

UPR MONITOR

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Overview

The large delegation of the Russian Federation was headed by the Minister of Justice, Mr. Aleksandr Kononov, whose presentation reiterated many of the issues presented in the national report. While he outlined the Russian Federation's willingness to constructively engage in the UPR process, he requested that States consider the particularities of Russia's situation before posing questions and recommendations, including its history, vast size and heterogeneous population. There was a high level of participation in the interactive dialogue and more than 20 States were unable to take the floor due to time constraints. The quality and character of the dialogue varied dramatically, from laudatory praise¹ to sharp criticism.² Overall, however, the majority of States tended not to be overly critical of the Russian Federation.

The delegation only intervened once to answer questions, near the end of the review, and questions were divided among delegation members. The Minister stated that it would not be possible to answer all questions but that they would try to answer the most frequently raised. However, the delegates then proceeded to give very general answers to questions.

General information on the Russian Federation

- The Russian Federation is a member of the Human Rights Council until (1st term, 2006 – 2009).
- The members of the troika for the examination of the Russian Federation were Ghana, Chile and Bahrain.³
- The national report of the Russian Federation notes that the State consulted with civil society in the drafting of the national report, although it does not provide any further detail. When asked for additional information on this by Japan during the UPR Working Group, the Minister of Justice responded that 'fruitful discussions' were held with key members of civil society, although again no further details were provided. China referred to this as a wide solicitation of views which illustrated the State's 'responsible attitude'.

Information submitted to the Working Group

The **national report** of the Russian Federation⁴ is rather short at 12 pages. While it first appears to address a broad range of human rights, at closer inspection it becomes clear that it simply repeats the text of the cores

¹ For example, Cuba, the Democratic People's Republic of Korea, China, Vietnam, Pakistan, Zimbabwe

² The United Kingdom, Ireland, Switzerland, Georgia.

³ The Russian Federation did not request that a member of its regional group be among its troika. There were no objections by the Russian Federation or by the members of the troika to the selection. For a full summary of the selection of troikas, see ISHR's *Daily Update* of 8 September 2008, available at www.ishr.ch.

articles related to fundamental freedom in the national Constitution. More practical attention is then devoted to judicial reform, combating terrorism, protection against torture, violence and degrading treatment, particularly in the case of the militia, as well as the rights of children, family rights and social security. Representatives of civil society are said to have participated in the preparation of the national report, but in their alternative report NGOs expressed different opinions on many issues.

The OHCHR **compilation of UN information**⁵ focuses on: the legislative framework, welcoming the fact that international treaties can be invoked domestically;⁶ the high level of cooperation with international mechanisms; the ‘profound marginalisation faced by ethnic minorities’ and signs of institutionalised discrimination;⁷ calls to abolish the death penalty, and torture and ill-treatment committed by law enforcement personnel; ‘numerous, ongoing and consistent’ allegations of enforced disappearances in Chechnya, in particular during anti-terrorist operations;⁸ violence against women and domestic violence;⁹ various limitations in access to justice, fair trial and independence of the judiciary;¹⁰ threats to journalists and human rights defenders, and the stifling of freedom of expression through excessive registration laws;¹¹ the situation of minorities and migrants;¹² and counter-terrorism activities and the rule of law.¹³

17 stakeholders submitted information for the OHCHR **summary of stakeholders’ information**.¹⁴ This included two joint submissions and a submission from the Council of Europe. The subjects addressed in the report included: the decreasing accountability of authorities¹⁵ and the need for an independent anti-discrimination body;¹⁶ non-implementation of treaty body recommendations and the need to allow access for special procedures to the North Caucasus;¹⁷ enforced disappearances, extrajudicial executions, torture, ill-treatment, and arbitrary arrest and secret detention in the Chechen Republic, Ingushetia, Dagestan and North Ossetia;¹⁸ the increase in racially motivated violence and the lack of an effective response;¹⁹ unpunished crimes of torture, extraditions based on diplomatic assurances, use of force against and non-access to prisoners;²⁰ the need for separation of the judiciary and executive, right to fair trial and due process, including for juveniles;²¹ selective registration of NGOs designed to interfere with legitimate freedom of expression and association;²² deprivation of the legal rights of indigenous peoples;²³ and the disproportionate use of force in special operations.²⁴

⁴ A/HRC/WG.6/4/RUS/1, available at <http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CRUSession4.aspx>

⁵ A/HRC/WG.6/4/RUS/2, available at <http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CRUSession4.aspx>

⁶ CEDAW.

⁷ Special Rapporteur on Racism, CERD.

⁸ CAT, WGED, Special Rapporteur on violence against women.

⁹ CEDAW, CESCR.

¹⁰ Special Rapporteur on the independence of judges and lawyers, CAT, HRC, CRC, High Commissioner for Human Rights.

¹¹ Special Representative of the Secretary General on human rights defenders, CAT, HRC, High Commissioner for Human Rights.

¹² CERD, UNHCR, HRC, CAT.

¹³ HRC, Special Rapporteur on violence against women.

¹⁴ A/HRC/WG.6/4/RUS/3, available at <http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CRUSession4.aspx>

¹⁵ Joint submission of ‘Russian NGOs’.

¹⁶ Human Rights First (HRF).

¹⁷ Human Rights Watch (HRW), Human Rights Without Frontiers (HRWF).

¹⁸ AI, Moscow Bureau of Human Rights.

¹⁹ Amnesty International (AI), Russian NGOs, HRF.

²⁰ AI, International Commission of Jurists (ICJ), Russian NGOs.

²¹ Russian NGOs, Council of Europe (CoE), ICJ.

²² AI.

²³ Russian Association of Indigenous People’s of the North (RAIPON).

²⁴ Russian NGOs.

The summary of stakeholders' information was not available in Russian at the time of the review.

Interactive dialogue²⁵

Presentation by the State

The introductory presentation by H.E. Minister of Justice Mr. Alexander Kononov lasted 20 minutes and repeated much of the national report. Mr. Kononov expressed Russia's acknowledgement of the UPR as a vital mechanism in the promotion and protection of human rights and stressed the State's commitment to international cooperation, specifically pointing to the close cooperation Russia has established with OHCHR. While stressing the State's willingness to participate in constructive dialogue, the Minister emphasised that several points needed to be taken into account when looking at the situation in Russia, including Russia's isolation from EU and international legal processes (for example, non-participation in Hague Convention) which hindered Russia's integration in the international community, the transition period of the last 20 years, and the vast territory and diverse ethnic make-up of the country.

Mr. Kononov admitted the need to further refine Russia's democratic institutions, as well as to improve national legislation. He referred to freedom of expression, media safety and ethnic minorities as among the issues of utmost importance. He indicated that only 5% of Russian media outlets are Government-owned and assured that no State repression is conducted against human rights defenders. He concluded that Russia would approach its human rights obligations very seriously as the State's primary interest is to ensure that people can live in peace and tranquillity.

Themes and issues

A large number of States drew attention to the recent **murder of journalists** Anastasia Baburova and Stanislav Markelov, and called for thorough investigations and for the perpetrators to be brought to justice.²⁶ Referring to these 'shocking' murders, Ireland asked what wider steps were being taken to ensure that journalists could work without fear of attack. The Minister replied that a law exists providing State protection of journalists, and that justice will be 'fully brought to bear' in the above cases. He claimed that in the majority of such cases the accused have been brought before courts and there are a high percentage of convictions.

The same concerns were raised about the need to better secure the protection of **human rights defenders and lawyers** in the course of their work.²⁷ Norway and the UK stressed the need for the State to adhere to the *UN Declaration on the Rights of Human Rights Defenders*. Sweden drew specific attention the treatment of LGBT persons and activists, including violations of their right to free assembly. Questions were also raised about the impact of the State's legislative oversight of the activities of NGOs. Austria and the Netherlands recommended that the Russian Federation also amend its laws concerning the registration of NGOs,²⁸ to which the State responded that the law was applied primarily to religious groups and that it did not see any particular issue with the current legislation.

²⁵ Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at www.un.org/webcast/unhrc/index.asp.

²⁶ Netherlands, Italy, United Kingdom, Ireland, Australia, Norway, Switzerland, Japan,

²⁷ Germany, UK, Norway, Italy, Switzerland, South Africa.

²⁸ Italy also questioned the limitations applied on access to funding for NGOs, while Japan questioned how the law was administered. Egypt also asked what obstacles NGOs faced in light of the new legislation.

A high number of States raised the need to strengthen initiatives to combat **extremism and hate crimes**, primarily aimed at national and ethnic minorities.²⁹ The Netherlands and New Zealand called for a better legal definition of ‘extremism’ and ‘racial discrimination’, while Switzerland recommended that the State examine the root causes of such behaviour. Austria recommended that the State systematically collect data and bring perpetrators to justice. The Minister confirmed that such a database was already in place. Belgium reiterated the conclusions of CERD that there were low rates of conviction and that the State needed to apply other measures, including the establishment of a national mechanism. Delegation member Mr Sisov responded that extremist crimes have increased, but they were not always violent. He stated that a draft federal law dealing with national policy towards ethnic minorities was currently under consideration.

A number of States raised serious concerns about the situation of human rights in the **North Caucasus**, including the commission of acts of torture, disappearances and extrajudicial executions.³⁰ Australia, the United Kingdom and Norway called upon the relevant UN special procedures to be granted immediate access to the area. The delegation was relatively unresponsive to these questions, declaring that there was a reduction of up to 50% of violent acts occurring in the region.

The strengthening of the **independence of the judiciary** and the administration of justice was often raised, to which the Russian Federation already acknowledged in its opening statement that reform was ongoing. The Netherlands noted that the high incidence of European Court of Human Rights rulings suggested shortcomings in the justice system, and Australia expressed concern with its high level of corruption. Bosnia and Herzegovina sought an elaboration on the reforms currently underway. Austria extended this to the need to expedite reform of the juvenile courts and to improve the system of reintegration of minors. Delegation member Mr Matushkin responded that reform had been possible because of the existing independence of the judiciary. Judges cannot be removed from office and judges. It was added that there are no limitations imposed on the work of lawyers.

While commending Russian Federation’s moratorium on the **death penalty**, many States called for a *de jure* abolition and the State’s ratification of the Second Optional Protocol to the *International Covenant on Civil and Political Rights*.³¹ The delegation responded that the Government is considering ratification when national legislation is in accordance with the Protocol, and that they were moving step-by-step towards full abolition.

A number of States commended the Russian Federation on the establishment of an institutional framework for the **protection of migrants**,³² and sought additional information on why the State thought this was necessary and how it operates in practice. The Russian Federation did not respond to these comments.

The Russian Federation was broadly commended for its **cooperation with international mechanisms**, including its high level of ratification of international instruments, its timely reporting and the issuing of a standing invitation to special procedures. However, Brazil and Mexico drew attention the State to common delays in finalising dates for visits by special procedures. Important outstanding visits included the Special Rapporteur on torture and the Working Group on Enforced Disappearances.³³ The Russian Federation responded that it had 12 visits by independent human rights monitors in 2008 (including from the OSCE and CoE) and planning the timing of visits was difficult. States also recommended that the Russian Federation

²⁹ Turkey, Mexico, Norway, Ireland, Philippines, Belgium, South Africa

³⁰ Australia, UK, Norway, Japan, South Africa, Switzerland

³¹ Germany, Brazil, Bosnia and Herzegovina,

³² Algeria, Serbia, Japan, Indonesia

³³ Switzerland,

ratify OPCAT³⁴, the Convention on Enforced Disappearances,³⁵ the Rome Statute of the ICC,³⁶ while Brazil recommended that it remove existing treaty reservations.

Other issues raised during the dialogue included: efforts to uphold human rights and the rule of law while countering terrorism;³⁷ child rights, juvenile detention³⁸, child illiteracy and access to education;³⁹ trafficking and sexual exploitation;⁴⁰ the rights of military personnel;⁴¹ the creation of Office of the Ombudsman;⁴² achievements in the reduction of poverty;⁴³ indigenous communities in the North and North East;⁴⁴ and access to medical services and decreases in child mortality.⁴⁵

The delegation concluded by thanking the Working Group and by responding to the statement by Georgia that it is open to dialogue but that ‘any assertions of control do not correspond to reality’.

Other issues

Subsequent to the need for the Chairperson to cut short the list of speakers during the review of the Russian Federation, the meeting of the morning of 4 February ended with a request by the Czech Republic (on behalf of the European Union (EU)) that the questions of the speakers list and the word-limit of the UPR report be reconsidered. It noted that the recommendations of a high number of States were not being considered as they were not able to speak. It also noted that the word limitation imposed on the UPR report meant that there was limited space for summaries of the dialogue when a high number of States spoke. It therefore requested that States reconsider options for including all States in the interactive dialogue and UPR report. This was supported by Canada, who proposed the possibility of further reducing speaking time. Pakistan and South Africa, however, opposed consideration at the present time, stating that the general debate under Item 6 of the Council’s agenda was the appropriate forum.

Adoption of the report

The report of the Russian Federation was adopted without incident on the morning of 6 February.⁴⁶ The representative of the Russian Federation affirmed that Russia would consider all 57 recommendations contained therein and would respond to the Human Rights Council on which recommendations it would accept and reject. It was specified however that the recommendations made by Georgia were not relevant as they did not comply with the basis of the review.⁴⁷

The report was then adopted by the UPR Working Group.

³⁴ Liechtenstein, Brazil, Mexico, Senegal.

³⁵ Argentina, Mexico.

³⁶ Brazil.

³⁷ Brazil, Mexico.

³⁸ Algeria, Austria, New Zealand.

³⁹ Cuba, Liechtenstein, Slovenia.

⁴⁰ Pakistan, Philippines, Belarus.

⁴¹ China.

⁴² China, India, Philippines.

⁴³ Turkey, Cuba.

⁴⁴ Denmark.

⁴⁵ DPRK, Venezuela.

⁴⁶ A/HRC/WG.6/4/L.5 (draft report).

⁴⁷ *Ibid.*, para 54.

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