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

Addendum

Replies of the Russian Federation to the list of issues*

[Date received: 2 December 2014]

Replies to additional questions by members of the Human Rights Committee concerning the seventh periodic report of the Russian Federation on its implementation of the International Covenant on Civil and Political Rights

Reply to question 1

1. Under the Constitution, the international agreements to which the Russian Federation is a party and the generally recognized principles and standards of international law take precedence over domestic legislation. The Russian courts thus make full use in their work of the provisions of the International Covenant on Civil and Political Rights and those of the other human rights treaties that the country has ratified. Many relevant examples are to be found in the electronic references to Russian legal sources that are available, including through the Internet.

2. The texts of the Views adopted by the Human Rights Committee concerning the Russian Federation and other States, as well as the Committee's general comments, are posted on the internal website of the Russian Supreme Court. This information is available to all ordinary courts, as well as to justices of the peace. As at 5 November 2014, the texts of 103 of the Committee's Views had been posted. In addition, extracts from the

* The present document is being issued without formal editing.

Committee's Views are published in the quarterly reviews of the Supreme Court's jurisprudence (for example, the reviews for the second, third and fourth quarters of 2013, as well as for January–July 2014). Information on the Committee's latest activities is also provided regularly at workshops held for judges and court officials.

3. As to domestic procedures for the implementation of the Committee's Views, the Constitutional Court stated in its Decision No. 1248-0 of 28 June 2012 that the authorities must fully comply with the Committee's Views. The Court indicated that, when the Committee adopted Views that were addressed to the Russian Federation and contained a proposal for judicial review of a case, that was sufficient grounds for a procurator to issue an order to institute proceedings in view of new circumstances, if the violations of the Covenant identified by the Committee could not be corrected by any other means and where their cessation was essential to the lawfulness of the verdict (decision, ruling) that the court had handed down and to ensure the restoration of the rights and legitimate interests of citizens and other persons. This is also in line with paragraph 9 of Decision No. 5, adopted on 10 October 2003 by the Plenum of the Supreme Court, according to which, in the administration of justice, the courts must bear in mind the fact that improper application by the courts of the universally recognized principles and standards of international law and the international treaties of the Russian Federation may be grounds to repeal or amend a court decision.

4. In general, the cases considered under the Optional Protocol to the Covenant have been subjected to comprehensive analysis by the competent Russian authorities. Steps have also been taken to ensure that each of the Committee's Views is given in-depth and detailed consideration.

Reply to question 2

5. A general prohibition on discrimination on any grounds is contained in article 19 of the Constitution, and specific acts of discrimination are prohibited in articles 6, 32, 37, 38 and 81 thereof. These provisions have been further developed in national legislation. Thus, provisions prohibiting discrimination are contained in article 3 and article 64, paragraph 2, of the Labour Code; article 4, paragraph 3, and article 18, paragraph 4, of Federal Act No. 79-FZ of 27 July 2004 on the Civil Service; article 7, paragraph 1, of Federal Act No. 3-FZ of 7 February 2011 on the Police Force; article 3, paragraph 1, article 5, paragraph 2, article 12, paragraph 1, and article 55, paragraph 1, of Federal Act No. 273-FZ of 29 December 2012 on Education in the Russian Federation; articles 5 and 71 of Federal Act No. 323-FZ of 21 November 2011 on Public Health Care; and other legislative acts.

6. Article 5.62 of the Code of Administrative Offences and article 136 of the Criminal Code facilitate the legal protection of individuals from discrimination. In addition, administrative sanctions or criminal penalties may not be imposed on a discriminatory basis (Code of Administrative Offences, article 1.4, and Criminal Code, article 4).

7. Recent changes to legislation that need to be mentioned include Federal Act No. 162-FZ of 2 July 2013 amending the Employment Act (No. 1032-1 of 19 April 1991), which not only prohibited the dissemination of information about job vacancies containing any sort of direct or indirect restrictions on rights or establishing any direct or indirect privileges on a discriminatory basis but also made the dissemination of such information subject to prosecution for an administrative offence (Code of Administrative Offences, article 13.11.1). The Act also fleshed out the wording of article 5.62 of the Code of Administrative Offences to include the violation of the rights, freedoms and legitimate interests of persons and citizens on the basis of family or social status and of age as one of the acts of discrimination. Lastly, the anti-discriminatory provisions in the Labour Code were clarified.

8. Federal Act No. 284-FZ of 22 October 2013 on amendments to certain legislative acts establishing the mandates and responsibilities in respect of inter-ethnic relations of the government bodies of the constituent entities of the Russian Federation, local government bodies and their officials imposed on the regional and local authorities the obligation to prevent discrimination and introduced new grounds for removing the heads of municipal institutions from their posts, namely permitting large-scale, discriminatory acts that disrupt inter-ethnic or interfaith harmony or contribute to inter-ethnic or interfaith conflict.

9. The Russian Federation ratified the Convention on the Rights of Persons with Disabilities in 2012, and the authorities are consequently working towards incorporating its provisions into domestic legislation. In particular, the Government has drafted a bill to supplement the existing legal provisions by prohibiting any discrimination on grounds of disability. Such discrimination will be understood to mean any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of the human rights and freedoms guaranteed by the Russian Federation in the political, economic, social, cultural, civil or any other sphere. In May 2014, the bill was adopted on first reading by the State Duma of the Federal Assembly. It is currently being finalized for adoption on second reading.

10. Ensuring that persons with disabilities enjoy the right to pursue their education in an inclusive setting at all educational levels, with a view to the fullest possible development of their human potential, is a prime objective. Under the federal "Accessible Environment" programme for 2011–2015, the State has allocated major resources for the creation of a network of educational institutions affording persons with special needs everything required for their studies.

11. The "widespread institutionalization" of persons with disabilities does not exist in the Russian Federation. Quite the contrary: as noted in paragraphs 80 and 81 of the country's seventh periodic report on its implementation of the Covenant, guarantees of the enjoyment of citizens' rights during court proceedings relating to legal capacity have been greatly expanded in Russian legislation. In addition, Federal Act No. 302-FZ of 30 December 2012, which will enter into force in March 2015 amends part 1, chapters 1, 2, 3 and 4, of the Civil Code to include a new category of persons under the law – individuals who, as a result of a psychological disorder, are capable of understanding and controlling their actions only with the help of another person. A person whose legal capacity has been restricted on these grounds by a court will henceforth not be completely deprived of legal capacity: the amendments minimize the legal restrictions imposed on many people who might in the past have been designated as entirely lacking in legal capacity and thereby facilitate their maximal integration into Russian society.

12. There is thus a wide range of provisions in Russian legislation prohibiting various forms of discrimination and enabling persons whose rights have been violated to vigorously defend them. The legislation is continuing to evolve towards the most explicit and effective prohibition of any discriminatory conduct.

Reply to question 3

13. Under article 19, paragraph 2, of the Constitution, equality of rights and freedoms is guaranteed in the Russian Federation, irrespective of ethnic origin and other factors. The standards governing the work done by the Russian authorities to guarantee the full inclusion of Roma in Russian society include presidential decrees on fostering inter-ethnic harmony and on ethnic policy up to the year 2025 and a federal programme on the unification of Russian society and the cultural development of ethnic groups in the Russian Federation for 2014–2020. At the federal level, there is a presidential council on ethnic relations, of which

Nadezhda Demeter, head of the Federal Autonomous Ethnic Cultural Organization of Russian Roma, is a member.

14. The Russian authorities are partnering with representatives of leading civil society organizations to carry out a comprehensive plan for the social, economic and cultural development of Roma people for 2013–2014, aimed at integrating Roma into Russian society by enhancing their educational levels, promoting their legal awareness, opening up job opportunities for them, preventing the neglect of minors and overcoming negative societal attitudes towards Roma. So far, the implementation of the comprehensive plan has resulted in greatly increased awareness of issues involving Roma by the authorities at all levels. In particular, there has been a marked improvement in the issuance of identity documents and the registration of individuals on the basis of their places of temporary and permanent residence in the territory of the Russian Federation. In order to foster institutional development within the Roma community, the authorities are providing assistance in the registration of Roma civil society organizations.

Reply to question 4

15. The Constitution guarantees equality of human rights and freedoms, irrespective of sexual orientation. Discrimination against and humiliation of a particular social group, including the lesbian, gay, bisexual and transgender (LGBT) community, are offences under Russian legislation. Insults through public statements or the media, as well as discrimination by persons using their official position, are deemed to be more serious offences (Code of Administrative Offences, art. 5.61, para. 2, and Criminal Code, art. 136).

16. Victims of the above offences have the right to demand that those responsible incur liability in accordance with the law; to receive compensation for the moral and material damage inflicted; and to refute any statements that are prejudicial to their honour, dignity and business reputation.

17. Members of sexual minorities are genuinely part of Russian society. The policy applied by the Russian authorities is aimed at promoting tolerance towards them, preventing any discriminatory conduct and prosecuting the perpetrators (see also paragraphs 153–157 below).

Reply to question 5

18. Article 63 of the Criminal Code as currently drafted contains a reasonably full listing of the circumstances aggravating the penalties for offences. Specifically, article 63, paragraph 1 (e), covers crimes motivated by hatred or hostility towards members of a given social group, including those who communicate in a particular language and those of a given nationality. Thus, the commission of a crime on grounds of language or nationality is already recognized in the Criminal Code as an aggravating circumstance.

Reply to question 5 (a)

19. A comprehensive system for countering extremist activity exists in Russian legislation and in practice. Its basis is Federal Act No. 114-FZ of 25 July 2002 on Combating Extremist Activity, which sets out a definition of extremism and outlines measures for the prevention and suppression of extremist activity, as well as specific provisions of the Criminal Code (arts. 280, 282, 282.1 and 282.2) and of the Code of Administrative Offences (arts. 13.15, para. 2, 20.3 and 20.29), which specify the criminal penalties or administrative sanctions incurred for the commission of extremist crimes. Under article 63, paragraph 1 (e), of the Criminal Code and the provisions of the Code's special section, the commission of an offence for reasons of political, ideological, racial,

ethnic or religious hatred or enmity or on grounds of hate or hostility towards a given social group is a circumstance aggravating the penalty for the offence.

20. Countering extremism and preventing extremist crimes is a priority in the work of the law enforcement agencies.

Number of persons convicted of extremist crimes by courts of first instance (Criminal Code, arts. 280, 282, 282.1 and 282.2)

Year	*2010*	*2011*	*2012*	*2013*
Number of persons convicted	136	149	187	280

21. No serious difficulties have arisen in practice in classifying the acts criminalized in articles 213 and 282 of the Criminal Code. The targets of these offences vary, as do their material circumstances and the state of mind of the perpetrators. When an unlawful act is evaluated by the investigative bodies and the courts, all the elements are taken into account, after which a reasoned decision is made concerning the act's classification under the relevant article.

22. Victims of extremist crimes have the right to reparation for the material and moral damage inflicted.

Reply to question 5 (b)

23. In accordance with the Criminal Code, it is an offence not only to commit an extremist act but also to establish or participate in an extremist association (art. 282.1), as well as to direct the activities of an organization that a court has ruled should be dissolved or banned on account of its extremist activities (art. 282.2).

24. A new provision, article 282.3, which criminalizes the financing of extremist activities, has been inserted in Federal Act No. 179-FZ of 28 June 2014.

25. As at November 2014, a total of 20 terrorist and 36 extremist organizations had been banned by the courts and some 2,500 titles had been included in the federal list of extremist materials on the basis of court rulings.

26. Cossack patrols are not extremist groups. Federal Act No. 154-FZ of 5 December 2005 on Public Service by the Cossack Community gives Cossacks the right to participate in the maintenance of public order and to be involved in carrying out various other State functions.

Reply to question 5 (c)

27. Under article 4 of the Media Act, it is prohibited to disseminate extremist material or information concerning organizations that have been banned or dissolved on the grounds provided for in the Federal Act on Combating Extremist Activity without referring to the existence of the ban or the dissolution of the organization. The law enforcement agencies monitor the media systematically for content that fails to meet the requirements of anti-discrimination legislation. Those responsible for such content are liable to the sanctions provided for in the legislation currently in force.

28. The use of extremist rhetoric in electoral campaigns is prohibited in article 56, paragraph 1, of Federal Act No. 67-FZ of 12 June 2002 on Basic Guarantees of Electoral Rights and of the Right to Participate in Referendums. Failure by a candidate to respect this prohibition results not only in his or her disqualification (art. 76, paras. 7 (e) and 8 (e)) and the overturning of the electoral commission decision announcing the results of the vote (art. 77, para. 2 (c)) but also in loss of the right to stand in any other election for a specified

period (art. 4, para. 3.2 (d)). Furthermore, persons with convictions for extremist crimes that have not been expunged or have not expired and persons sentenced to administrative sanctions for offences covered in articles 20.3 and 20.29 of the Code of Administrative Offences may not be elected to any public authority (art. 4, paras. 3.2 (b) and (c)).

Reply to question 6

29. The Russian law enforcement agencies do not engage in racial profiling. Any measures taken against citizens are carried out on the basis of objective data indicating that there are grounds for suspicion in their regard. At any event, all reports of possible instances of abuse of authority are the subject of special monitoring by the investigative bodies and procurator's offices.

Reply to question 7

30. In accordance with article 19, paragraph 3, of the Constitution, men and women enjoy equal rights and freedoms and equal opportunities to exercise them. The Labour Code and other national and regional laws prohibit discrimination on grounds of sex, including in respect of wages.

31. In Russian society, women have the same opportunities as men to participate in political and public life and in business. Currently, women are represented in the Russian Government and in the State Duma of the Federal Assembly (the lower house of the parliament of the Russian Federation), and they head regional and local executive and legislative bodies. Women lead the Federation Council of the Federal Assembly (the upper house of the country's parliament), the Central Bank and the Audit Chamber, and they occupy the majority of posts in the judiciary.

32. To achieve greater compliance with the country's international obligations with regard to ensuring equality between men and women as set out in the Convention on the Elimination of All Forms of Discrimination against Women and other international instruments ratified by the Russian Federation, a coordinating council on gender issues has been set up in the Ministry of Labour and Social Protection.

33. Russian society as a whole is not prey to "patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identity of women and men" that need to be eradicated.

Reply to question 8

34. Russian legislation already prohibits all forms of domestic violence and establishes criminal penalties and administrative sanctions for such acts. The elements of the offences concerned are set out in articles 105, 116 and 131 and other provisions of the Criminal Code.

35. The Russian authorities are continuing to revise the draft federal act on the prevention of domestic violence, the chief purpose of which is to embody in law the main goals and areas of focus of activities to prevent domestic violence and to establish an integrated system of social and legal protection against such violence. In July 2014, the draft was discussed in the Presidential Council on the Development of Civil Society and Human Rights.

36. The number of offences involving violence against women is falling. Thus, in 2010, 191,200 such offences were recorded, while, in 2013, the figure was 165,800. The law enforcement agencies investigate every case in which a woman's rights and legitimate interests are violated. To avert such crimes, the police seek to identify perpetrators of offences in the domestic sphere and carry out preventive work with them.

37. Concerning cases of so-called "bride-kidnapping occurring in North Caucasus", it should be noted that, nowadays, this historical custom has almost entirely lost its original significance. "Kidnapping" a woman in order to marry her has become an informal part of the wedding ceremony – as a rule, the "kidnapping" takes place by prior agreement with the bride and her relatives and no force is used. In the absence of the woman's free consent to the procedure, the actions of the guilty party are classified under article 126 of the Criminal Code (abduction).

38. "Honour killings" are considered to belong to the category of so-called domestic homicides, which includes murders committed as a result of sudden feelings of hatred. The law enforcement agencies carry out the necessary investigations into every such case, and the perpetrators are liable to the penalties prescribed by law.

39. The procuratorial bodies are devoting more attention to overseeing compliance with the law by law enforcement agencies at the stage of receiving and recording reports of offences. In the first half of 2014 alone, as a result of action taken by procurators, more than 40,000 officers of preliminary investigation bodies were disciplined for violations in this regard, including 2,800 in the North Caucasus Federal Area. In this period, procurators in the North Caucasus Federal Area overturned 4,800 decisions not to institute criminal proceedings.

40. Article 79, paragraph 1 (9), of the Federal Act on Public Health Care establishes the duty of health-care facilities to inform the internal affairs agencies of the admission of patients if there are reasonable grounds for believing that they have suffered harm to their health as a result of unlawful acts. The patient's consent to the communication of such information is not required.

41. Assistance for victims of domestic violence is provided by specialized multidisciplinary centres for the social welfare of families and children. In 2013, for example, women received assistance from 389 social welfare centres, along with 15 psychological and educational support centres, 905 integrated social services centres and 21 women's crisis centres.

42. The family and child social welfare centres have 176 residential units, which can accommodate 4,153 persons, the integrated social services centres have 126 such units with 2,379 places, while the crisis centres can accommodate 427 persons in 18 residential units.

43. In the constituent entities of the Russian Federation, there are 2,310 telephone helplines, including 119 at social welfare centres for families and children, 13 at psychological and educational support centres, 149 at integrated social services centres and 14 at women's crisis centres.

44. Where it is necessary for the victim's protection, the authorities take the measures envisaged in Federal Act No. 119-FZ of 20 August 2004 on State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings.

Reply to question 9

45. New articles 205.3, 205.4 and 205.5 have been inserted in the Criminal Code pursuant to Federal Act No. 302-FZ of 2 November 2013. These articles specify the elements of the criminal acts committed by persons who are involved in terrorist activity and establish appropriate penalties for undergoing training for the purpose of carrying out terrorist activity, organizing or participating in a terrorist association, and directing or participating in the activities of a terrorist organization.

46. In addition, since the submission of the seventh periodic report, Federal Acts Nos. 208-FZ of 23 July 2013, 130-FZ of 5 May 2014, 145-FZ of 4 June 2014 and 179-FZ of 28

June 2014 have been adopted in order to further enhance the legislation regulating counter-terrorism.

47. Persons suspected of or charged with a terrorist or related crime have all the rights granted to suspects and accused persons in the Code of Criminal Procedure, notably those set out in articles 46 and 47.

48. The authorities' obligation to respect and protect human rights in the context of counter-terrorism operations arises from the guarantees contained in articles 2, 15 and 18 of the Constitution and is also set forth explicitly in article 2, paragraph 1, of the Federal Act on Counter-Terrorism, which states that the fundamental principle underlying counter-terrorism is the safeguarding and protection of basic human and civil rights and freedoms.

Reply to question 10

49. A legal prohibition on the imposition and application of the death penalty has been observed in the Russian Federation since 1996. Over this period, firm guarantees have been put in place of the human right not to be subjected to capital punishment, and the Russian Federation is moving inexorably towards abolition under the constitutional and legal order that has emerged. The ban on the imposition of the death penalty by the courts was confirmed in Constitutional Court Decision No. 1344-O-R of 19 November 2009.

Reply to question 11

50. Detailed information on the observance of citizens' rights by law enforcement officers in the North Caucasus Federal Area was provided in the seventh periodic report (CCPR/C/RUS/7, paras. 59–76).

51. It should also be noted that the efforts made by the authorities are helping to stabilize the situation in the North Caucasus and to reduce crime. Thus, according to data from the Ministry of Internal Affairs of the Russian Federation, since the beginning of 2014, 15 offences under article 126 of the Criminal Code (abduction) have been recorded in the area, whereas, in the same period in previous years, the figures were 44 (in 2011), 51 (in 2012) and 36 (in 2013). Moreover, the clear-up rate for these offences has increased, to 65 per cent in the first nine months of 2014, compared with 56.8 per cent in the first nine months of 2013, 42.9 per cent in the first nine months of 2012 and 33.3 per cent in the first nine months of 2011.

52. In accordance with article 151, paragraph 2 (a), of the Code of Criminal Procedure, pretrial investigations of such offences are carried out by specialized units of the independent investigative body, the Investigative Committee of the Russian Federation. A special unit has been established under the Committee to investigate cases involving violations of citizens' rights (including disappearances) during the counter-terrorism operation in the Chechen Republic, which are also being considered by the European Court of Human Rights, and a number of organizational and administrative measures have been implemented to make the investigations more effective.

Reply to question 12

Reply to question 12 (a)

53. The definition of torture in Russian legislation encompasses acts of torture committed by any person, including officials, or with their consent or acquiescence. The law establishes harsher penalties for officials: under article 286, paragraph 3, of the Criminal Code, those who abuse their authority by using violence or the threat of violence may be sentenced to deprivation of liberty for up to 10 years.

54. Torture is defined as the infliction of physical or mental suffering for the purpose of coercing the victim to provide testimony or to perform other actions contrary to his or her will, for the purpose of punishment or for other purposes. Thus, "acts aimed at coercing a third party" are also covered by the current definition of torture.

55. Russian criminal law contains a range of provisions prohibiting torture (Criminal Code, arts. 117, 286 and 302). The grouping of these provisions in a special article for the purpose of establishing a separate offence of torture will not contribute to the integrity of the laws and regulations in this area and is not therefore appropriate.

56. Under article 75 of the Code of Criminal Procedure, evidence obtained unlawfully (including through the use of violence, torture or other cruel or degrading treatment) is inadmissible. Such evidence is without legal effect and may not be used as grounds for prosecution. When a case is heard in court, the defendant has the right, under article 235 of the Code of Criminal Procedure, to petition the court to exclude from the case file evidence alleged to have been extracted through the use of torture. In accordance with paragraph 4 of the article, when the petition is considered, it is for the prosecutor to refute the defendant's claims. Decision No. 1 of the Plenum of the Supreme Court of 29 April 1996 states explicitly, in paragraph 3, that the use in court of evidence obtained unlawfully is not permitted.

Reply to question 12 (b)

57. As stipulated in Russian legislation, crimes committed by law enforcement officers and involving the use of torture or other cruel treatment must be classified under either article 286, paragraph 3, of the Criminal Code — abuse of authority involving the use or threat of violence (para. 3 (a)), involving the use of a weapon or special device (para. 3 (b)) or resulting in serious consequences (para. 3 (c)) — or article 302, paragraph 2 — coercion to testify involving the use of violence, humiliation or torture. Classification under article 117 is not possible in such cases, since this article does not cover the use of torture by officials in the performance of their duties.

58. Furthermore, the maximum penalties established in both article 286, paragraph 3, and article 302, paragraph 2, of the Criminal Code are longer than those provided for in article 117, paragraph 2.

Reply to question 12 (c)

59. In accordance with article 151 of the Code of Criminal Procedure, the conduct of pretrial investigations into crimes committed by officials and involving the use of torture or other cruel treatment is the responsibility of the Investigative Committee, whose specialists have the necessary skills and authority to undertake effective investigations into every such violation. Criminal proceedings brought against law enforcement officers in connection with the use of violence are subject to special monitoring by the Investigative Committee.

60. The number of persons convicted under article 286, paragraph 3, of the Criminal Code is as follows: 1,817 in 2010; 1,651 in 2011; 1,238 in 2012; 1,116 in 2013; and 484 in the first six months of 2014.

Reply to question 12 (d)

61. There are a number of procedures under Russian legislation for the removal of foreign nationals and stateless persons who are present unlawfully in the territory of the Russian Federation, including administrative expulsion and deportation.

62. Decisions on the deportation of foreign nationals are handed down by the Federal Migration Service and its local offices, taking into account the country's international obligations in respect of the protection of human rights and fundamental freedoms.

63. Decisions on the administrative expulsion of foreign nationals are taken by the courts. When a foreign national applies for refugee status or temporary asylum, the administrative expulsion or deportation procedure is suspended pending a decision on his or her case.

64. The Russian authorities attach great importance to implementing measures for the application in the country's legal system of the principles and standards of international law on the protection of human rights and freedoms in the context of deportation and extradition procedures, notably those set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.

65. Efforts are under way to conclude treaties with foreign States establishing a legal framework for cooperation on readmission. To date, 12 out of the 16 international treaties on readmission concluded by the Russian Federation have entered into force. A number of texts are still being studied.

66. With a view to the implementation of the country's international treaties on readmission, the following decrees have been issued: Decree No. 331/208 of the Federal Migration Service and the Federal Security Service of 15 April 2014 approving the format for travel documents for the purpose of readmission (including under the expedited process) and the procedures for drawing up and issuing such documents; Decree No. 333 of the Federal Migration Service of 18 April 2014 rescinding the Service's Decree No. 35 of 23 2012 [sic.]; Decree No. 358 of the Federal Migration Service of 12 May 2014 rescinding the Service's Decrees Nos. 134 of 10 June 2010 and 104 of 19 March 2012; and Decree No. 535 of the Federal Migration Service of 30 September 2014 approving the list of officials of the Service and its local offices with authority to take decisions on readmission.

67. The competent authorities take note of all judgments of the European Court of Human Rights in relevant cases involving the Russian Federation and analyse them in detail. Instructions and methodological recommendations are formulated on the basis of these judgments and sent to the local units of the bodies concerned with a view to outlawing violations of human rights in the application of deportation and extradition procedures. Judges, procurators, investigators, court bailiffs and employees of the migration service and the penal correction system are increasingly turning for guidance in their work not only to Russian legislation but also to applicable international legal standards. In this context, attention should be drawn to Decision No. 11 of the Plenum of the Supreme Court of 14 June 2012 on judicial review of matters involving the extradition of persons for criminal prosecution or punishment or their transfer to serve a sentence, in which all the thorny issues arising in practice in this area are elucidated, notably:

(a) The grounds and procedures for applying the preventive measure of remand in custody in respect of persons subject to extradition;

(b) The procedure for judicial review of appeals lodged by persons subject to extradition;

(c) The procedure for judicial review of questions relating to the risk of cruel treatment of a person subject to extradition by the authorities of the foreign requesting State and the provision by that State of assurances that the individual, if extradited, will not be subjected to such treatment.

68. The Supreme Court's explanations of these issues have been praised by Russian and international law enforcement agencies and experts.

69. In addition, the Russian authorities are implementing a set of measures to facilitate prompt and strict compliance with requests by the European Court of Human Rights to suspend expulsion or extradition proceedings pending the consideration on the merits of applications lodged with the Court, pursuant to rule 39 of the Rules of Court.

70. The measures being taken have brought about positive changes in Russian law enforcement practice and have reduced the risk of violations of the rights of persons in respect of whom deportation or extradition proceedings have been initiated.

Reply to question 13

Mortality among inmates of remand centres of the Russian penal correction system

		Including:		
Year	*Number of deaths*	*From tuberculosis*	*From other diseases*	*From other causes*
2009	401	45	188	168
2010	351	19	169	163
2011	332	14	166	152
2012	370	16	174	180
2013	396	8	195	193
First 9 months of 2014	277	4	159	114

71. Any instances of improper treatment of detainees or remand or convicted prisoners are duly investigated by the Investigative Committee and the Office of the Procurator-General of the Russian Federation; special units have been established under the Committee to look into this type of offence. Law enforcement officers guilty of improper treatment are liable to the penalties prescribed by law.

72. Guarantees with regard to the provision of adequate medical assistance to persons held in custodial facilities are established in the Federal Act on Public Health Care and in relevant regulations issued by the Government of the Russian Federation, the Ministry of Health, the Ministry of Justice, the Ministry of Internal Affairs, the Federal Penal Service and other competent bodies.

73. To prevent the exacerbation of chronic diseases and the development of life-threatening conditions (complications), inmates of custodial facilities undergo medical examinations and check-ups. They are provided with emergency inpatient treatment if needed.

74. Persons at risk of suicide or self-harm are closely monitored. To eliminate the risk of such behaviour, preventive work is undertaken with them with the help of psychologists. In order to diagnose psychological conditions more effectively, a computerized diagnostic programme, "Psychometrics Expert", is being used. An official inquiry is conducted into every case of suicide, with the involvement of representatives of all the competent services. The causes of acts of self-aggression are established, the psychological and educational work conducted with potential suicides is evaluated, and persons who are at fault face the penalties prescribed by law.

75. As a result of the investigation and trial in the case of the death of the 15-year-old boy in Saint Petersburg in January 2012, two former police officers were convicted and sentenced to deprivation of liberty for terms of 9 years and 6.5 years in court judgements

handed down on 10 September 2013 and 4 June 2014, respectively. A third police officer, who had been a participant in the criminal proceedings, killed himself in February 2012.

76. The death of Mr. S. Nazarov at Police Division No. 9 in Kazan in March 2012 was investigated by the relevant bodies as part of a broader inquiry into several dozen cases of criminal activity by former officers at the station. In a court judgement handed down on 16 June 2014, eight former police officers were sentenced to various terms of deprivation of liberty. The judgement is currently being appealed.

Reply to question 14

77. Thanks to the efforts made by the Russian authorities, the total number of violence-related offences in the Armed Forces is continuing to decline steadily. For example, in 2013 the total number of breaches of the regulations on relations between service personnel and instances of abuse of authority involving violence against a subordinate fell by more than 10 per cent and, in the first nine months of 2014, by almost 20 per cent. There has been a commensurate steady decline in the number of victims of such offences.

78. The authorities are pursuing the programme of Armed Forces reform, which is having a positive impact on the moral and psychological climate in military units. Among the most important measures taken are the halving of the length of compulsory military service (from 24 to 12 months) and the accommodation of personnel performing military service separately from professional service personnel, where possible. The proportion of professional service personnel in the Armed Forces is increasing consistently.

79. With regard to laws and regulations, unnecessary restrictions on the rights and freedoms of service personnel have been significantly reduced.

80. The interdepartmental working group on combating humiliating treatment, assault and other violent offences in the Armed Forces, which comprises senior officials of the federal authorities and of military law enforcement agencies, is functioning effectively.

81. Cooperation with regional organizations of soldiers' mothers is being strengthened. These organizations, along with other non-governmental organizations, are now able to participate in monitoring by citizens of compliance with the law in military units. In order to tackle the reluctance among service personnel to report offences of this kind, information on telephone helplines has been posted in barracks, advice points have been set up and legal awareness training is being provided.

82. Corporal punishment of minors in the home and in alternative care settings is not permitted in Russian legislation. Detailed information on this issue is contained in the reports of the Russian Federation on its implementation of the Convention on the Rights of the Child.

Reply to question 15

Reply to question 15 (a)

83. The legislation currently in force prohibits discriminatory treatment of any social group, including persons who use drugs, by law enforcement agencies. Searches, arrests and detentions are carried out, and medical files obtained, when there are legally established grounds for so doing.

Reply to question 15 (b)

84. Russian lawmakers have chosen, with good reason, to reject the "treatment" of drug dependency with methadone substitution therapy. In the Russian Federation, methadone is included in the list of narcotic drugs and psychotropic substances the circulation of which is

prohibited. In accordance with Federal Act No. 3-FZ of 8 January 1998 on Narcotic Drugs and Psychotropic Substances, the treatment of drug addiction with narcotic drugs is not allowed. This prohibition does not of itself make it any more likely that forced confessions will be elicited from those held in custody. On the contrary, law enforcement officers might use the prospect of access to substitution therapies to blackmail drug-dependent persons, offering methadone in exchange for confessions.

Reply to question 15 (c)

85. While in detainees, drug-dependent persons benefit from the same general guarantees of protection from any violence on the part of law enforcement officers and of access to medical assistance as other citizens held in custodial facilities. The guarantees in respect of medical assistance are contained in Federal Act No. 323-FZ of 21 November 2011 on Public Health Care, Federal Act No. 67-FZ of 26 April 2014 on the Procedure for the Serving of Sentences of Administrative Detention (art. 14), Federal Act No. 103-FZ of 15 July 1997 on the Custody of Suspects and Accused Persons (art. 24) and Federal Act No. 317-FZ of 25 November 2013, article 24 of which has been amended to state clearly that medical assistance must be arranged urgently for persons whose state of health deteriorates.

86. Where it is not possible to provide medical assistance in institutions of the penal correction system, persons being held in pretrial detention and those serving sentences of deprivation of liberty have the right to receive treatment in an establishment of the State or municipal health-care system and to be examined by specialists of those medical establishments, in accordance with the rules approved by Government Decision No. 1466 of 28 December 2012.

87. Drug-dependent persons who request medical assistance are not subjected to any kind of violence.

88. The Federal Penal Service operates secure hospitals in several regions. These hospitals, which have a total of 8,281 places, provide outpatient treatment to convicts suffering from drug dependency. In addition, there are drug-dependency clinics in the medical wings of colonies and remand centres. A scientifically-grounded methodology for the treatment and rehabilitation of drug-dependent persons based on complete withdrawal of narcotic drugs, education about cessation, support for sustained remission and inculcation of a healthy lifestyle has been approved.

89. In April 2012, the Federal Penal Service adopted a programme for the development of a system of medical and social rehabilitation for persons suffering from drug-related illnesses in institutions of the penal correction system. The programme's priorities are the establishment of a network of medical and social rehabilitation units, the equipping of convicts in the target group for employment, and the provision of scientific and methodological support for activities in this area. In 2013, pilot rehabilitation centres were opened. Rehabilitation is tailored to the individual and lasts from two to six months. The programme envisages the creation of a rehabilitative environment, psychopharmacological interventions, the provision of health and fitness infrastructure, and psychotherapeutic measures.

Reply to question 16

90. In accordance with article 49, paragraph 3 (3), of the Code of Criminal Procedure, defence counsel (lawyers) have the right to be involved in criminal proceedings from the time that a suspect is effectively detained. This is defined, in article 5, paragraph 15, of the Code, as the time that the individual is effectively deprived of freedom of movement. In the light of these provisions, there is no difficulty in determining the point at which defence counsel may participate in a criminal case.

91. In addition, under article 96, paragraph 1, of the Code of Criminal Procedure, the person conducting the initial inquiry or pretrial investigation must, within 12 hours of a suspect's detention, notify one of his or her close relatives or, in their absence, another relative, or allow the suspect to do so.

92. In accordance with article 19, paragraph 1, of the Federal Act on Public Health Care, everyone has the right to medical assistance. Article 26, paragraph 1, of the Act states explicitly that this right applies equally to persons in respect of whom coercive procedural measures such as detention have been applied. Moreover, the law does not make access to medical treatment conditional on the completion of the record of detention.

Reply to question 17

93. The Russian authorities are continuing to implement a large-scale programme of prison system reform. The programme's primary aims and parameters are defined in the Strategic Framework for the Development of the Penal Correction System in the Russian Federation up to 2020 and the federal special-purpose programme for the development of the system in the period 2007–2016.

94. Taking into account the pilot judgment of the European Court of Human Rights in the case of *Ananyev and Others v. Russia*, the following have been identified as the main goals of State policy in this area: (a) bringing conditions of custody into line with international standards; (b) reducing the number of persons held in remand centres during the pretrial phase of criminal proceedings; and (c) reducing the number of persons serving custodial sentences.

95. Significant resources are being allocated from the federal budget for the construction of new remand centres and correctional institutions and the reconstruction of existing ones. Since the launching of the federal special-purpose programme mentioned above, more than 10,700 additional places have been created in remand centres. In the course of routine repairs and major maintenance, the ventilation systems, lighting, water supply and heating in cells are repaired and the sanitary installations replaced. The equipment at medical institutions of the prison system is being renewed. Persons held in custody are given the opportunity to meet with their relatives and other persons, to speak to psychologists, to perform religious rites and to practise sport in exercise yards fitted with sports equipment.

96. As part of the efforts to reduce the number of persons held in remand centres during the pretrial phase of criminal proceedings, the relevant legislation has been amended to restrict the categories of person in respect of whom the preventive measure of remand in custody may be imposed and to allow a milder measure to be substituted for remand if a suspect or accused person is found to have a serious illness that prevents him or her from being held in custody. In addition, amendments made over the last few years have significantly increased the number of cases in which house arrest or bail may be imposed by way of a preventive measure.

Number of decisions by the courts to impose the preventive measure of remand in custody

Year	*2009*	*2010*	*2011*	*2012*	*2013*
Number of decisions (in thousands)	187.8	148.6	135.8	132.9	133.3

Regarding the third point, see the reply to question 18 below.

Reply to question 18

97. Russian criminal law provides for several types of non-custodial penalty, namely, fines, forfeiture of the right to occupy certain posts or engage in certain activities, community service, punitive deduction of earnings and restriction of liberty.

98. *Restriction of liberty* is a new form of punishment applied since 2010 and consists in the imposition on the convicted person of an obligation to comply with certain restrictions (not to leave the house at certain hours, not to change his or her place of residence, work or study without the consent of the competent authority, etc.). In the period from 1 January 2010 to 1 July 2014, this was the main penalty imposed on more than 75,000 convicted persons.

99. *Community service* has existed in the Russian Federation since 2005 and entails the convicted person's performing, for a period not exceeding four hours per day during his or her free time from work or study, useful unpaid work in an enterprise specified by the relevant local government body in agreement with the probation office. Every year, community service is the main penalty imposed on over 70,000 convicted persons (about 10 per cent of all convicted persons).

100. According to court statistics, *fines* (that is, financial penalties recovered by the State) are imposed as the main penalty on more than 110,000 convicted persons (about 15 per cent of all convicted persons) every year.

101. The number of convicted persons sentenced to *punitive deduction of earnings* (that is, the withholding at source of a certain percentage of a convicted person's earnings) increased in the period 2010–2014. Thus, 10.3 per cent of all convicted persons (over 75,000) were sentenced to this punishment in 2013, compared with 4.9 per cent (41,200 persons) in 2010.

102. There are plans to introduce, from 2017, another new form of punishment, namely, *compulsory work*, which will be performed by convicted persons at specially built correctional centres in exchange for wages. This will constitute one more alternative to deprivation of liberty. It will help to bring down still further the number of convicted persons given custodial penalties.

103. Russian legislation also contains a set of provisions that allow a convicted person to be released from the obligation to actually serve his or her sentence in a place of deprivation of liberty, notably: (a) if the convicted person's sentence is suspended; (b) if he or she is ill; (c) if the convicted person is pregnant or has young children; (d) if he or she is released on parole; or (e) if the unserved portion of his or her sentence is commuted to a lighter penalty. Since 2012, it has also been possible to remit a sentence if a convicted person has undergone a course of drug-dependency treatment and appropriate medical and social rehabilitation.

104. Amendments made to the Criminal Code in 2011 removed minimum custodial penalties from over 100 articles; they also introduced non-custodial penalties for some offences. Furthermore, the category of offences regarded as minor or ordinary was broadened and judges were allowed to substitute lesser charges.

105. As a result, the number of persons serving sentences in places of deprivation of liberty has fallen by approximately 20 per cent compared with 2008.

106. In order to reform convicted persons and prevent reoffending, psychological and rehabilitative work is undertaken with them; this is the focus of the work done with young offenders. Convicted persons are educated about the laws currently in force and informed about how to find work, and meetings are arranged with representatives of employment services and civil society organizations. Social workers assist convicted persons in

completing the paperwork necessary to receive pensions, social benefits and other payments. Effective partnerships have been established with religious organizations. All convicted persons are helped to re-establish socially useful links.

107. The public oversight commissions play an important role in ensuring the effectiveness of prison policy. Commission members have the right to visit custodial facilities without hindrance (that is, without the need for any kind of special permission), after giving prior notification to the administration of the facility concerned. The current procedure for constituting public oversight commissions provides sufficient guarantees of members' independence and impartiality. In accordance with article 23, paragraph 2, of the Penalties Enforcement Code, commission members are entitled to speak with convicted persons within sight but out of the hearing of representatives of a correctional facility's administration. The confidentiality of such conversations is thus ensured.

Reply to question 19

108. The high status of judges in the Russian legal system offers every assurance of the independent and impartial administration of justice. The relevant procedural and material guarantees are set out, inter alia, in the Constitution and the Act on the Status of Judges (No. 3132-1 of 26 June 1992), which:

(a) Prohibits any interference in the work of judges and obliges them to post on official court websites information on any out-of-court communications (art. 10);

(b) Establishes, in elaboration of article 121, paragraph 1, of the Constitution, the principle of the irremovability of judges (art. 12);

(c) Embodies the principle of judicial immunity (art. 16);

(d) Provides for strong guarantees in respect of judges' material independence (arts. 19 and 20) and requires them to report annually on their income and property and those of their spouse and minor children (art. 8.1).

109. The Act on the Status of Judges also establishes clear requirements for candidates for posts of judge (arts. 4 and 4.1), along with detailed rules for the competitive selection of would-be judges by judicial qualification boards (art. 5) and for the appointment of judges (arts. 6 and 6.1).

110. The Act stipulates a limited set of grounds for the initiation of disciplinary action against judges (art. 12.1) and for the suspension or termination of judicial appointments (arts. 13 and 14).

111. On the question of the independence of the judiciary, on 20 July 2011 the Constitutional Court issued Ruling No. 19-P, which states that the statutory provisions allowing criminal proceedings to be brought against judges on the basis of evidence of an offence contrary to article 305 of the Criminal Code (issuance of a knowingly unjust sentence, decision or other judicial ruling) are unconstitutional if the judicial ruling in question has become enforceable and has not been set aside in the manner established in procedural law.

112. In its Ruling No. 9-P of 20 April 2010, the Constitutional Court indicated that a judge could not be disciplined by premature termination of appointment for committing a mistake of law if he or she was acting within the limits of judicial appreciation and committed no gross error in applying substantive or procedural law that would render his or her continuing exercise of judicial authority untenable.

Reply to question 19 (a)

113. In order to reduce judges' workload, the authorities are taking organizational and administrative steps to ensure that the number of judges and court officials is in line with current needs, as well as legislative and regulatory measures, including the adoption in 2010 of Federal Act No. 193-FZ of 27 July 2010 on Alternative Dispute Resolution Procedures (Mediation), which encourages the settlement of disputes during the pretrial phase.

Reply to question 19 (b)

114. Under article 2, paragraph 1, article 3, paragraphs 2 and 3, and article 18 of Federal Act No. 63-FZ of 31 May 2002 on the Work of Lawyers and the Legal Profession and in accordance with the relevant provisions of procedural law, lawyers are independent of the investigative bodies and the courts. Furthermore, the objectivity and impartiality of ex officio lawyers are among the fundamental principles governing the provision of free legal assistance (Federal Act No. 324-FZ of 21 November 2011 on Free Legal Assistance, art. 5).

115. Article 31, paragraph 3, of the Federal Act on the Work of Lawyers and the Legal Profession provides that it is the Bar Council, not the State, that determines the procedure for the provision of legal assistance in criminal proceedings by defence counsel appointed by investigative bodies or courts and oversees the delivery of such assistance. The setting of the level of supplementary remuneration for lawyers providing free legal assistance (including those appointed by the State) is also within the purview of the Bar Council; such remuneration is funded by the Bar Association.

116. As stated in article 13 of the Federal Act on Free Legal Assistance, the procuratorial bodies are responsible for monitoring compliance with the law in the provision of free legal assistance to citizens; these bodies are independent of the investigative bodies and the courts. In the event that violations are uncovered, the procuratorial bodies have the right to apply to the courts under the established procedure to secure the protection of citizens' rights, freedoms and legitimate interests.

Reply to question 19 (c)

117. The expansion of the use of e-technology in enforcement proceedings is one of the main areas of focus of efforts to improve the enforcement of judicial decisions. Since 2009, the Federal Court Bailiff Service has been developing a unified computerized system covering every unit of the Service and all aspects of its work. Since 2012, an enforcement proceedings database has been available through the Service's official website (www.fssprus.ru), allowing users to retrieve information concerning monies owed in connection with such proceedings and to settle those amounts quickly by means of various payment systems. These tools are also accessible through the integrated portal for State and municipal services.

118. In addition, the law now provides for bailiffs to issue decisions in the form of e-documents with digital signatures and to transmit notifications to parties to enforcement proceedings via information and telecommunication networks.

119. The Federal Court Bailiff Service is arranging the electronic exchange of documents with the Supreme Court and with the Court's legal department.

120. Of 95.4 million enforcement proceedings instituted on the basis of judicial rulings between 2009 and October 2014, 51 million, or 53.5 per cent, have been terminated following the effective enforcement of the rulings.

Reply to question 20

121. The Russian authorities do not have at their disposal data pointing to the existence of a "very low rate of acquittals in criminal cases" or of "prosecutorial bias in the judicial system".

122. A significant proportion of criminal cases are heard by the Russian courts under the special procedure, whereby the accused accepts the charges brought against him or her, and the court is therefore unable to hand down a judgement of acquittal. Cases in which judicial rulings are issued under the special procedure thus cannot be taken into account in calculating the proportion of acquittals. Likewise, cases in which a court concludes that an individual is unfit to plead and imposes measures of a medical nature on him or her should not be taken into consideration. Having regard for these comments, the court statistics for 2012–2014 show that the proportion of persons who were acquitted or against whom proceedings were terminated following the withdrawal of charges stood at about 5 per cent of all defendants tried under the general procedure. Furthermore, since 2012 the number of persons acquitted by the courts has been increasing. In 2013, for example, the number of acquittals rose by 9.4 per cent (from 5,164 in 2012 to 5,651 in 2013).

123. Russian procedural law contains safeguards against the referral for trial of criminal cases in which the charges are not substantiated. Thus, in accordance with articles 221 and 226 of the Code of Criminal Procedure, before a criminal case is referred for trial, the case file must be transmitted to the prosecutor, who is independent of the investigative bodies and the court and, as such, has the right to return the case to the person conducting the initial inquiry or pretrial investigation, including with a view to the modification of the scope of the charges brought or of the classification of the accused person's actions. Moreover, in cases in which the preliminary investigation takes the form of an initial inquiry, the prosecutor is entitled to decide to terminate the criminal proceedings. Thus, a significant proportion of cases that, had they been considered by a court, could well have ended in an acquittal, simply do not reach trial, as the prosecutor declines to approve the charges brought by the body conducting the initial inquiry or pretrial investigation.

124. The legal status of prosecutors is regulated by the Constitution and by Federal Act No. 2202-1 of 17 January 1992 on the Procurator's Office, which ensure that this authority enjoys an appropriate level of independence and impartiality.

Reply to question 20 (a)

125. Russian legislation guarantees the independence of juries and their protection from outside influence and manipulation. In accordance with article 12 of Federal Act No. 113-FZ of 20 August 2004 on Juries in Federal Courts of General Jurisdiction, the guarantees in respect of judicial independence and immunity contained in Federal Act No. 45-FZ of 20 April 1995 on State Protection of Judges and Officials of Law Enforcement and Inspection Agencies also extend to jurors during their period of service. Any interference in the administration of justice by a jury is prosecuted under the law. Out-of-court communication with jurors is prohibited. Articles 295–297, 298.1 and 311 of the Criminal Code establish liability for the commission of unlawful acts against jurors.

Reply to question 20 (b)

126. Chapter 40.1 of the Code of Criminal Procedure does not grant judges any kind of leeway that might enable them to take unfounded decisions on the procedure for the conduct of a trial.

Reply to question 20 (c)

127. Ensuring access by lawyers (defence counsel) to case materials in criminal proceedings poses no serious difficulties in practice. As stipulated in article 53 of the Code of Criminal Procedure in particular, from the moment that defence counsel are allowed to participate in criminal proceedings, they have the right to acquaint themselves with records of arrest, decisions to impose preventive measures, records of investigative actions carried out with the participation of a suspect or accused person and other documents that have or should have been shown to the suspect or accused person. In addition, defence counsel are entitled to familiarize themselves with all the case materials and material evidence in a criminal case once the preliminary investigation is concluded, to copy out any and all information from the case file and to make copies of the case materials at their own expense, including by mechanical means. The exercise of this right is not subject to any time limit (Code of Criminal Procedure, art. 217).

128. In accordance with articles 227 and 248 of the Code of Criminal Procedure, during the trial phase of criminal proceedings, the court has the right, at the request of any party, to grant further opportunities to study the materials in the case. In the event that defence counsel is replaced, the new counsel is given time to acquaint himself or herself with the case materials and prepare for the trial. On application by defence counsel, the court may recall witnesses, victims or experts or order other steps in the trial to be repeated.

129. In addition, the relevant guarantees are reaffirmed in the jurisprudence of the Constitutional Court. Thus, in its Decision No. 173-O of 12 May 2003, the Court stated that the Code of Criminal Procedure does not preclude an accused person whose rights and freedoms have been affected by a judicial decision to remand him or her in custody or to extend the period of custody, or his or her counsel, from familiarizing themselves with the materials on the basis of which the decision was taken. Furthermore, in its Decision No. 2162-O of 7 October 2014, the Constitutional Court concluded that, when a case has been returned to a prosecutor, the court, in deciding whether to extend the period of custody of the accused person in order to enable him or her to become acquainted with the materials in the case, must be guided first and foremost by the imperative need to guarantee the right of the accused person to familiarize himself or herself with materials that were not previously included in the case file and are thus new to him or her (that is, materials obtained in the process of eliminating obstacles to the hearing of the case identified by the court and with which he or she is not yet acquainted).

Reply to question 21

130. In every case in which unlawful acts are committed by law enforcement officers against lawyers in connection with the exercise by the latter of their professional activities, all possible measures are taken to identify and punish the perpetrators.

Reply to question 21 (a)

131. An investigation established that, on 20 January 2012 in Makhachkala, law enforcement officers took steps to detain Mr. Saidmagomedov and Mr. Kurbanov, who had been involved in the activities of unlawful armed groups. As the officers tried to stop the vehicle in which the suspects were travelling, the latter opened fire on them and attempted to flee. They were killed when the officers returned fire. An investigation confirmed that the officers had acted lawfully.

Reply to question 21 (b)

132. According to available information, Mr. M. Abubakarov did not report the threats that were allegedly made against him in Grozny in January 2013 to the law enforcement

agencies. On 22 February 2013, the investigative bodies of the Republic of Kabardino-Balkaria opened a criminal case in response to anonymous threats received by Mr. Abubakarov in February 2013. The investigation into the case has been suspended, as the individual who made the threats has not been identified. The procuratorial bodies have declared this procedural decision to be sound. At present, efforts are continuing to identify the persons involved in the offence.

Reply to question 21 (c)

133. In response to the reports filed by lawyers Ms. S. Magomedova and Ms. M. Syslanova concerning threats made against them in connection with their professional activities, criminal proceedings have been instituted and an investigation opened; the investigation is continuing, led by the competent law enforcement agencies.

Reply to question 22

134. The Russian authorities are continuing to take measures to combat trafficking in persons at both the national and international levels. The authorities are guided in their work by the provisions of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, among other texts. In development of its international obligations in this area, in 2013 the Russian Federation ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

135. At the level of the Commonwealth of Independent States, member States are carrying out cooperation programmes to combat trafficking in persons. In October 2013, a programme of action on that subject was approved for the period 2014–2018. In addition, the Interparliamentary Assembly of the States Members of the Commonwealth of Independent States has adopted a model law on assistance to victims of trafficking in persons, which makes provision, inter alia, for the establishment of an organizational and legal framework to ensure the availability of a minimum, standard package of social services for victims, including psychological, legal, social, medical and other forms of support.

136. At the national level, Russian legislation establishes criminal liability not only for trafficking in persons (Criminal Code, art. 127.1), but also for unlawful deprivation of liberty (Criminal Code, art. 127), exploitation of slave labour (Criminal Code, art. 127.2), enticement of persons into prostitution (Criminal Code, art. 240) and organizing prostitution (Criminal Code, art. 241). Over the past few years, a number of amendments and additions have been made to federal legislation aimed at preventing trafficking in children, child exploitation and child prostitution, as well as increasing the penalties incurred for such acts and for offences against the sexual inviolability of minors (Federal Acts Nos. 377-FZ of 27 December 2009, 14-FZ of 29 February 2012, 58-FZ of 5 April 2013, 432-FZ of 28 December 2013 and others).

Offences under article 127.1 of the Criminal Code (trafficking in persons)

Year	*Number of recorded offences in the reporting period*	*Number of convictions handed down by the courts (under this article)*
2012	70	29
2013	66	28
First 6 months of 2014	14	4

137. Victims of trafficking in persons are provided with medical, psychological, material and legal assistance. State and municipal health-care facilities, as well as social protection bodies, are involved in such work, along with non-governmental organizations that provide appropriate victim support services. Increased attention is being given to the timely provision of psychological assistance to underage victims of trafficking in persons.

Reply to question 23

138. As stated in article 19, paragraph 3, of the Covenant, the right to freedom of opinion and expression gives rise not only to opportunities for citizens and organizations, but also to special duties and responsibilities. It may therefore be subject to certain restrictions. Norms corresponding to the aforementioned provisions of the Covenant are incorporated in the Constitution (art. 29 and art. 55, para. 3).

Reply to question 23 (a)

139. Bearing in mind that the right to freedom of expression is not absolute, the Russian legislature is entitled to choose for itself how it wishes to combat unlawful acts such as defamation, which may include criminalizing it. This is fully in line with current practice in the world, given that defamation is a criminal offence in a large number of States.

Reply to question 23 (b)

140. Given the broad discretion that the national authorities have in establishing liability for offences against the foundations of the constitutional order and the security of the State, the Russian legislature in November 2012 introduced necessary clarifications in article 275 of the Criminal Code, which defines the concept of treason. There is, at this time, no basis for repealing the amendments made.

Reply to question 23 (c)

141. Federal Act No. 136-FZ of 29 June 2013 amending article 148 of the Criminal Code and certain other legislative acts for the purpose of countering insults against citizens' religious beliefs and feelings was adopted so as to clarify the laws and regulations on liability for insulting citizens' religious beliefs and/or profaning objects of religious worship. The adoption of the Act fully reflects the importance, for the security of the State and society, of maintaining harmonious relations between the different religions, as well as the risk posed by actions intended to upset the balance of interests of the various religious communities. Many foreign States use a similar legal armoury to ensure citizens' right to freedom of religion and protect their religious beliefs.

Reply to question 23 (d)

142. The aim of Federal Act No. 398-FZ of 28 December 2013 on amendments to the Federal Act on Information, Information Technology and Data Protection is to establish a new mechanism to counter extremist activities. This has become necessary because the Internet is an environment in which information can be disseminated instantly, including information that poses a threat to the security of the constitutional order. The risks associated with the use of the Internet for unlawful purposes have arisen relatively recently, which is why, previously, there was no need for such a mechanism. The process provided for under Federal Act No. 398-FZ is distinguished by being sufficiently responsive, while at the same time minimizing the possibility of the arbitrary limitation of citizens' rights, since authority to take decisions on limiting access to information resources is vested in a restricted group of individuals: the Procurator-General and his deputies. Furthermore, decisions to restore access to information resources are taken under a simplified procedure

by the Federal Communications, Information Technology and Mass Media Regulatory Authority, without the involvement of the procurator's office.

Reply to question 23 (e)

143. Federal Act No. 128-FZ of 5 May 2014, which amends certain legislative acts, establishes appropriate sanctions for socially dangerous acts consisting in public denial of the facts established in the judgement of the International Military Tribunal for the European Axis (Nürnberg Tribunal), approval of the crimes established in that judgement and dissemination of deliberately false statements about the activities of the USSR during the Second World War. The adoption of the Federal Act was dictated by the need to protect society and the State from criminal acts that are intended to present Nazism in a more positive light and are capable of posing a new threat to peace and public safety. The domestic legislation of countries such as Austria, Belgium, France, Germany and Italy also criminalizes the public denial, minimization, approval or justification of Nazi crimes during the Second World War, as well as the denial of crimes against humanity established in the judgement of the Nürnberg Tribunal.

Reply to question 23 (f)

144. Bloggers are not treated in the same way as media entities in Federal Act No. 97-FZ of 5 May 2014 on amendments to Federal Act No. 149-FZ of 27 July 2007 on Information, Information Technology and Data Protection or in several other relevant legislative acts. Requirements such as website registration do not apply to bloggers, nor are they subject to rules analogous to those limiting foreign use of the mass media, and they are not required to obtain a licence or any special permits. Bloggers have only one obligation: to ensure that they observe the law of the Russian Federation when they post and make use of publicly available information. To clarify that responsibility, the law establishes that bloggers must not use their websites or pages of their websites for unlawful purposes (including dissemination of material containing public calls to carry out terrorist activities or information about citizens' private lives that contravenes the legislation currently in force).

145. In the light of the foregoing, the Russian authorities are convinced that all the legislative amendments just described are fully consistent with the international obligations of the Russian Federation under article 19 of the Covenant.

Reply to question 24

146. Russian legislation establishes criminal liability for obstructing journalists in the performance of their legitimate professional activities (Criminal Code, art. 144). Moreover, the Federal Communications, Information Technology and Mass Media Regulatory Authority implements measures of a preventive nature to avoid breaches of the mandatory requirements with regard to respect for journalists' rights and legitimate interests. Recommendations are addressed to the appropriate officials on the basis of the Authority's inquiries into reported violations of the rights and legitimate interests of journalists and editorial staff of mass media publications.

147. Every case involving the commission of unlawful acts against journalists or human rights defenders is investigated.

148. As a result of the criminal investigation conducted into the murder in January 2009 of Mr. S. Markelov, a lawyer, and Ms. A. Baburova, a freelance correspondent for *Novaya gazeta*, in May 2011 Mr. N. Tikhonov and Mr. E. Khasis were sentenced to various terms of deprivation of liberty.

149. On 9 June 2014, sentence was passed on five accomplices in the October 2006 killing of *Novaya gazeta* columnist Ms. A. Politkovskaya. Two were sentenced to life

imprisonment, and the remainder to lengthy terms of deprivation of liberty. The criminal case against another accomplice, former law enforcement officer Mr. D. Pavlyuchenkov, was heard separately. In a court judgement of 14 December 2012, Mr. Pavlyuchenkov was sentenced to 11 years' deprivation of liberty, to be served in a strict regime correctional colony. At present, steps are being taken to establish the identity of the person who ordered the killing.

150. On 9 July 2013, the investigative bodies instituted criminal proceedings under article 105, paragraph 2 (b), article 222, paragraph 1, and article 167, paragraph 1, of the Criminal Code in connection with the murder of journalist Mr. A. Akhmednabiev. The necessary inquiries have been conducted to identify the persons responsible for this crime. The investigation is continuing.

151. Likewise, a preliminary investigation into the murder of journalist Mr. G. Kamalov in the Republic of Dagestan is ongoing.

152. The law enforcement agencies are also carrying out inquiries into the abduction and murder in July 2009 of Ms. N. Estemirova, an employee of the Memorial human rights centre. In the course of these inquiries, more than 1,300 persons have been questioned as witnesses, over 100 forensic analyses have been conducted and some 4,000 plus communications received from individuals and organizations have been reviewed. The presumed perpetrator of the crime is being sought by both the federal and the international authorities.

Reply to question 25

Reply to question 25 (a)

153. Russian legislation does not establish any discriminatory restrictions on the rights of members of the LGBT community, nor does it permit the arbitrary application of the relevant provisions. The Russian authorities do not interfere with the freedom of assembly and association of any of the persons concerned. LGBT individuals have every opportunity to register their voluntary associations and to assemble peacefully, provided that they respect the legislation currently in force. Furthermore, there are many LGBT websites in Russian.

154. The law enforcement agencies respond appropriately to all acts of violence, irrespective of whether they are committed against LGBT individuals or members of any other social group. All the circumstances of such unlawful acts, including the motive, are elucidated as part of the investigations carried out. On 4 November 2013, the investigative bodies opened a criminal case in connection with the attack on LGBT individuals during the closed "Rainbow Tea Party" event. The actions of the assailants were classified under the relevant articles of the Criminal Code, including article 111, paragraph 2 (e) (intentional infliction of serious harm to health). At present, inquiries are continuing with a view to identifying the perpetrators.

Reply to question 25 (b)

155. The Constitutional Court found, in its Decision No. 151-O-O of 19 January 2010, that the prohibition on the promotion of homosexuality — defined as the deliberate and uncontrolled dissemination of information capable of harming health and moral and spiritual development, including by forming perverted conceptions about the equal social value of traditional and non-traditional family relations — among persons who, on account of their age, lack the capacity to assess such information critically and independently could not be held to violate constitutional rights.

156. The Court elaborated further on this legal position in its Ruling No. 24-P of 23 September 2014, in which it declared that article 6.21 of the Code of Administrative Offences (promotion of non-traditional sexual relations among minors) was not contrary to the Constitution, since its purpose — as understood under constitutional law and within the framework of current laws and regulations — was to protect the family and childhood, which are recognized as key assets in the Constitution, and to prevent the infliction of harm on the health and moral and spiritual development of minors. The Court emphasized that this article does not envisage interference with individual autonomy, including sexual self-determination, is not intended to prohibit or officially censure non-traditional sexual relations, does not hinder objective public discussion of the legal status of sexual minorities or the use by their representatives of any means not prohibited by law to express their views on these issues and to protect their rights and legitimate interests, including organizing and conducting public events, and does not provide for a broad interpretation of the prohibition it establishes, which applies only to the public dissemination of information aimed at promoting non-traditional sexual relations among minors, or, depending on the circumstances, imposing them. This ruling is binding on all authorities, enterprises, institutions, organizations, officials, citizens and their associations.

157. Overall, the Russian authorities are convinced that the legislation currently in force is not being used to arbitrarily restrict the freedom of expression and peaceful assembly of LGBT individuals. Russian laws and their application are fully consistent with the country's obligations under the Covenant.

Reply to question 26

Reply to question 26 (a)

158. Russian legislation does not establish any disproportionate restrictions on the exercise of the rights to freedom of assembly and expression. Federal Act No. 54-FZ of 19 June 1996 on Assemblies, Meetings, Demonstrations, Processions and Pickets establishes well-founded requirements with regard to the procedure for organizing such events and stipulates a notification process. In accordance with article 12, paragraph 3, of the Act, the authorities have the right to withhold consent for the holding of a public event only if the notification of the event is submitted by an individual who is not entitled under the law to organize a public event or if the designated location for the event is a place in which public events are prohibited by law. Moreover, the regional authorities actually set aside special areas in which public sentiment may be expressed openly without the need for prior notification of the authorities. For example, in Moscow, there are two squares in city parks with a combined capacity of 3,500 persons where public events may be held without notifying the authorities.

159. Additional guarantees of the right to freedom of assembly are contained in Constitutional Court Rulings Nos. 12-P of 18 May 2012, 4-P of 14 February 2013 and 14-P of 13 May 2014, as well as in the Court's Decision No. 705-O-O of 1 June 2010.

160. At the same time, the exercise of the right to freedom of assembly may not violate the rights and freedoms of others, in particular their right to personal and public safety, which must be guaranteed by the law enforcement agencies during public events. Accordingly, if participants in a public event breach the requirements of current legislation, they are arrested by law enforcement officers and, where appropriate, incur the penalties prescribed by law. In the performance of their duties, law enforcement officers are guided solely by the law, which they apply in the same manner to all participants in any public event.

161. Russian legislation does not provide for penalties in the form of "prison terms for expressing one's political views".

162. A number of individuals have been prosecuted in the so-called "Bolotnoe case", in connection with the events that took place on 6 May 2012 in Bolotnaya Square in Moscow, on the basis of evidence gathered by investigators and examined in the course of judicial proceedings. This evidence indicates that they were involved in organizing, or were participants in, mass disturbances (Criminal Code, art. 212) and used violence against law enforcement officers (Criminal Code, art. 318); there is no other motive for the prosecutions, which are founded in law. In the course of the unlawful acts committed by the participants in the mass disturbances, violence was used against more than 80 public officials, 44 of whom suffered harm to their health, in differing degrees. The pretrial investigation in the criminal case is still ongoing.

Reply to question 26 (b)

163. If employees of any authority commit violations of current legislation, the victims can demand that the perpetrators be held liable, as prescribed by law, and seek reparation for the material and moral damage inflicted, under the procedure established in the provisions of criminal, administrative, civil and other legislation applied in the situations concerned.

Reply to question 26 (c)

164. The concept of "spontaneous assemblies" has not yet been thoroughly developed in Russian legislation. Should the need arise, the Russian authorities will study in depth the advisability of clarifying the existing legal provisions and will take a decision on the matter.

Reply to question 27

165. The legislation currently in force in the Russian Federation contains a detailed definition of extremism, which does not conflict with the country's international obligations; the relevant provisions are applied appropriately by the law enforcement agencies and the courts (for more information on this issue, see paragraphs 19–28 above).

166. In particular, concerning respect for the rights of "Jehovah's Witnesses", it should be noted that, as at 1 October 2014, 390 religious organizations adhering to the teachings of the "Jehovah's Witnesses" were entered in the consolidated State register of legal entities. The activities of just a handful of these organizations have been suspended or terminated by decisions of the Russian courts because they were found to have broken the law (including by attempting publicly to impose their religious convictions, proffering insults against other religious organizations and inciting citizens to refuse to fulfil their civic obligations). Discriminatory treatment or oppression of "Jehovah's Witnesses" by the Russian authorities is not permitted.

167. As at 1 October 2014, there were a total of 27,315 different religious organizations in the territory of the Russian Federation. As stipulated in article 4, paragraph 2, of Federal Act No. 125-FZ of 26 September 1997 on Freedom of Conscience and Religious Associations, and consistent with the constitutional principle of the separation of religious associations from the State, the authorities do not interfere in the activities of religious associations provided that such activities are within the law. Article 12 of the Act contains an exhaustive list of grounds on which State registration of a religious organization may be refused. Such refusal may be appealed to a higher authority or a court of law.

Reply to question 28

168. In accordance with the amendments introduced in Federal Act No. 7-FZ of 12 January 1996 on Non-Profit Organizations in July 2012, Russian non-governmental organizations that accept foreign funding and engage in political activities in the territory of

the Russian Federation are subject to a special registration procedure. The State does not, however, in any way limit the right of these organizations to pursue their activities or to engage in the political life of Russian society. The sole aim of the legislative amendments made is to ensure greater transparency in the activities of such organizations, given that Russian society has a right to know the sources of funding of the political activities carried out in the country. Federal Acts Nos. 18-FZ of 21 February 2014 and 147-FZ of 4 June 2014 are intended to further enhance the legislation in this area and to clarify the powers of the competent State bodies. Furthermore, any decision by the authorities that affects the rights and legitimate interests of non-governmental organizations may be appealed before a court of law.

169. The main legislative provisions in this area were reviewed by the Constitutional Court, which held, in its Ruling No. 10-P of 8 April 2014, that they did not contradict the Constitution. The Court also provided the necessary clarifications of the concept of "political activities", which are now taken into account by the law enforcement agencies in their work.

170. In the light of the foregoing, the Russian authorities are convinced that the laws and regulations currently in force in the Russian Federation are entirely consistent with the Covenant's provisions.

Reply to question 29

Reply to question 29 (a)

171. In July 2014, the investigative bodies instituted criminal proceedings in connection with the disappearances of Mr. T. Shaimardanov and Mr. S. Zinedinov. In the course of the investigations into these cases, the relatives of the two men have been questioned, along with other persons, relevant information has been monitored and other inquiries have been made. The investigations are continuing.

172. The investigative bodies in the Republic of Crimea and Sevastopol have not received any report concerning the disappearance of Mr. L. Korzh.

Reply to question 29 (b)

173. There has been a significant amount of activity in the investigation into the murder of Mr. R. Ametov: more than 270 witnesses have been questioned, and over 50 forensic analyses and some 50 plus examinations have been carried out. Everything necessary is being done to identify the perpetrators of the crime.

Reply to question 29 (c)

174. The law enforcement agencies assess the legality of the actions of members of the so-called "Crimean self-defence" in the same way that they would those of any other individuals. Any unlawful acts committed by them are investigated under the procedure prescribed in the criminal procedural or administrative law of the Russian Federation. To date, several criminal cases have been opened in which the suspects are members of the "Crimean self-defence". These cases are connected in particular with the robbery of Mr. I Ilin in the village of Nikolayevka in April 2014 and with several incidents that occurred in May 2014 in which vehicles were taken illegally with the threat of the use of firearms.

Reply to question 29 (d)

175. There are more than 300 fully functioning media entities in the Republic of Crimea and Sevastopol, including local media in the Crimean Tatar language. Neither the law enforcement agencies nor the Ministry of Communications and Mass Media have received

reports of any "excessive limitations placed on freedom of information and expression" or "acts of aggression, threats and intimidation against journalists" in these constituent entities of the Russian Federation.

Reply to question 29 (e)

176. Pursuant to the Agreement of 18 March 2014 between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities of the Russian Federation and article 4 of Federal Constitutional Act No. 6-FKZ of 21 March 2014 on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities of the Russian Federation — namely, the Republic of Crimea and the Federal City of Sevastopol — citizens residing in the territory of the Republic of Crimea and Sevastopol were granted the right to decide independently and of their own free will whether they wished to retain Ukrainian citizenship or acquire citizenship of the Russian Federation.

177. Citizens of Ukraine and stateless persons residing permanently in the territory of Crimea on 18 March 2014 were given the right to decide, within one month, to retain their existing citizenship and/or that of their minor children or their status as stateless persons.

178. Approximately 3,900 persons stated that they wished to retain their existing citizenship or remain stateless.

179. Article 19 of Federal Act No. 62-FZ of 31 May 2002 on Citizenship of the Russian Federation states that citizenship of the Russian Federation may be relinquished by a person residing in the territory of the Russian Federation on the basis of a voluntary declaration made by that person in accordance with the usual procedure. Under the standard arrangements, citizens of the Russian Federation who relinquish their citizenship are issued with residence permits on receipt of an application by them.

180. Persons who retained their Ukrainian citizenship or their status as stateless persons are being issued with foreign national or stateless person residence permits on submission of a simplified application form accompanied by a minimum package of documents (not including medical certificates or documentary evidence of legitimate means of subsistence).

181. Persons residing permanently in the territory of the Republic of Crimea and Sevastopol who have been recognized as citizens of the Russian Federation pursuant to the Agreement of 18 March 2014 between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities of the Russian Federation and Federal Constitutional Act No. 6-FKZ of 21 March 2014 and who do not wish to be citizens of the Russian Federation but who have lost the right, after 18 April 2014, to apply to retain their existing citizenship or their status as stateless persons may exercise their constitutional right to change their citizenship.

182. The Russian authorities have not identified any cases of persons being forced to give up their Ukrainian citizenship or of "harassment and intimidation of those who did not apply for Russian citizenship".

Reply to question 29 (f)

183. There were no established cases in 2014 of sectarian conflict in the Republic of Crimea or Sevastopol. The law enforcement agencies have, however, stepped up their efforts to prevent discrimination on the ground of religion. To this end, a number of coordination meetings and round tables were held in 2014, at which the participants, who included representatives of the different faiths, discussed current issues affecting work in this area.

Reply to question 29 (g)

184. The Constitution and laws of the Russian Federation, which contain effective safeguards against discrimination on the ground of ethnicity, are applicable in all the constituent entities of the Russian Federation, including the Republic of Crimea.

185. Since the accession of the Republic of Crimea to the Russian Federation, pursuant to Presidential Decree No. 268 of 21 April 2014, the authorities at all levels have been pursuing efforts to promote the political, social and spiritual rebirth of the Armenian, Bulgarian, Crimean Tatar, German and Greek peoples, the establishment and development of autonomous ethnic cultural organizations and other civil society associations of these peoples, opportunities for them to receive basic general education in their languages, and the development of their traditional industries and forms of management.

186. The grounds for denial of permission to enter the territory of the Russian Federation are set out in the Federal Act on the Procedures for Exit from and Entry into the Russian Federation. Any restrictions placed on entry into the Russian Federation may be challenged by the persons affected in the competent Russian courts.

Reply to question 30

187. The Ministry of Foreign Affairs of the Russian Federation brings to the notice of the competent authorities the official Russian texts of the Committee's concluding observations on the outcome of its consideration of the country's periodic reports on its implementation of the Covenant, along with the Committee's Views on individual cases considered under the Optional Protocol to the Covenant. The relevant information is published, notably in the reviews of legislation and jurisprudence of the Supreme Court (see paragraph 2 above) and in the magazine *Rossiiskoe pravosudie* (Russian Justice).

188. Information is posted on the website of the Ministry of Foreign Affairs (www.mid.ru) on the consideration by the human rights treaty bodies of the reports of the Russian Federation on its implementation of the international human rights instruments it has ratified. In addition, the "International instruments" page of the website (www.mid.ru/bdomp/spm_md.nsf) contains a list of the treaties and agreements to which the Russian Federation is a party.

189. During the preparation of the seventh periodic report of the Russian Federation on its implementation of the Covenant, information received from various non-governmental organizations on issues related to the observance of the Covenant's provisions was taken into account. In this connection, the Russian authorities confirm their commitment to ensuring the broadest possible coverage of these issues and to continuing their constructive dialogue and cooperation with representatives of all sections of civil society.