the relevant interdepartmental working group. It is generally acknowledged, however, that the number and variety of languages and linguistic diversity make the situation in the Russian Federation unique, by comparison with any other State of the Council of Europe. Moreover, the possibility of conducting a joint programme with the Council of Europe on the question of potential accession to the Charter is currently being explored. Until the departmental and</p>

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	international experts have formulated their own conclusions, therefore, the Russian Federation cannot accept this recommendation.
9	As mentioned above, the Russian Federation is party to the overwhelming majority of the basic international human rights treaties and intends in the future gradually to extend the range of its international human rights commitments, with due regard for the financial consequences and the need to amend legislation and practice. In view of the vagueness of the recommendation, however, the Russian Federation is unable to accept it.
10	The Russian Federation will take note of this recommendation, without prejudice to the principles of the international law on international treaties, but has already implemented it. The Russian Federation did not make any reservations in ratifying the international human rights treaties and has withdrawn the reservations made during the time of the Union of Soviet Socialist Republics (USSR) to the other human rights treaties.
11	The Russian Federation has already devoted considerable time to developing the country's human rights institutions. It intends to continue its ongoing work on improving and strengthening the State's human rights institutions in the future. The Russian Federation accepts this recommendation.
12 and 13	<p>The Russian Federation receives regular visits from special rapporteurs and will in future be receiving Human Rights Council special procedures mandate holders, where possible, depending on the importance and relevance of a given issue for the Russian Federation and the need to make proper preparations for such visits.</p> <p>The following have paid visits over the past few years: Ms. Yakin Ertürk, Commission on Human Rights Special Rapporteur on violence against women, its causes and consequences (16-25 December 2004); Mr. Doudou Diène, Human Rights Council Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (11-17 June 2006); and Mr. Leandro Despouy, Human Rights Council Special Rapporteur on the independence of judges and lawyers (19-30 May 2008).</p> <p>Two visits are planned for 2009: by the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises, Mr. John Ruggie, and the Human Rights Council Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya.</p>

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	The Russian Federation does not accept these recommendations, because they involve exceptionally close cooperation with the Council special procedures as regards the organizational possibilities open to the Russian Federation and are not justified by the situation on the ground.
14	<p>The Russian Federation accepts this recommendation and is already actively engaged in implementing it.</p> <p>The Russian Federation has actively cooperated with the Working Group on Enforced or Involuntary Disappearances since it was first set up in its consideration of specific cases of disappearances. All requests by the Working Group are thoroughly investigated. The Russian law enforcement agencies take all the necessary steps to obtain information on the fate and exact location of disappeared persons.</p>
15, 16, 17, 18, 19, 20 and 21	The Russian Federation accepts these recommendations. As indicated in the national report and as laid down in the Constitution, the advancement of human rights and further improvements in the practices of all the country's democratic institutions are among the Government's highest priorities.
22	Combating manifestations of discrimination and extremism wherever they may occur is a fundamental aspect of State policy and there is already a strong institutional structure in place in a wide range of State bodies, including the Ministry of Internal Affairs and the Office of the Procurator-General, to combat the most dangerous manifestations of discrimination, extremism and racism. Work to this end is conducted in an ongoing open dialogue with civil society. This recommendation has thus already been implemented on the ground and is not accepted by the Russian Federation.
23	The Russian Federation accepts this recommendation.
24	The Russian Federation accepts this recommendation.
25	The Russian Federation accepts this recommendation.
26	The Russian Federation accepts this recommendation.
27	The Russian Federation does not accept this recommendation, since there is no policy of discrimination on the grounds of sexual orientation.
28	The Russian Federation accepts this recommendation.
29	The Russian Federation accepts this recommendation. We would note that work on this is in hand. In particular, following the Seventh All-Russia Congress of Judges, the President of the Russian Federation issued a call on 12 January 2009 to develop the judicial and penitentiary systems by preparing amendments for legislation providing for, among other reforms, the adoption in criminal cases of alternative punishments not involving deprivation of liberty.

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30	The Russian Federation has already established and is operating a system of educational establishments providing staff with further professional training in the needs of the institutions and bodies of the penal correction system, taking account of the requirements of international legal standards and rules relating to the protection of human and civic rights and freedoms. The Russian Federation is thus already implementing this recommendation and therefore does not accept it.
31	The Russian Federation accepts this recommendation to continue and step up the campaign against domestic violence, including attitudes to women, with the proviso that the choice of the organizational and political measures required to implement it will be left to the discretion of the Russian Federation.
32	The Russian Federation accepts this recommendation.
33	The Russian Federation accepts this recommendation.
34, 35 and 36	The Russian Federation accepts this recommendation. The Government has already adopted a programme on the development of the Russian judicial system, 2007-2011, which includes the provision of electronic support for judicial proceedings in order to improve the quality of justice and raise the level of judicial protection of the public's civil rights and lawful interests. One aim will be to increase the public's confidence in justice, by various means, including improvements in the quality and effectiveness of the way that cases are heard, improvements in the implementation of judicial decisions and stronger guarantees on the independence of judges, together with greater independence in practice.
37	The Russian Federation accepts this recommendation. A bill on amending the federal Russian Federation Judicial System Act, which, among other provisions, provides for the creation of juvenile courts, was adopted on first reading by the State Duma of the Federal Assembly.
38	The Russian Federation accepts this recommendation, which it is already actively engaged in implementing. One measure taken to protect the rights of orphans and children without parental care was the adoption of the federal Tutorship and Guardianship Act No. 48, of 24 April 2008. Also in 2008, the Ministry of Education and Science drew up a range of practical recommendations for executive bodies on the issue of tutorship and guardianship for minors.
39	Following the adoption in 1993 of the Act on the right of citizens of the Russian Federation to freedom of movement and choice of temporary or permanent place of residence within the Russian Federation, the administrative regulations governing the residence permit system no longer apply. The Russian Federation will continue to develop and ensure protection for freedom of movement.

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	Subject to the above, the Russian Federation accepts this recommendation.
40	The Russian Federation accepts this recommendation.
41	<p>The Russian Federation has set up the Presidential Council to promote the development of civil society and human rights institutions. A constructive dialogue is under way between the Council and representatives of non-governmental organizations (NGOs) on improving legislation governing NGO activities, taking into account international legal rules and the need to bring the law into line with international standards, with due account taken of United Nations recommendations. There has been discussion about the possibility of changing the law with a view to regulating NGOs' tax liability, defining the procedures for joint action with State bodies, keeping civil society informed about NGO activities and monitoring by civil society.</p> <p>The Russian Federation thus accepts the recommendation and is in the process of implementing it.</p>
42	The Russian Federation accepts this recommendation.
43	The Russian Federation accepts this recommendation.
44	The Russian Federation accepts this recommendation.
45	The Russian Federation accepts this recommendation.
46	The Russian Federation accepts this recommendation.
47	The Russian Federation does not accept this recommendation, in view of the fact that information on any offences committed against leaders of Ukrainian associations has not been reliably confirmed by the Russian Federation law enforcement bodies. We should also like to draw attention to the fact that individual human rights violations do not form part of the Universal Periodic Review procedure.
48	The Constitution and other legislation of the Russian Federation already enshrine a wide range of rights relating to the right to freedom of assembly and freedom of opinion. Nonetheless, the Russian Federation is constantly engaged in improving its democratic institutions and, in particular, its legislation on NGOs and political parties. The Russian Federation accepts this recommendation on the understanding that it will continue with its efforts. At the same time, there can be no suggestion that the individual's right to freedom of association or opinion is restricted in the Russian Federation.
49	The Russian Federation accepts this recommendation and is currently actively engaged in implementing it. Specifically, the State Duma of the Federal Assembly has adopted on first reading a draft of the federal Act on guaranteeing the equality of parliamentary parties in coverage of their activities by free State television and radio channels. Work is also being done to improve

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	the Mass Media Act by strengthening the legal basis for the functioning of the media market in the face of new developments in technology.
50	The Russian Federation accepts this recommendation and is already engaged in implementing it. A range of measures is being taken to protect the most vulnerable sections of society, including migrant workers, during the current crisis. Thus, for example, the Russian Federal Migration Service has set up a hotline enabling it, in partnership with the relevant bodies of the member States of the Organization for Security and Cooperation in Europe and the Eurasian Economic Community, to take effective action on cases of harassment or non-payment of wages to migrant workers.
51	<p>The Russian Federation accepts this recommendation.</p> <p>The development of so-called integrated (inclusive) education is considered one of the most important and significant ways of modernizing the education system for children with disabilities in the Russian Federation, which will make it possible effectively to overcome the obstacles to their social adaptation. The Russian Federation's policy in this regard is the gradual introduction of integrated forms of education for children with disabilities in ordinary educational establishments.</p> <p>At the same time, it is intended to retain and modernize the existing network of special (correctional) educational establishments. Such establishments can also fulfil the role of educational support centres, providing educational assistance for the teaching staff of general educational establishments and also psychological and educational assistance for students and their parents.</p>
52	The Russian Federation accepts this recommendation.
53	The Russian Federation accepts this recommendation.
54	The Russian Federation accepts this recommendation.
55	<p>The Russian Federation accepts this recommendation.</p> <p>The Russian Federation Framework State Policy on Nationalities, adopted by Presidential Decree in 1996, set out a system of principles and priorities with regard to official action at every level - federal, regional and local - to ensure the steady development of indigenous populations, ethnic minorities and small indigenous peoples in the long term. In order to achieve these aims, action is being taken in a number of directions, including improvements to the legal basis of federal legislation, the development and modernization of traditional economic activity, improved quality of life, the creation of opportunities for better demographic indicators, improved access to educational services, the preservation of their cultural heritage and assistance in developing communities and other forms of self-government for indigenous populations and small indigenous peoples.</p>

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56	The Russian Federation accepts this recommendation. The Government has devoted considerable attention to ensuring that the language rights and the ethnic and cultural needs of those engaging in the educational process in the Russian educational system are met. The Russian Federation Framework Ethnic Education Policy was adopted in August 2006 and measures are being taken under a plan adopted at the same time as the Framework to establish priority orientations for a modern ethnic education policy within the general educational system, 2004-2010. Any procedure to monitor any problems arising out of the learning of native languages in the Russian educational system is also organized every year.
