



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the seventh periodic report of the Russian Federation**

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide examples of the application of the Covenant by domestic courts. Please also indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol, and provide information on measures taken to ensure full compliance with each of the Committee's Views adopted in respect of the State party.

Non-discrimination, equality between men and women, prohibition of advocacy of national, racial or religious hatred (arts. 2–3, 20 and 26)

2. Please indicate whether steps have been or are being taken to adopt comprehensive anti-discrimination legislation that addresses discrimination, including in the private sphere, prohibits direct, indirect and multiple discrimination, contains a comprehensive list of grounds for discrimination, including sexual orientation and gender identity, and provides for effective remedies in judicial and administrative proceedings. Please report on measures taken to address discrimination and stigma against persons with disabilities, their widespread institutionalization and the segregation of children with disabilities in education.

3. Please provide information on measures taken to combat the deep-rooted prejudice, discrimination and social exclusion of Roma, to provide them with personal documents and ensure their access to employment, housing, health care and education. Please also report on measures taken to address the issue of forced evictions of Roma.

4. Please report on measures taken to combat discrimination, intolerance, hate speech, including by State officials, religious actors and the media, as well as violence against lesbian, gay, bisexual and transgender (LGBT) individuals and activists and to address the prevalent impunity for such acts.

5. Please indicate whether the State party plans to include language and nationality among the hate-motivation grounds that are recognized as aggravating circumstances in article 63 of the Criminal Code. With reference to the Committee's previous concluding

* Reissued for technical reasons on 4 September 2014.

** Adopted by the Committee at its 111th session (7–25 July 2014).



observations (CCPR/C/RUS/CO/6, para. 11), please provide information on measures taken: (a) to combat racist and xenophobic acts, including racially motivated crimes, particularly targeting non-Slav persons, including migrant workers, from Central Asia, the Caucasus, Africa and persons of Roma origin, as well as Islamophobia and anti-Semitism; (b) to prevent the proliferation and functioning of extremist groups, such as ultra-nationalist, racist and neo-Nazi groups, including skinheads and Cossacks patrols; and (c) to address the use of discriminatory language against national, ethnic, religious or other minorities, and xenophobic and racist rhetoric in political discourse, in particular during electoral campaigns, and in the media. Please provide relevant statistics regarding the number of complaints, the investigations and prosecutions initiated, the number of actual criminal convictions, sentences imposed on perpetrators and remedies granted to victims. Please also comment on the limited use of article 282 of the Criminal Code (“incitement of hatred and enmity and abasement of human dignity”) to prosecute racially motivated acts and on the qualification of many such acts as “hooliganism” under article 213 of the Criminal Code

6. Please report on measures taken to address racial profiling by law enforcement officers against Roma and persons originating from Caucasus, Central Asia and Africa, who are disproportionately affected by frequent identity checks, the confiscation of identity documents, the extortion of bribes, harassment, arrests, detentions and physical violence and verbal abuse.

7. Please provide information on measures taken to enhance the de facto participation and representation of women in political and public life, including in the State Duma and Federal Council and executive bodies, to increase their representation in decision-making positions and to close the wage gap between men and women. Please also report on measures taken to eradicate patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identity of women and men in the family and society in general.

Violence against women, including domestic violence (arts. 2–3, 6–7 and 26)

8. Please report on measures taken to prevent and combat all forms of violence against women, including domestic violence, as well as acts of violence, including killings, “honour killings” and bride-kidnapping occurring in North Caucasus, and to effectively register such cases, investigate them, prosecute and appropriately sanction perpetrators, and provide redress to victims. With reference to the Committee’s previous concluding observations (CCPR/C/RUS/CO/6, para. 10) and the information provided by the State party (CCPR/C/RUS/7, para. 56), please clarify whether the State party has adopted specific criminal legislation to combat violence against women. Please also provide information on: (a) the number of complaints lodged by women victims of violence, including of domestic and sexual violence; (b) the investigations carried out and the penalties imposed; (c) the remedies provided to victims or their relatives; and (d) the adequate provision of safe shelters and other resources and services to assist and support victims of violence.

Counter-terrorism measures (arts. 2, 7, 9–10 and 14)

9. Please provide further information on the implementation of the Committee’s previous recommendations related to counter-terrorism (CCPR/C/RUS/CO/6, para. 7) and on the legal safeguards for persons suspected of or charged with a terrorist or related crime, including their enforcement in practice. Please also report on any amendments introduced to the State party’s counter-terrorism legislation since the submission of the seventh periodic report and indicate whether the legislation contains specific provisions codifying the obligation of the authorities to respect and protect human rights in the context of counter-terrorism operations.

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment, liberty and security of person, and treatment of persons deprived of their liberty (arts. 6–7, 9–10 and 16)

10. With reference to the Committee's previous concluding observations (CCPR/C/RUS/CO/6, para. 12), please clarify whether measures are being taken to abolish the death penalty *de jure*.

11. With reference to the Committee's previous concluding observations (CCPR/C/RUS/CO/6, para. 14), please respond to reports about a lack of effective, prompt and impartial investigations into serious past and ongoing human rights violations, including unlawful and extrajudicial killings, abductions, torture and ill-treatment, secret detention and enforced disappearance perpetrated by State agents during security and counter-terrorism operations in the North Caucasus Federal Area, and the continuing practice of the collective punishment of relatives and suspected supporters of alleged terrorists, which go often unreported due to fear of reprisals. Please provide updated information on the number of investigations launched, convictions and penalties imposed on those responsible for such acts, disaggregated by type of crime. Please also report on the progress in investigating cases of enforced disappearances and on the outcome following the implementation of the Comprehensive Programme to Prevent Abduction and Trace Mission Persons for 2011–2014 (CCPR/C/RUS/7, para. 66).

12. With reference to the Committee's previous concluding observations (CCPR/C/RUS/CO/6, para. 15), please:

(a) Indicate the measures taken: (i) to amend the definition of torture with a view to including the involvement of a public official or other person acting in an official capacity in inflicting, instigating, consenting to or acquiescing to torture as well as acts aimed at coercing a third party as torture; (ii) to criminalize torture as an independent crime in the Criminal Code; and (iii) to ensure that evidence procured by torture is inadmissible in legal proceedings;

(b) Comment on the extremely low number of prosecutions and actual convictions of law enforcement officials for torture and ill-treatment under article 117 (cruel treatment) of the Criminal Code despite the reported widespread practice of torture and ill-treatment, and on the prosecution of such acts mostly under articles 286 (abuse of power) and 302 (extracting confessions) of the Criminal Code;

(c) Report on measures taken to effectively combat impunity for torture and ill-treatment, including for the purpose of eliciting confessions, and to ensure prompt and impartial investigation of such cases, penalties commensurate with the gravity of such crimes, and effective remedies to victims. In that respect, please provide information on the number of reported cases of torture and ill-treatment, the investigations and prosecutions initiated, the number of actual criminal convictions under article 117 of the Criminal Code and related articles, the penalties imposed and the remedies granted to victims;

(d) Report on measures taken to ensure strict compliance with the principle of non-refoulement in law and in practice.

13. Please provide information on measures taken to prevent deaths in custody and on the number of such cases since 2009, with an indication of the cause of death. Please also report on investigations launched and convictions of those responsible, including in the cases of death of a 15-year-old boy in Saint Petersburg in February 2012 and of Sergei Nazarov in March 2012 allegedly following severe ill-treatment, including sexual violence, inflicted at Police Division No. 9 (former "Dalny" Police Division) in Kazan.

14. Please report on measures taken to prevent and combat hazing (*dedovschina*) and other torture-related practices in the Armed Forces and ensure that such allegations are

effectively and impartially investigated, perpetrators are brought to justice and victims are provided with redress, including the necessary medical and psychological rehabilitation. Please provide information on the number of cases reported, and investigations initiated and their outcome. Please also describe the measures taken to explicitly prohibit corporal punishment in the home and alternative care settings.

15. Please comment on information that persons who use drugs are: (a) subjected to discriminatory searches, arrests and detentions, and their medical files are often used to target them by law enforcement officials; (b) denied, by law, opioid dependence treatment, such as opioid substitution therapy, and such denial is often used to elicit forced confessions from those in custody as a result of severe physical and mental pain due to opioid withdrawal syndrome; and (c) denied medical assistance while in custody and subjected to violence when requesting it. Please indicate what measures are being taken to address those issues and to adopt a human rights-based approach to the treatment of drug-dependent persons.

16. Please report on measures taken to ensure that the right of notification of detention and the right of access to a lawyer and to a doctor are guaranteed in law and in practice from the outset of deprivation of liberty and that such access is not granted only after the drawing up of a report of detention.

17. Please provide information on the reform of the penitentiary system and related legal and policy regulations aimed at improving conditions of detention, including in the context of implementation of the European Court of Human Rights pilot judgment *Ananyev and Others v. Russia*. More specifically, please report on measures taken to combat overcrowding in detention facilities, to provide quality medical assistance to persons deprived of liberty and to improve conditions of detention, including access to adequate recreational facilities, and out-of-cell activities particularly for remand prisoners and prisoners serving life sentences. Please clarify whether the cages in interview rooms in temporary detention facilities (IVS) and other Internal Affairs establishments have been removed.

18. Please report on the use of non-custodial preventive measures and alternatives to custodial sentences in practice, including relevant statistics. Please provide information on measures taken to address the high rate of recidivism among former convicts and to facilitate the reintegration of former prisoners into society. Please also outline the measures in place to ensure that members of public oversight commissions are independent and impartial and that such commissions enjoy, in practice, unhindered access to all places of detention, can interview persons deprived of their liberty in private, and are provided with adequate financial resources to carry out their monitoring function effectively. Please clarify whether the commissions can carry out unannounced visits.

Right to fair trial and independence of the judiciary (arts. 2 and 14)

19. Please provide information on measures taken to ensure the impartiality of judges and their independence from any outside interference and pressure, including of a political nature, including information on the procedures and criteria for the selection, appointment, promotion, suspension and dismissal of judges, as well as the application of disciplinary sanctions against them. Please comment on the case of the Chechen Supreme Court judge Vakhid Abubakarov who recused himself on 1 November 2013 from judging a case after having allegedly received instructions by phone not to pronounce an acquittal decision from a person who presented himself as the Chechen Minister for the Interior. Please also report on measures taken: (a) to address the excessive workloads of judges; (b) to ensure that ex officio lawyers are impartial and provide legal assistance in the best interest of their clients; and (c) to improve the rate of enforcement of judicial decisions.

20. Please comment on the very low rate of acquittals in criminal cases and report on measures taken to address the prosecutorial bias in the judicial system and to reform the Prosecutor's Office to strengthen its independence and impartiality. Please outline the safeguards in place to ensure: (a) the protection of juries against manipulation and outside influence; (b) that applications for the simplified court proceedings under Chapter 40.1 of the Criminal Procedure Code are made free of coercion; and (c) the full access of defence counsel to case materials in practice.

21. With reference to the Committee's previous concluding observations (CCPR/C/RUS/CO/6, para.16), please comment on reports of harassment, threats, intimidation, groundless persecutions, physical violence and killing of lawyers, in particular of those working in the North Caucasus, by public officials and law enforcement officers as a result of their professional activities, and provide information on measures taken to ensure lawyers' protection against such acts in practice and to effectively investigate, prosecute and bring perpetrators to justice, including information on investigations conducted and their outcome in the following cases: (a) the killing of lawyer Omar Saidmagomedov and his cousin on 20 January 2012 in Makhachkala (Dagestan); (b) threats received by lawyer Magamed Abubakarov in Grozny (Chechen Republic) in January 2013; and (c) threats received by lawyers Sapiyat Magomedova and Musa Suslanov in connection with their work on a high-profile case.

Elimination of slavery and servitude (art. 8)

22. Please provide further information on measures taken to combat trafficking in persons for purposes of forced labour and sexual exploitation, the number of cases reported, the investigations and prosecutions initiated and actual convictions, as well as the availability of victim assistance services, including medical, psychological, social and legal assistance and reintegration services.

Freedom of conscience and religious belief, freedom of expression, right to peaceful assembly, freedom of association and the right to participate in public life (arts. 2, 18–19, 21–22 and 25–26)

23. Please report on measures taken to guarantee freedoms of opinion and expression in law and in practice. Please indicate how the following legislative developments are compatible with the State party's obligations under article 19 as interpreted in the Committee's general comment No. 34 (2011) on freedoms of opinion and expression: (a) the re-criminalization of defamation in 2011 after its decriminalization earlier the same year; (b) the federal law No. 190-FZ of November 2012 expanding the definition of treason to include provision of any financial, material, technical, consultative or other assistance to a foreign State, an international or foreign organization, or their representatives in activities against the security of the Russian Federation; (c) the federal law No. 136-FZ ("Blasphemy Law") of June 2013; (d) the federal law No. 398-FZ authorizing prosecutors to issue emergency orders without a court decision to block any website containing, inter alia, calls to participate in "public events held in violation of the established order" or "extremist" or "terrorist" activities; (e) the law criminalizing the denial of Nazi crimes and distortion of the Soviet Union's role in the Second World War, signed by the President on 5 May 2014; (f) the law regulating the activities of online blogs, signed by the President on 5 May 2014, requiring bloggers with more than 3,000 users daily to conform to the same legal constraints and responsibilities as media entities.

24. With reference to the Committee's previous concluding observations (CCPR/C/RUS/CO/6, para.16), please comment on reports that journalists and human rights defenders continue to be subjected to harassment and intimidation, including death threats, violent attacks and murders, in particular in North Caucasus, and that impunity for

such acts still prevail. Please report on measures taken to effectively protect individuals in the exercise of their freedom of expression and to prosecute the perpetrators of such attacks, and provide information on the outcome of investigations into the outstanding cases of attacks against journalists and human rights defenders, including the killings of journalists Khadzhimurad Kamalov (2011) and Akhmednabi Akhmednabiev (2013) and human rights advocate Natalia Estemirova (2009).

25. Please:

(a) Report on measures taken:

(i) To address the unlawful interference with the freedom of assembly and association of LGBT individuals and activists, including refusals to register LGBT organizations, arbitrary refusals to authorize public events on LGBT issues, disruption of such events when organized, as well as arrest, detention and punishment of members of the LGBT community exercising their right to peaceful assembly;

(ii) To ensure the protection of LGBT individuals from violence emanating from counter-demonstrators during LGBT public events and to investigate and bring to justice the perpetrators of such attacks. In that regard, please provide information on the number of reported attacks, investigations carried out and their outcome, including in the case of a participant in the closed event "Rainbow Tea Party" in 2013 that lost vision in one eye as a result of an armed attack during the event in Saint Petersburg;

(b) Comment on reports that the laws adopted at regional and federal level banning "promotion of non-traditional sexual relations between minors" are systematically used to restrict the freedom of expression and peaceful assembly of LGBT individuals, despite the contrary interpretation of the Supreme Court on the application of such laws. Please also indicate how these laws are compatible with the State party's obligations under the Covenant and whether measures are being taken to repeal them.

26. Please:

(a) Comment on consistent reports of arbitrary restrictions on the exercise of freedom of peaceful assembly in law and in practice, including violent dispersal of protesters by law enforcement officers, often employing excessive use of force, arrests, detentions, and imposition of harsh fines and prison terms for expressing one's political views, including during:

(i) The demonstration organized by the opposition on Bolotnaya Square in Moscow on 6 May 2012;

(ii) The post-Sochi protests from 21 February to 4 March 2014 against the approval of military intervention in Ukraine and the purported annexation of Crimea, as well as the peaceful demonstration in Moscow and Saint Petersburg on 21 and 24 February 2014 in support of eight persons convicted on charges related to the Bolotnaya Square protests in May 2012;

(b) Provide information on measures taken to remedy such violations and address the issues highlighted by the former ombudsman Vladimir Lukin in his statement dated 4 March 2014 on practices employed by law enforcement officers during mass events;

(c) Indicate whether the State party plans to introduce legal provisions on spontaneous assemblies.

27. With reference to the Committee's previous concluding observations (CCPR/C/RUS/CO/6, para. 25), please report on steps taken to amend the Federal Law on Combating Extremist Activity of 25 July 2012 in order to clarify the definition of extremism, to ensure that it applies only to serious cases involving violence or hatred and to establish clear and precise criteria on how materials may be classified as extremist. Please comment on information that the law is increasingly used to curtail freedom of expression and freedom of religion, targeting inter alios Jehovah's Witnesses that face criminal prosecution for alleged engagement in extremist activities and have their religious materials declared "extremist" and thus banned. Please also comment on: (a) reports of interference with Jehovah's Witnesses' right to profess their religion throughout the country, including disruption of their worship activities, physical attacks and threats against their members and the impunity for such acts; and (b) denial of re-registration of some non-traditional religions.

28. Please explain how the restrictive amendments introduced in 2012 to the law regulating the activities of non-commercial organizations requiring non-governmental organizations accepting foreign funding and engaging in "political activities" to register as "foreign agents" and to label their publications accordingly and further amendments of 21 February (Federal law No. 18-FZ) and 4 June 2014 (Federal Law No. 147-FZ) are compatible with the State party's obligations under the Covenant.

Protection of Covenant rights of residents of the Autonomous Republic of Crimea and the city of Sevastopol (arts. 2, 6–7, 9–10, 12–14, 16–19, 21–22 and 25–27)

29. Without prejudice to General Assembly resolution 68/262, adopted on 27 March 2014, entitled "Territorial integrity of Ukraine", and given the effective control exercised by the State party in the Autonomous Republic of Crimea and the city of Sevastopol, please provide information on measures taken to address the violations of Covenant rights of Crimean residents, including:

(a) Cases of abduction and enforced disappearances, including of Timur Shaimardanov, Leonid Korzh and Seiran Zinedinov;

(b) Lack of progress in investigating the case of the Crimean Tatar Reshat Ametov who had been abducted by unidentified persons wearing military uniform and whose corpse was found with traces of torture on 17 March 2014;

(c) Arbitrary detentions, violence and ill-treatment committed by the so-called "Crimean self-defence", often targeting journalists, human rights defenders, and political opponents and impunity for human rights violations;

(d) Excessive limitations placed on freedom of information and expression in Crimea and acts of aggression, threats and intimidation against journalists;

(e) Harassment and intimidation of those who did not apply for Russian citizenship and cases of Crimean residents being forced to give up their Ukrainian citizenship;

(f) Violations of freedom of religion and belief on the territory of Crimea, such as intimidation and harassment of religious communities, including attacks on the Ukrainian Orthodox Church, the Greek Catholic Church and the Muslim community;

(g) Discrimination and ongoing harassment of members of minorities and indigenous peoples, in particular Crimean Tatars, including the limitation of freedom of movement for some Crimean Tatars.

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

30. Please provide information on the steps taken to disseminate information on the Covenant and the First Optional Protocol thereto, the submission of the seventh periodic report of the State party and its forthcoming examination by the Committee. Please also provide information on the involvement of representatives of ethnic and minority groups, civil society, non-governmental organizations and national human rights institutions in the preparatory process for the report.
