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**Human Rights Council****Fifty-fourth session**

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Agenda item 4

**Human rights situations that require the Council's attention****Situation of human rights in the Russian Federation****Report of the Special Rapporteur on the situation of human rights in the Russian Federation, Mariana Katzarova\****Summary*

The present report is the first to be submitted by the Special Rapporteur on the situation of human rights in the Russian Federation, pursuant to Human Rights Council resolution 51/25. In the report, the Special Rapporteur documents the increasingly repressive crackdown on the peaceful exercise of human rights, especially since the beginning of the full-scale armed attack of the Russian Federation on Ukraine in February 2022. The report contains an assessment of how recent legislation has severely restricted human rights protections guaranteed by international human rights standards and law and have led to the forced shut down of independent civic space, and recommendations addressed to the Government of the Russian Federation and the international community.

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\* The present report was submitted after the deadline in order to reflect the most recent developments.

## I. Introduction

1. The Human Rights Council established the mandate of Special Rapporteur on the situation of human rights in the Russian Federation on 7 October 2022 in its resolution 51/25. Mariana Katzarova commenced work as the first mandate holder on 1 May 2023, following her appointment by the Council at its fifty-second session on 4 April.

2. In the resolution in which it established the mandate, the Human Rights Council laid out a broad range of human rights concerns, and requested the Special Rapporteur to report on them to the Council at its fifty-fourth session and to the General Assembly at its seventy-eighth session. In the present report, the Special Rapporteur focuses on a selection of those concerns: those relating to the realization of civil and political rights in the Russian Federation, including freedoms of opinion and expression, peaceful assembly and association; the independence of the judiciary; the right to a fair trial; and the use of torture and ill-treatment, and arbitrary detention.

## II. Methodology

3. Official letters requesting the cooperation of the Government of the Russian Federation and a visit to the country were sent on 5 May 2023. No replies were received. On 5 June 2023, the Russian News Agency TASS reported that the Government would not cooperate with the Special Rapporteur or her office.<sup>1</sup>

4. The Special Rapporteur sought dialogue with the Government through another letter, dated 6 June 2023. Subsequently, the Office of the United Nations High Commissioner for Human Rights (OHCHR) received a note verbale dated 12 July 2023 from the Government of the Russian Federation, in which it referred to joint submissions addressed to the Russian Federation by the Special Rapporteur together with other special procedure mandate holders, and reiterated of its non-recognition of the former. In the note verbale, the Government specified that all submissions of the Special Rapporteur, whether individual or joint, would be automatically disregarded.

5. The Special Rapporteur regrets the attempts by the Russian Federation to obstruct the work of the mandate and the Government's selective engagement with United Nations human rights mechanisms, and interprets such actions as a lack of political will to uphold its human rights obligations. The Special Rapporteur will continue to address the Russian authorities in the exercise of her mandate in a constructive spirit and with the ultimate objective of strengthening the protection and promotion of human rights.

6. The Special Rapporteur has also sought the cooperation and assistance of organizations, institutions and individuals, both inside and outside the Russian Federation.<sup>2</sup> Consultations with more than 60 Russian and international human rights organizations and individuals were conducted in person, by telephone and online. In addition, almost 100 written submissions were received from civil society actors, human rights defenders, victims and witnesses of human rights violations, as well as information from international and regional organizations, such as the 2022 report of the Moscow Mechanism of the Organization for Security and Cooperation in Europe (OSCE).<sup>3</sup> The cut-off date for receiving information was 25 August 2023.

7. The volume of the responses received is indicative of the broad scope of human rights concerns that the Russian Federation faces today. These issues have escalated rapidly since its full-scale armed attack on Ukraine in February 2022; since then, the Government of the Russian Federation has quickly passed additional legislation to forcibly shut down any perceived opposition. The roots of this repression, however, go back much further than February 2022 (see below). The present report is not an exhaustive account but an overview

<sup>1</sup> See <https://tass.com/politics/1627867>.

<sup>2</sup> See OHCHR, "First UN human rights expert on Russian Federation takes office", 12 May 2023

<sup>3</sup> Professor Angelika Nußberger, *Report on Russia's Legal and Administrative Practice in Light of its OSCE Human Dimension Commitments*, available from <https://www.osce.org/odihr/526720>.

of significant patterns of human rights violations perpetrated within the internationally recognized borders of the Russian Federation and based on available information and individual cases.

### III. Engagement with United Nations human rights mechanisms

8. The Russian Federation joined the Human Rights Council in January 2021 for a three-year term. On 7 April 2022, the General Assembly suspended the membership of the Russian Federation over “gross and systematic violations and abuses of human rights” committed by the State “during its aggression against Ukraine”.<sup>4</sup> After the Assembly adopted the resolution, the Russian Federation announced its decision to leave the Council before the end of its term.<sup>5</sup>

9. The Russian Federation is a party to seven of the nine core international human rights treaties.<sup>6</sup> It is not a party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment nor the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. The most recent review of the State’s obligations under that Covenant was undertaken in absentia by the Human Rights Committee in October 2022.<sup>7</sup> The Special Rapporteur refers to the recommendations made by the Committee in the present report.<sup>8</sup>

10. The Russian Federation is one of a minority of States not to have extended a standing invitation to the special procedures of the Human Rights Council.<sup>9</sup> Eleven visits have been conducted since 1998, the most recent in 2017.<sup>10</sup> Numerous requests by mandate holders have been either declined, left unanswered or postponed by the State.

11. Speaking to the Human Rights Council on 19 June 2023, the United Nations High Commissioner for Human Rights urged the Russian Federation to cooperate with all the international human-rights bodies – including OHCHR – to address the serious human rights issues that the country faces.<sup>11</sup>

### IV. Legal framework for human rights

12. The Constitution of the Russian Federation, adopted by referendum on 12 December 1993, contains internationally recognized provisions concerning the rights and freedoms of individuals and provides for a democratic legislative process and independent judiciary. Human rights organizations and international observers have, however, raised serious concerns about the lack of genuine political competition, the suppression of opposition and dissenting voices, the lack of transparency in the legislative process, and the increasing volume of legislation restricting fundamental rights and freedoms. Legislation is routinely adopted without sufficient debate or public consultation, and many laws are passed quickly, with little scrutiny. Recent laws have severely restricted civic space and have had an eroding effect on the exercise of fundamental human rights.

13. Ordinarily, the judicial system works as a check on the legislative process and the executive branch; in the Russian Federation, however, the judiciary is subject to political

<sup>4</sup> General Assembly resolution ES-11/3.

<sup>5</sup> See A/ES-11/PV.10.

<sup>6</sup> See

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=144&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=144&Lang=en).

<sup>7</sup> See CCPR/C/RUS/8.

<sup>8</sup> See [www.ohchr.org/en/news/2022/10/human-rights-committee-considers-report-russian-federation-absence-delegation-experts](https://www.ohchr.org/en/news/2022/10/human-rights-committee-considers-report-russian-federation-absence-delegation-experts).

<sup>9</sup> See <https://spinternet.ohchr.org/StandingInvitations.aspx>.

<sup>10</sup> See <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&lang=en>.

<sup>11</sup> See [www.ohchr.org/en/statements/2023/06/urging-greater-cooperation-high-commissioner-turk-opens-human-rights-council](https://www.ohchr.org/en/statements/2023/06/urging-greater-cooperation-high-commissioner-turk-opens-human-rights-council).

influence and manipulation.<sup>12</sup> As a result, rather than playing its role as a check on the exercise of executive power, the judiciary often appears to reinforce it, even acting as its mouthpiece, thus undermining the rule of law and citizens' trust in the judicial system.

14. The Russian Constitutional Court has exclusive competence to interpret the Constitution through binding precedents. Following the crackdown on protests against the full-scale armed attack by the Russian Federation against Ukraine, 24 complaints were filed with the Constitutional Court by individuals arguing that article 20.3.3 of the Code of Administrative Offences violates freedoms of expression and assembly enshrined in the Constitution. The article – part of the laws against “discrediting the armed forces” – is the provision most readily available and widely used against those who protest peacefully against the war on Ukraine. In May and July 2023, the Court reviewed these complaints and decided that the article was compatible with the Constitution. Moreover, the Court found that anti-war expressions had a negative impact on the effectiveness and motivation of Russian armed forces; restrictions on such expressions were therefore declared not unconstitutional.<sup>13</sup> This provides the Government with a justification for its repressive actions to limit freedom of peaceful assembly and freedom of expression, contrary to its international human rights obligations.

## **A. National human rights institution**

15. The Commissioner for Human Rights in the Russian Federation has the main role of protecting the rights and freedoms of all people under the jurisdiction of the Russian Federation.<sup>14</sup> In June 2021, the institution of the Commissioner was accredited A status internationally.<sup>15</sup> In March 2023, however, the Global Alliance of National Human Rights Institutions suspended that accreditation pending a special review. In connection with the ongoing armed attack by the Russian Federation against Ukraine, a number of States included the current Russian Commissioner for Human Rights, Tatyana Moskalkova, in the list of sanctioned individuals, owing to statements she had made in her official capacity. For similar reasons, on 11 April 2023, the European Network of National Human Rights Institutions voted to exclude the Russian National Human Rights Institution.

## **B. Other national human rights mechanisms**

16. A number of additional bodies in the Russian Federation could be effective in protecting human rights. The composition of most of them is, however, controlled to varying degrees by the President, so their independence and consequent effectiveness is limited.

17. As an example, the post of Commissioner for Children's Rights was established in 2009 by Presidential decree and encoded in federal law in December 2018.<sup>16</sup> The Commissioner is tasked with protecting children's rights and monitoring the activities of State bodies. On 17 March 2023, the International Criminal Court issued arrest warrants for the current Commissioner for Children's Rights, Maria Lvova-Belova, and the President of the Russian Federation, Vladimir Putin, for the war crime of unlawful deportation and transfer of Ukrainian children from occupied areas of Ukraine to the Russian Federation.<sup>17</sup>

18. The Presidential Council for the Development of Civil Society and Human Rights is a consultative body tasked with assisting the President of the Russian Federation in guaranteeing and protecting human rights and freedoms in the Russian Federation. Although the Council is an advisory body with little power to shape policy, on 21 October 2019, the President overhauled the Council's membership by removing several members who had

<sup>12</sup> See [www.ohchr.org/en/press-briefing-notes/2021/02/russia-un-experts-raise-fair-trial-concerns-over-case-gulag-historian](https://www.ohchr.org/en/press-briefing-notes/2021/02/russia-un-experts-raise-fair-trial-concerns-over-case-gulag-historian).

<sup>13</sup> Mark Trevelyan, “Top Russian court rejects bid to strike down war protest law”, Reuters, 21 June 2023.

<sup>14</sup> Federal Constitutional Law No. 1-FKZ of 26 February 1997.

<sup>15</sup> See <https://ganhri.org/wp-content/uploads/2021/08/EN-SCA-Report-June-2021.pdf>.

<sup>16</sup> CRC/C/RUS/6-7, para. 32.

<sup>17</sup> See International Criminal Court, “Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova”, press release, 17 March 2023.

criticized his Government or drawn attention to the use of force by security forces against participants in a wave of peaceful protests calling for free elections held in Moscow that summer. Valery Fadeyev, a senior member of the ruling United Russia party was appointed chair of the Council.

## C. Restrictive legislation targeting civil society

### 1. Foreign Agents Law and amendments

19. Federal Law No. 121-FZ of 20 July 2012, the “Foreign Agents Law”, has substantially changed the functioning of Russian civil society, imposing restrictions and forcing the closure of many non-governmental organizations, including media organizations.<sup>18</sup> The law, and the subsequent amendments made to it, have had by far the most damaging effect on the right to freedom of association and freedom of expression in the Russian Federation.

20. The law, and the amendments to it, encompasses non-governmental organizations, media outlets and individual persons, including journalists, human rights defenders, cultural figures and political opposition activists. It introduced the designation of “foreign agent”, which can be attributed to any non-commercial organization, public association or individual that receives foreign funding and participates in “political activity” in the Russian Federation.<sup>19</sup> The label of “foreign agent” has a very negative connotation; in the context of Russian history, the term is ubiquitously associated with “enemy of the people” or “spy”, and its use undermines the reputation and credibility of human rights defenders, activists and civil society organizations.

21. Subsequent amendments introduced an even vaguer term – “foreign influence”<sup>20</sup> – which refers to anyone perceived as receiving foreign support, or being influenced by foreigners in other ways, including through coercion, persuasion or other means. “Support” is understood as the provision of funds and/or other property from a foreign source, as well as organizational, methodological, scientific, technical or other assistance. Under this definition, “foreign influence” could potentially include any engagement with foreign nationals or entities, including the United Nations, travelling abroad, or simply watching or listening to content online, on radio or television. There is no requirement for any causal link between such “foreign influence” and the “political activity” of the person or entity in question.

22. This legislation runs counter to the right to freedom of association, including the prerogative of soliciting, receiving and utilizing resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, individually and in association with others. United Nations human rights mechanisms have criticized the law and the amendments to it as not conforming with the State’s international legal obligations and not meeting the required thresholds of necessity, proportionality and non-discrimination under international law.<sup>21</sup>

23. By the end of July 2023, the register of “foreign agents” contained 649 organizations and individuals, an increase of 134 in six months.<sup>22</sup>

24. A new retroactive designation of persons “affiliated” with a “foreign agent” was also introduced, referring to persons connected with an unregistered public association or a “foreign agent”, which makes the application of the law even more unpredictable. As at 31 December 2022, 861 individuals had been included in the registry of “affiliated” with

<sup>18</sup> A/HRC/22/67, JAL RUS 5/2012.

<sup>19</sup> See European Court of Human Rights, “Russian foreign Agents Act 2012 not necessary in a democratic society”, press release, 14 June 2022.

<sup>20</sup> See <http://duma.gov.ru/en/news/54760/#>; and <http://publication.pravo.gov.ru/Document/View/0001202207140018> (in Russian).

<sup>21</sup> OL RUS 16/2022.

<sup>22</sup> See <https://minjust.gov.ru/ru/activity/directions/998/> (in Russian).

“foreign agents”.<sup>23</sup> The persons concerned are not informed of their inclusion in the register nor that the Ministry of Justice is monitoring them.<sup>24</sup>

25. The latest reform of the law, undertaken in July 2022, failed to address concerns raised by international experts,<sup>25</sup> that include the arbitrary labelling as “political” activities related to the normal functioning of a democratic society. The Foreign Agents Law and its subsequent amendments undermine the independent functioning of civil society in the Russian Federation, including that of the media and civic activity.

## 2. Legislation on “undesirable organizations”

26. The activities of Russian civil society are further restricted by Federal Law No. 129-FZ of 23 May 2015 on undesirable activities of foreign and international non-governmental organizations. The law and subsequent amendments to it specify that any international or foreign non-governmental organization, whether working inside or outside the Russian Federation, may be deemed “undesirable” if its activities pose “a threat to the foundations of the constitutional order of the Russian Federation, the defence capacity of the country or the security of the State”.

27. An organization declared “undesirable” – as at 31 July 2023, there were at least 103<sup>26</sup> – faces severe consequences, including a complete ban on operations in the Russian Federation. Russians are prohibited from receiving funding from an “undesirable” organization or disseminating an “undesirable” organization’s material, including over the Internet. Media may not hyperlink their online content to materials of “undesirable” organizations. It is a crime to participate in any activity of an “undesirable” organization, whether the organization is located in the Russian Federation or overseas. The law does not clarify what constitutes “participation”.

28. The designation of “undesirable” does not require a ground for the decision, and organizations found to be “undesirable” learn about the decision post facto. Over the course of eight years under the “undesirable organizations” law, no organization has been removed from the list or successfully challenged its designation as “undesirable”.

29. The absence of clear definitions in the law makes it applicable to a wide range of organizations. The list of “undesirable organizations”<sup>27</sup> includes the International Partnership for Human Rights, Transparency International, the Heinrich Böll Foundation, the Civil Society Forum Russia-EU, Greenpeace International, the Human Rights House Foundation and the World Wide Fund for Nature International.

30. The law has forced some major international funders to cease operating in the Russian Federation. The MacArthur Foundation, for example, ended its activity to avoid jeopardizing the safety of grantees. These developments have left many domestic organizations without any sources of funding.

31. In June 2023, new draft amendments proposed additional measures to isolate Russian civil society by prohibiting any activity of foreign non-governmental organizations unregistered in the Russian Federation.<sup>28</sup> This was preceded by a mass revocation of the registration of those organizations that had an office in the Russian Federation.

## 3. Laws on “fake news” and “discrediting the army”

32. New crimes have been added to the existing set of legal restrictions on freedom of expression. Article 207.3 of the Russian Criminal Code, of March 2022, prosecutes public dissemination of “knowingly false information containing data about the use of the armed

<sup>23</sup> See [www.themoscowtimes.com/2023/06/15/russian-authorities-maintain-secret-list-of-people-affiliated-with-foreign-agents-a81522](http://www.themoscowtimes.com/2023/06/15/russian-authorities-maintain-secret-list-of-people-affiliated-with-foreign-agents-a81522).

<sup>24</sup> See <https://minjust.gov.ru/ru/activity/directions/942/spisok-lic-vypolnyayushih-funkcii-inostrannogo-agenta/?hash=cfa8947a-b36e-447a-aca0-dcf06a53cf4d> (in Russian).

<sup>25</sup> OL RUS 16/2022. The reply of the Russian Federation is available [here](#).

<sup>26</sup> See <https://minjust.gov.ru/ru/documents/7756/>.

<sup>27</sup> Ibid.

<sup>28</sup> See Human Rights Watch, “Russia: Bill Bans Work with Most Foreign Groups”, 25 July 2023.



forces of the Russian Federation to protect the interests of the Russian Federation and its citizens and to maintain international peace and security and about the operation of any Russian State agency abroad”. The maximum penalty is 15 years of imprisonment.

33. As at July 2023, at least 185 people had been prosecuted under article 207.3. To date, some of the harshest verdicts are the sentences of 8.5 years of imprisonment for opposition politician Ilya Yashin and Dmitry Ivanov, a university student and creator of the Protest MGU Telegram channel; the seven years for independent municipal deputy Alexey Gorinov; and the six years for journalist Maria Ponomarenko.

34. Article 280.3 of the Criminal Code added the crime of “discrediting the use of the Russian armed forces or of the exercise of powers by the public authorities of the Russian Federation aimed at defending the interests of the Russian Federation and its citizens and maintaining international peace and security”. It is similar to article 20.3.3 of the Administrative Code and provides for criminal punishment for a repeated offence. They are commonly known as laws against “discrediting the armed forces” and have been used to shut down any perceived anti-war sentiment or disagreement with the official position of the authorities on the war against Ukraine. As at 20 August 2023, more than 7,683 cases had been filed under article 20.3.3 of the Administrative Code and 110 cases under article 280.3 of the Criminal Code.<sup>29</sup>

35. These prohibitions are interpreted broadly and without any legal certainty. Trials have been held in almost all regions of the Russian Federation. People have been found guilty of displaying anti-war or pro-Ukraine signs or elements of clothing; taking part in anti-war rallies or their “silent support”, such as posting photos or comments, or liking anti-war posts on social media; sharing information about the death of civilians, destruction of civilian objects and claims of war crimes committed by the Russian army; expressing opposition to the war in conversations; opposing State-promoted pro-war symbols, such as “Z” and “V”; and singing Ukrainian songs.

36. These provisions, together with the prohibition of calls for sanctions against the Russian Federation, its citizens or legal entities – criminalized under article 284.2 of the Criminal Code – have been assessed by the Human Rights Committee as unduly restricting freedom of expression which is incompatible with article 19 of the International Covenant on Civil and Political Rights.<sup>30</sup>

#### 4. Legislative persecution on grounds of sexual orientation and gender identity

37. Even though LGBTIQ+ persons in the Russian Federation have long faced harassment, threats and discrimination, open hostility has increased since the adoption of the “anti-gay propaganda” law in 2013, which banned the “promotion of non-traditional sexual relations” to minors. The law has been condemned by United Nations human rights experts as discriminatory and because it could lead to an increase in hate speech, hate crimes and abuse, including against children.<sup>31</sup>

38. Even stricter legislation has been enacted since February 2022 targeting the LGBTIQ+ community, in keeping with the President’s announcement that an anti-LGBTIQ+ stance would be the cornerstone of his political agenda. Legislation extended the “gay propaganda” ban beyond minors and prohibited any act perceived to promote “non-traditional sexual relations or preferences”. It was condemned by the United Nations High Commissioner for Human Rights, who called upon Russian legislators to repeal, not expand, anti-LGBTIQ+ legislation.<sup>32</sup>

39. Additional laws were subsequently passed, including on the prohibition of legal recognition of gender identity and gender-affirming health care.<sup>33</sup> The law bans consenting

<sup>29</sup> <https://en.ovdinfo.org/anti-war-repression-report-august-2023#3>.

<sup>30</sup> CCPR/C/RUS/CO/8, paras. 28–29.

<sup>31</sup> For example, see [RUS 8/2012](#); see also [www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2013\)022-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2013)022-e).

<sup>32</sup> See OHCHR, “Türk calls on Russian legislators to repeal, not expand, anti-LGBT bill”, 28 October 2022.

<sup>33</sup> See [OL RUS 20/2023](#).

transgender adults from seeking medical care to affirm their gender identity, but it allows forced or coercive medical interventions on “anomalies” of intersex children. These harmful, non-consensual, medically unnecessary and high-risk interventions and their serious, damaging effects have been condemned by a wide range of United Nations mechanisms.

40. The law also introduced amendments to the Family Code, prohibiting trans persons from adopting children or becoming foster parents.

41. In an increasingly homophobic society, non-heterosexual persons can face violence, unlawful detention and false accusations of criminal activity. A number of cases have been documented, for example in Chechnya, where police and security forces have been accused of initiating blackmail, abduction and torture against LGBTIQ+ individuals.

## **V. Key human rights observations and challenges**

### **A. Freedom of opinion and expression**

42. Freedom of opinion and expression, which is the cornerstone of a functioning civil society and in itself a safeguard for the protection of other fundamental rights and freedoms, is guaranteed under the Russian Constitution and the international human rights treaties ratified by the Russian Federation. Over the past 10 years, however, the Russian Federation has introduced limitations to these rights by passing new, overly broad legislative provisions allowing for arbitrary interpretation.

43. Amendments to the federal laws “on information, information technologies and information protection” and “on mass media”, collectively referred to as the “Foreign Agents Media Law”, of November 2017,<sup>34</sup> coupled with laws on “fake news”, “discrediting the army”, “anti-gay propaganda”, “historical remembrance”, “extremism” and “terrorism”, are being used to severely and arbitrarily restrict the right to freedom of expression, peaceful assembly and association.

#### **1. Control of the media**

44. Russian mass media are regulated by the federal law “on mass media”, which at the time of its adoption in 1991 was seen as fostering media freedom. Over the past 30 years, however, both the Government’s attitude and the legal framework have undergone drastic changes that have limited media freedom and inhibited the expression of independent, plural and diverse opinions and expression. A series of increasingly harsh and restrictive laws have been enacted, effectively ending the viability of independent media outlets, including online media, and promoted the current dominance of government-controlled media.

45. By 2000, traditional media, especially television, were largely controlled by the Government or oligarch owners. Independent media increasingly faced harassment and censorship. Besides targeting domestic media, in 2014 the authorities began to limit foreign influence in the media by means of amendments to the law. Any foreign media company operating in the Russian Federation was required to register as a “foreign agent”;<sup>35</sup> the definition of “foreign agent” was subsequently broadened to include any individual, including Russian nationals, who received foreign funding and disseminated information, including online. All “foreign agents” were required to mark all of their products as being produced by a “foreign agent”. It also authorized judicial blocking of any website or personal page containing “undesirable” content. A violation could lead to harsh fines and criminal liability for a repeated offence.

46. This hostile legal framework, combined with large fines and shrinking funding opportunities, threatened the very existence of non-government-controlled media. In September 2021, more than 20 Russian media outlets jointly issued an open letter urging President Putin to adopt amendments to mitigate the law’s harmful effects on the media. The

<sup>34</sup> See [www.consultant.ru/document/cons\\_doc\\_LAW\\_283382/](http://www.consultant.ru/document/cons_doc_LAW_283382/) (in Russian).

<sup>35</sup> [OL RUS 2/2018](#).



initiative was followed by a larger advocacy mobilization for repealing the Foreign Agents Law.<sup>36</sup> Subsequent legal requirements, however, introduced an even broader degree of arbitrariness and legal uncertainty by dropping the requirement of proof of foreign funding and replacing it with the vaguer concept of “foreign influence”.

## 2. Shutdown of independent media organizations

47. On the first day of the invasion by the Russian Federation of Ukraine, the Federal Service for Supervision of Communications, Information Technologies and Mass Media (Roskomnadzor) ordered all media outlets to use only official, State-sanctioned sources of information to report on the “special operation” in Ukraine. Four days later, Roskomnadzor began to block media outlets not following the order.<sup>37</sup> Since then, more than 300 media outlets have been blocked. Simultaneously, some media outlets were declared “undesirable” organizations. As at 31 July 2023, there were eight “undesirable” media.

48. Since 2019 when the first “fake news” and slander laws were enacted, media could be fined for publishing “deliberately inaccurate socially significant information” or that showed “disrespect of authorities”. This meant that journalists, editors and independent media received large fines for reporting on such events as mass protests or criticism of the authorities. As an example of these accumulating fines, in only two years, Radio Svoboda received fines equivalent to \$3 million; it shut down in March 2022.

49. Coverage of the war on Ukraine became almost impossible after the introduction in 2022 of legislation enabling criminal prosecution for disseminating “knowingly false information” about military operations or “discrediting” the Russian armed forces.<sup>38</sup> Just the announcement that such legislation was coming into force pushed some Russian independent media to shut down.

50. On 28 March 2022, one of the last independent news outlets in the Russian Federation, *Novaya Gazeta*, announced that it had received two warnings from Roskomnadzor that jeopardized its license to operate, leading it to suspend activities. In a public speech, the editor-in-chief and Nobel Peace Prize laureate, Dmitry Muratov, concluded that “in Russia, the genocide of media has come to its conclusion. Russian citizens are left alone in the face of government propaganda.”<sup>39</sup>

51. Even after conditions in the Russian Federation became untenable for independent journalistic work, in July 2022, Federal Law No. 277-FZ came into force, introducing an array of grounds upon which the activities of any mass media outlet can be suspended for three months, without a court decision and with the possibility of a complete shutdown.<sup>40</sup>

52. According to the World Press Freedom Index, the country’s media freedom ranking fell nine places after its invasion of Ukraine; by summer 2023, it ranked the Russian Federation 164th out of 180, categorizing the press freedom situation as “very serious”.<sup>41</sup>

## 3. Silencing journalists

53. The Russian Federation has long been among the worst countries in the world for journalist murders, ranking tenth worst in the 2021 Global Impunity Index.<sup>42</sup> According to the Committee to Protect Journalists, between 2000 and 2023, **43 journalists were murdered**, including journalists reporting on the North Caucasus. *Novaya Gazeta* lost at least six of its journalists and contributors in connection with their reporting. The assassinations of

<sup>36</sup> See [http://www.president-sovet.ru/presscenter/news/vstrecha\\_vladimira\\_putina\\_s\\_chlenami\\_spch\\_9\\_dekabrya\\_2021\\_goda\\_stenogramma\\_obnovlyatsya/](http://www.president-sovet.ru/presscenter/news/vstrecha_vladimira_putina_s_chlenami_spch_9_dekabrya_2021_goda_stenogramma_obnovlyatsya/) (in Russian).

<sup>37</sup> See <https://t.me/genprocrf/1721> (in Russian).

<sup>38</sup> See OHCHR, “Russia: UN experts alarmed by ‘choking’ information clampdown”, 12 March 2022.

<sup>39</sup> International Press Institute, “Dmitry Muratov: Russia faces total eradication of independent journalism”, 9 September 2022.

<sup>40</sup> See <https://482-fz.rkn.gov.ru/docs/277.pdf> (in Russian).

<sup>41</sup> See <https://rsf.org/en/country/russia>.

<sup>42</sup> <https://cpj.org/reports/2021/10/killers-of-journalists-still-get-away-with-murder/#index>.

journalists Anna Politkovskaya in 2006 and Natalia Estemirova in 2009 remain unsolved,<sup>43</sup> as does the violent physical attack against journalist Yelena Milashina in July 2023.<sup>44</sup>

54. Extrajudicial harassment, arrests and use of a variety of heavy administrative fines and criminal charges have been employed to silence Russian journalists. Reports about peaceful protests or criticism of authorities, content concerning sexual orientation and gender identity or corruption investigations, reports about conflicts of interest, actions of the Russian army and other topics have been classified as extremist or justifying terrorism, and journalists covering such topics have been criminally charged. Extortion, defamation and privacy laws are also frequently exploited to restrict media content and criminalize journalists. False charges of drug possession, treason, espionage, separatism and insulting government officials are also employed, leading to the suppression of independent journalism.

55. The indictment of *Wall Street Journal* reporter Evan Gershkovich on charges of espionage highlights the recent increase in arrests of journalists and others for alleged espionage or treason.<sup>45</sup> These are serious charges with penalties of lengthy prison sentences and are conducted behind closed doors, preventing public oversight. According to available data, in 2022, 16 people were convicted on similar charges, and at least 24 criminal proceedings were initiated. In the first seven months of 2023, 80 people were charged with treason.

56. Faced with such risks, many journalists have been forced into exile. Net Freedom reports that at least 1,000 journalists left the Russian Federation in 2022 owing to the closing of independent media outlets, the threat of criminal prosecution and the restrictions on their profession.<sup>46</sup>

#### 4. Criminalizing peaceful anti-war expression

57. The broad, vague and imprecise wording of article 207.3 of the Criminal Code has resulted in many opponents of the war on Ukraine being detained arbitrarily and given disproportionate prison sentences for the legitimate exercise of their right to freedom of expression. Alexey Gorinov was the first to receive a prison sentence – of seven years – under the article, in July 2022. The Working Group on Arbitrary Detention reviewed the case and called for his immediate release. It observed that Gorinov had highlighted the harmful impact of war and called for its end. It added that, to prohibit this type of speech was to “turn the [International] Covenant [on Civil and Political Rights] on its head, particularly article 20 (1), according to which ‘any propaganda for war shall be prohibited by law’.”<sup>47</sup>

58. In the Russian Federation, all pronouncements against the war or for peace with Ukraine are forbidden. The supreme lama of the Republic of Kalmykia, a religious leader who spoke against the war, was forced to step down and leave the country. He was added to the registry of “foreign agents” in January 2023.

59. The Russian authorities have opened at least 38 criminal cases against journalists under article 207.3 (“fake news”), and seven cases under article 280.3 (“discrediting the army”) of the Criminal Code for “anti-war” reports.<sup>48</sup> The actual number of prosecuted journalists is probably higher, as more than 50 articles of the Criminal Code have been used to accuse individuals of various anti-war actions. Journalists have also received lengthy prison sentences for disseminating “knowingly false information” about the Russian armed forces.

<sup>43</sup> CAT/C/RUS/CO/6, para. 28.

<sup>44</sup> OHCHR, “Russia: UN experts dismayed at violent attack against journalist Yelena Milashina and lawyer Alexander Nemov in Grozny”, 7 July 2023.

<sup>45</sup> See OHCHR, “Russia: Gershkovich’s arbitrary detention is an attack against independent journalism, say UN experts”, 17 July 2023.

<sup>46</sup> See <https://drive.google.com/file/d/1RiYPt8dkQAOYW6Yz4cO9LP9oChbVeqSd/view> (in Russian).

<sup>47</sup> A/HRC/WGAD/2022/78.

<sup>48</sup> See [www.article19.org/wp-content/uploads/2023/04/Russia\\_Joint-UPR-Submission\\_JFJ\\_OVD\\_A19\\_Access\\_Final-.pdf](https://www.article19.org/wp-content/uploads/2023/04/Russia_Joint-UPR-Submission_JFJ_OVD_A19_Access_Final-.pdf).

## 5. Internet censorship

60. Following the use of social media and the Internet to mobilize protesters during the civil and political activism of 2011-2012, Russian authorities passed legislation aimed at controlling cyberspace that had the effect of suppressing freedom of expression online. The first law on blocking websites (Federal Law No. 139-FZ of 28 July 2012, amending the federal law on protecting children from information harmful to their health and development) and the introduction of a registry of prohibited resources in the Russian Federation were adopted in 2012. Subsequently, Roskomnadzor was authorized by Federal Law No. 398-FZ of 28 December 2013 amending the federal law on information, information technologies and information protection to immediately block websites containing calls for “mass riots” and “extremist” information, without a court decision. Roskomnadzor is also tasked with monitoring and blocking so-called “gay propaganda” in relation to new laws passed in 2022 targeting the LGBTIQ+ community.

61. Roskomsvoboda, an independent project monitoring freedoms online, reported that the Russian Federation blocked on average 4,900 websites per week in 2022, and in the first six months of the invasion of Ukraine, about 7,000 websites were blocked for publishing information about the war. Roskomnadzor blocked or removed publications from more than 190,000 Internet pages, including 125,000 about “the special military operation”.<sup>49</sup> Initially, these blockades could be circumvented through the use of VPNs and other anonymizing techniques that hide Internet users’ identities; the Government soon began to block them as well.

62. In June 2023, the authorities announced plans to launch a “protected Internet” consisting of “secure” websites that fully comply with Russian law. According to State Duma deputy Andrey Svintsov, in order to access it, Russians will have to register with their passports, thereby allowing the authorities to identify any user.

63. Instead of safeguarding the function of the Internet and social network sites as important means for communication and information and as open and public forums, recent developments create an Internet environment controlled by the Russian State. Internet surveillance mechanisms and the closure of foreign Internet platforms violate the right of individuals to seek, receive and impart information, isolating them from international sources and hampering the free flow of information.

## 6. Application of anti-terrorism, anti-extremism and historical remembrance legislation

64. Laws on anti-terrorism,<sup>50</sup> anti-extremism<sup>51</sup> and historical remembrance are also used to limit freedom of expression.

65. Federal Law No. 114-FZ of 25 July 2002 “on counteracting extremist activity” is part of a very complex set of regulations used to prosecute extremism.<sup>52</sup> The law’s definition of extremism consists of a long list of “extremist activities”<sup>53</sup> that has been progressively expanded. The broadness and vagueness of this definition has been criticized by the Human Rights Committee and the Venice Commission of the Council of Europe.<sup>54</sup> A number of organizations have been banned as extremist, such as the Jehovah’s Witnesses and the Anti-Corruption Foundation.

<sup>49</sup> See <https://rkn.gov.ru/news/rsoc/news74616.htm> and <https://roskomsvoboda.org/post/gp-187-ugolovok/>.

<sup>50</sup> In 2022, 274 people were convicted under article 205.2 of the Criminal Code, for “incitement to terrorism or justification of terrorism”.

<sup>51</sup> According to the SOVA Center, 255 people were charged without proper grounds for extremism or related crimes in 2022. See [www.sova-center.ru/en/misuse/reports-analyses/2023/05/d47038/#\\_Toc135301603](http://www.sova-center.ru/en/misuse/reports-analyses/2023/05/d47038/#_Toc135301603).

<sup>52</sup> Nußberger, *Report on Russia’s Legal and Administrative Practice*.

<sup>53</sup> See [www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2012\)012-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2012)012-e).

<sup>54</sup> See CCPR/C/RUS/CO/8, paras. 30–33, and [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2012\)016-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2012)016-e).

66. Article 282 of the Criminal Code is used to punish “inciting hatred” against social groups, such as the “authorities” or “law enforcement agencies”, and can be applied after a prior administrative sanction for the same crime. It has been used to silence criticism, stifle dissent and prosecute journalists and civil society activists.<sup>55</sup> Indigenous peoples and other minority groups seeking to foster their language or identity have instead been accused of fostering “hatred” towards ethnic Russians.

67. While Russian law distinguishes between terrorism and extremism, it is not sufficiently clarified. In practice, statements and organizations have been classified arbitrarily as extremist or terrorist.<sup>56</sup> Both laws have some similar provisions and impose a wide range of restrictions on the legitimate exercise of human rights. Penalties can be as high as life imprisonment. The Human Rights Committee found the 2006 law on terrorism to be vague, broad and lacking justification on grounds of necessity or proportionality and should be brought in full compliance with the State’s international human rights obligations.<sup>57</sup>

68. In 2020, amendments to the Russian Constitution introduced into law the notion of “historic truth” that the Russian Federation should “protect”. Glorification of the Second World War victory and legitimization of the mass persecution of “enemies of the State” have been promoted to State ideology. As a result, the State vigorously stipulates official history narratives, obfuscates the truth and prosecutes those who hold dissenting views. In this respect, the prosecution and 13-year imprisonment of Yuri Dmitriev, an historian, is seen as part of an ongoing effort to delegitimize his longstanding work researching and raising awareness of the atrocities of the Soviet era under Joseph Stalin.<sup>58</sup>

69. The number of criminal prosecutions on allegations of “rehabilitation of Nazism” has increased: 23 new criminal cases were opened in the first six months of 2023 alone. Article 354.1 of the Criminal Code on the “rehabilitation of Nazism” in effect outlaws any critical research or debate about the Soviet Union. It has been used to prosecute statements that diverge from the official interpretation of the Second World War or the current war on Ukraine. In March 2023, a criminal investigation was opened against the human rights organization Memorial for the “rehabilitation of Nazism” on the grounds that the organization’s database of victims of Soviet political repression contained, among millions of records, three collaborators with Nazi Germany,<sup>59</sup> an error that Memorial corrected.

## 7. Persecution of cultural figures

70. The State employs a variety of tactics to control artistic expression and to discourage political dissent by cultural figures, including politically motivated administrative or criminal prosecutions; the cancellation of performances; dismissals; and increasing State control over cultural institutions. The registry of “foreign agents” includes a substantial number of artists, writers, musicians, intellectuals and other cultural figures, many of whom have, as a result, been forced into exile, while others face criminal prosecution.

71. A case in point was that of 85-year-old Liya Akhedzhakova, one of the country’s most celebrated actresses, whose performances were cancelled at the Sovremennik Theatre because of her anti-war comments. Director Zhenya Berkovich, an outspoken critic of the war, and playwright Svetlana Petriychuk were detained in May 2023 on charges of “justifying terrorism” in connection with their award-winning play “Finist, the Brave Falcon”. Poet Artyom Kamardin was allegedly tortured by police after he read his anti-war poetry in public in September 2022. He was arrested and charged with “inciting hatred or enmity with the threat of violence”, and now faces six years in prison.

<sup>55</sup> Maria Kravchenko, “Inappropriate enforcement of anti-extremist legislation in Russia in 2022”, SOVA Center, 2023; and SOVA Center, “Misuse of anti-extremism”, news releases, 2023.

<sup>56</sup> AL RUS 2/2022.

<sup>57</sup> CCPR/C/RUS/CO/8, paras. 18–19.

<sup>58</sup> AL RUS 10/2020.

<sup>59</sup> AL RUS 7/2023.

## 8. Use of propaganda and disinformation

72. Since February 2022, Russian authorities have broadcast propaganda justifying the war against Ukraine as a “forced response to an imminent threat from Ukraine” and used rhetoric to incite hatred and violence against Ukrainians. This includes dehumanizing Ukrainian people and rejecting the existence of Ukraine as a State with its own national group or culture.

73. Schools throughout the Russian Federation have introduced “Important Conversations”, lessons designed to propagate the Government’s views about the war and to condemn anti-war activities. Children refusing to attend such classes and their parents are subject to pressure and harassment; for example, Russian police interrogated a fifth grader from Moscow who skipped the classes, charged her mother with failing to fulfil parental duties and searched their house. Since 20 February 2023, the First federal television channel has been broadcasting “Important Conversations”. In March 2023, schools in several regions held classes on “fake news”, where students were urged to distrust reports by the Ukrainian authorities about the number of dead Russian soldiers. The authorities apply various forms of pressure against teachers who refuse to hold such classes, including disciplinary punishments. At least 19 teachers and 27 university professors have been fired because of their anti-war position.<sup>60</sup>

74. The State practice of spreading and endorsing propaganda of war and incitement to hatred is inconsistent with articles 19 and 20 of the International Covenant on Civil and Political Rights.

## B. Freedom of peaceful assembly

75. Widespread protests were held across the Russian Federation in early 2021 following the arrest and sentencing of opposition figure Alexei Navalny. According to OHCHR, 1,400 protesters were arrested on 2 February 2021 alone. According to OVD-Info, which tracks detentions and arrests during protests in the Russian Federation, the total number of arrests between January and March 2021 exceeded 17,600. Widespread arrest and detention of largely peaceful protesters also continued in the weeks following the country’s full-scale armed attack on Ukraine: more than 20,000 people were detained between February 2022 and June 2023 for participating in anti-war protests, and more than 600 criminal lawsuits were initiated against “anti-war activity”.<sup>61</sup>

76. Legal restrictions on peaceful protests have continued to tighten. Heavy fines were introduced for those advocating for protests against the war. Repeat offenders can be criminally prosecuted with sentences of up to five years of imprisonment. Protesters have been fined for displaying a blank piece of paper with eight asterisks, which was interpreted as standing for “No to war” in Russian.

77. For many years, United Nations human rights mechanisms have raised concerns about restrictions in the Russian Federation on the freedom of assembly and police violence against peaceful protesters.<sup>62</sup> The approach of the security services to anti-war protesters in 2022 and 2023 has been no different, as shown in footage of the heavy-handed actions of security services during peaceful protests that received global attention. Many protesters were injured; in one day alone, during the protests of 6 March 2022, 34 cases of protesters being beaten by security services were documented.<sup>63</sup> Between 24 February and 31 July 2022, 415 cases of use-of-force violations by police against peaceful anti-war protesters were documented. The Special Rapporteur has moreover received credible reports of torture and allegations of sexual violence, rape and threats of sexual abuse by law enforcement officers perpetrated against both women and men. These instances have not been officially investigated. Forced

<sup>60</sup> Joint NGO submission for the universal periodic review of the Russian Federation.

<sup>61</sup> OVD-Info, “Wartime repressions report”, 2 August 2023.

<sup>62</sup> CCPR/C/RUS/CO/8.

<sup>63</sup> Human Rights Watch, “Russia: brutal arrests and torture, ill-treatment of anti-war protesters”, 9 March 2022.



psychiatric detention has also been used to silence dissenters, such as against the peaceful protestor, Aleksandr Gabyshev, a shaman from Sakha Republic (Yakutia).

78. More than half of those arrested for peaceful anti-war activism are women, who can face gender-based violence, harassment and intimidation while encountering law enforcement officials. Because many men have been mobilized, some women have been left with additional family responsibilities, which can make them even more vulnerable while in custody. Forced mobilization in Siberia has been particularly aggressive. Journalist and human rights activist, Natalya Filonova, from the Siberian Republic of Buryatia, participated in an anti-mobilization event. She was arbitrarily arrested and placed in pretrial detention in November 2020, and her teenage son with disabilities was sent to an institutional facility against her wishes. Statistics on military losses in the Russian Federation by region indicate that the number of soldiers killed from sparsely populated Siberian republics is several times higher than the losses in, for example, the Moscow region.

79. Large protests were held in Bashkortostan on 20 May 2023, driven by environmental concerns. Yet even peaceful environmental protests, including those questioning construction and infrastructure projects, industrial pollution and environmental degradation, are often not tolerated by the Russian authorities.

80. Criminal cases against environmental defenders and activists have been increasing. In the first five months of 2023, criminal cases were opened against four environmental activists and more than 70 were subjected to attacks, arrest, administrative and criminal prosecution.<sup>64</sup>

## C. Freedom of association

81. Despite constitutional guarantees, the right to form, join and participate in associations is heavily restricted in the Russian Federation. Among a range of effects, these restrictions have isolated much of Russian civil society. Russian non-governmental organizations have been blocked from engagement at the international level as their foreign partners have been labelled “undesirable organizations” or “foreign agents” by the Government, in effect criminalizing such cross-border associations.

82. Targeting civil society activists in the Russian Federation includes the falsification of criminal cases, their harassment on official State television channels, the use of defamatory tactics against them and their relatives, and other means of stigmatization. These tactics have created fear and intimidation among human rights defenders.

83. The application of the Foreign Agents Law has resulted in the imposition of administrative fines, financial expenditure, restrictions on non-governmental organizations’ activities and criminal proceedings. Many organizations have been dissolved for violating the requirements applicable to “foreign agents” or have had to self-liquidate because of inability to pay the fines or to avoid new sanctions.

### 1. Forced closure of human rights organizations

84. Human rights organizations have been forced to close throughout the Russian Federation. In 2019, the Centre for Support of Indigenous Peoples of the North was closed following its designation as a “foreign agent” in 2015. The organization protected the rights of Indigenous peoples of Siberia and the Russian North and Far East, and had United Nations accreditation. Since 2022, at least nine civil society organizations have been forcibly closed by the Government, including the charitable foundation Sphere, which provided legal and social assistance to LGBTIQ+ persons, and the SOVA Center, which undertook sociological research focusing on nationalism and racism in the Russian Federation. A forced dissolution court case is pending against Man and Law, the only registered human rights organization in Mari El Republic. Such organizations are accused of supposed “grave and unrectifiable violations”, which can include participating in online events, attending court hearings, sending requests to State officials in other regions and even, in the case of Man and Law, obtaining consultative status with the United Nations. Three of the most widely respected

<sup>64</sup> Eco-Crisis Group, “2022 review”, 27 May 2023 (in Russian).



organizations in the Russian Federation – Memorial (recipient of the 2022 Nobel Peace Prize), the Moscow Helsinki Group and the Sakharov Center – have been closed.

## 2. Treatment of political opposition

85. In recent years, the Russian Federation has significantly curbed the activities of opposition politicians and political parties, including their registration of candidates for public office, access to mass media, the conduct of their political campaigns and participation in elections. Since February 2022, targeting members of the political opposition has become even more overt. The website of the well-known Yabloko party in the Russian Federation publishes a daily summary of the detention of its members throughout the country and lists, for example, 26 searches of party offices and 33 party members or supporters charged with “discrediting the army”.<sup>65</sup>

86. In 2022, 513 people were prosecuted on politically motivated charges and 198 new cases were initiated in 2023. It is estimated that since 2003, 3,045 people have been criminally prosecuted on politically motivated charges. The criminal prosecution of well-known opposition figures, such as Alexei Navalny, Vladimir Kara-Murza and Ilya Yashin, has been widely condemned internationally, including by different United Nations human rights mandate holders. In July 2023, Mr. Kara-Murza’s sentence of 25 years of imprisonment for treason was upheld,<sup>66</sup> and in August 2023, Mr. Navalny’s sentence of 19 years of imprisonment on charges of extremism was also upheld. Both cases again raise concerns about the instrumentalization of the court system for political purposes.<sup>67</sup>

## D. Independence of the judiciary and fair trial guarantees

### 1. Independence of the judiciary

87. According to the Constitution, justice is administered only by the courts, which are autonomous and independent from the legislative and executive. The independence of the judiciary is negated, however, by the system of selection, appointment, promotion, discipline and dismissal of judges.<sup>68</sup> The constitutional amendments of July 2020 included the overall power of the President to appoint judges and other members to the Constitutional Court, the Supreme Court and all federal courts. They also expanded the President’s power to initiate the dismissal of judges and other members of appeals and cassation courts and the appointment and dismissal of the Prosecutor General and prosecutors.

88. The lack of an independent judiciary, and its politicization<sup>69</sup> and corruption,<sup>70</sup> are major contributing factors undermining human rights protection in the country. The appointment and dismissal process of judges is heavily influenced by political actors, while judges frequently face pressure and interference in their decisions, particularly in high-profile or politically sensitive cases. The most publicized cases, often involving political opponents, activists or perceived threats to State interests, show a pattern of predetermined outcomes, leading many observers to conclude political motivation.<sup>71</sup> Within this framework of vertical control, the judiciary acts as a repressive organ instead of an independent body from which individuals can seek recourse, and prevents victims from pursuing accountability.

89. This lack of accountability has consequently led many cases to be appealed to the European Court of Human Rights; however, given that on 16 September 2022 the Russian Federation ceased to be a party to the European Convention on Human Rights, such recourse

<sup>65</sup> See [www.yabloko.ru/war-against-yabloko](http://www.yabloko.ru/war-against-yabloko) (in Russian).

<sup>66</sup> See [www.ohchr.org/en/press-releases/2023/07/russia-kara-murzas-continued-detention-threatens-his-life-and-violates-his](http://www.ohchr.org/en/press-releases/2023/07/russia-kara-murzas-continued-detention-threatens-his-life-and-violates-his).

<sup>67</sup> See [www.ohchr.org/en/statements/2023/08/comment-un-human-rights-chief-volker-turk-new-sentence-imposed-russian](http://www.ohchr.org/en/statements/2023/08/comment-un-human-rights-chief-volker-turk-new-sentence-imposed-russian).

<sup>68</sup> CCPR/C/RUS/CO/8, para. 24.

<sup>69</sup> See [www.svoboda.org/a/30266219.html](http://www.svoboda.org/a/30266219.html) (in Russian).

<sup>70</sup> CCPR/C/RUS/CO/8, para. 25.

<sup>71</sup> See [www.ohchr.org/en/press-releases/2023/04/comment-un-human-rights-chief-volker-turk-sentencing-vladimir-kara-murza](http://www.ohchr.org/en/press-releases/2023/04/comment-un-human-rights-chief-volker-turk-sentencing-vladimir-kara-murza).

is no longer available. There is growing fear that the country's isolation from this important body will amplify its culture of impunity, since violations of human rights have no consequences for the State or individual perpetrators. The European Court had been an important avenue of redress, and promoted positive changes. Through a series of rulings, it also put a spotlight on the massive human rights violations perpetrated in Chechnya.

## 2. Guarantees of fair trial

90. The hallmarks of a fair trial include the right to be present in court, to have a speedy public trial before an independent and impartial court, and to have a lawyer of one's choice, or one provided at no cost. Also fundamental is the right to be presumed innocent until proven otherwise, and the right not to be compelled to testify against yourself. Although these procedural rights of defendants are provided for in domestic law, in practice they are broadly disregarded in criminal trials in Russian courts.

91. The main challenges include denial of access to a defence lawyer of one's own choosing; refusal to open an investigation into alleged torture and ill-treatment in custody; extraction of forced confessions; refusal to summons defence witnesses to testify; and rejection of independently produced evidence as unreliable. Acquittals are rare: in 2022, only 0.4 per cent of defendants were either acquitted or had criminal proceedings against them terminated, and this number has remained steady over the past two decades. According to information on the website of the Judicial Department of the Supreme Court, only 0.2 per cent of appeals have been successful, while 45 per cent of acquittals appealed by prosecutors have been overturned.

92. While violations of the right to a fair trial are commonplace in criminal cases, there are even fewer guarantees of a fair trial in administrative cases.<sup>72</sup> In administrative proceedings, there is no prosecutor, the accused has no automatic right to a lawyer and the judge decides whether and how thoroughly to scrutinize evidence. Trial monitoring of proceedings in cases of the "discrediting" of the Russian armed forces under article 20.3.3 of the Administrative Code showed the bias of judges against the defence; for example, the majority of defence motions aimed at establishing the circumstances of the case were denied.<sup>73</sup>

93. Administrative sentencing is often the beginning of a so-called "carousel": a series of arbitrary detentions until a fabricated criminal charge is raised against the victim, frequently through the use of torture or other coercive practices, to obtain a "confession". The lack of independent oversight, reporting and investigation mechanisms perpetuates impunity for such serious crimes.<sup>74</sup> The case of Anatoly Berezhikov, an anti-war activist, who died while in custody in 2023 after being tortured to extract a "confession", is illustrative in this respect.<sup>75</sup> His lawyer, Irina Gak, was forced to leave the country with her family because of the extreme danger she faced due to her possession of photos proving Mr. Berezhikov had been tortured.

## 3. Persecution of lawyers

94. International human rights law and standards, including articles 9 and 14 of the International Covenant on Civil and Political Rights, establish the importance of lawyers in protecting human rights and the contribution they make to maintaining the fair administration of justice.

95. Contrary to these standards, lawyers who have voiced dissenting views and/or represented human rights defenders, journalists, opposition activists, anti-war protesters or victims of human rights violations in the Russian Federation have come under severe pressure

<sup>72</sup> Amnesty International, "Russia: under the 'Eye of Sauron': persecution of critics of the aggression against Ukraine", 20 July 2023.

<sup>73</sup> Citizens' Watch, "Administrative prosecution for an anti-war stance: trial monitoring", Saint Petersburg, 2023.

<sup>74</sup> Joint NGO submission for universal periodic review of the Russian Federation, 27 March 2023.

<sup>75</sup> Submission received from Centre de la protection internationale.

themselves. This pressure includes disciplinary, administrative and criminal harassment and prosecution, and physical violence amounting to torture and ill-treatment,<sup>76</sup> as seen in the cases of the Agora International Human Rights Group, and lawyers Galina Arapova, Maria Bontsler, Alexei Baranovsky, Mikhail Benyash, Bakhrom Khamroev, Ivan Pavlov and Dmitry Talantov.

## **E. Conscientious objection to military service and mobilization**

96. Federal Law No. 113-FZ of 25 July 2002 “on alternative civilian service” allows conscientious objection for army conscripts under mandatory military service, but not to reservists and others called up during military mobilizations, such as that announced in September 2022.<sup>77</sup> Many reservists who have been mobilized were denied their right to conscientious objection by military commissions, despite a 1996 Constitutional Court decision that the right to alternative civilian service must be respected.

97. Although mobilization is purportedly regulated by Federal Law No. 31-FZ of 26 February 1997 “on mobilization in the Russian Federation”, many men have been mobilized by deception, the use of force, or by taking advantage of their vulnerability. Mobilized men have been immediately sent to military units, with or without their consent and without regard for their age, health or family situation. Those refusing to fight have been put in “detention centres for the mobilized” in Russian-occupied areas of Ukraine and threatened with execution, violence or a prison sentence if they did not return to the front lines.

98. Mobilization has been particularly aggressive in the most remote and poor regions of the Russian Federation with minimal population, disproportionately mobilizing men from minority ethnic groups and Indigenous peoples with populations of less than 10,000 (such as the Yukagirs and peoples of Dagestan). The authorities have imposed travel restrictions, blocking exit routes from towns and villages during mobilization sweeps. They have broken into people’s homes at night and taken away all the male working-age population from whole villages.

99. Changes were made to legislation in order to lift restrictions on mobilizing persons convicted of serious crimes and to legalize the use of prisoners in armed conflict. The new law also released prisoners from criminal liability for their crimes if they joined the “special military operation”; however, it also eliminated the requirement for prisons to notify victims of the early release, erased criminal records and could even lead to the reinstatement of parental rights, all issues of particular concern in relation to gender-based violence crimes, which have seen a marked increase since February 2022. The Russian Federation lacks legislation addressing domestic violence or measures for its prevention.

100. In February 2023, the Wagner Group announced it had ceased recruiting prisoners from Russian prisons for its mercenary forces fighting in Ukraine; by then it had successfully recruited about 40,000 prisoners. Since February 2023, the Ministry of Defence has itself recruited around 25,000 prisoners.<sup>78</sup> In June 2023, President Putin ordered Wagner Group mercenaries to join the Russian army, return home or go to Belarus.<sup>79</sup>

## **F. Human rights in the North Caucasus**

101. The situation of human rights can vary from region to region across the Russian Federation. Human rights violations and abuses in Chechnya, which has a history of impunity that continues today, have been reported on extensively in recent years. Key issues include allegations of widespread torture, extrajudicial killings, enforced disappearances and detention without trial. Chechen authorities have been criticized for suppressing all political dissent and severely limiting freedoms of peaceful assembly and association, opinion and

<sup>76</sup> CCPR/C/RUS/CO/8, para. 26.

<sup>77</sup> See [www.refworld.org/docid/5072b6562.html](http://www.refworld.org/docid/5072b6562.html).

<sup>78</sup> See [www.prisonlitigation.org/wagner/](http://www.prisonlitigation.org/wagner/).

<sup>79</sup> See [www.kremlin.ru/events/president/news/71528](http://www.kremlin.ru/events/president/news/71528) (in Russian).

expression, including press freedoms. Brutal attacks on and murders of independent journalists continue to go uninvestigated. For 65 per cent of torture allegations reported in 2021 and 2022, no criminal case was initiated.<sup>80</sup>

102. The targeted persecution of LGBTIQ+ persons includes reports of so-called “gay purges”, whereby men have been rounded up, detained and tortured for their perceived sexual orientation.<sup>81</sup> Women’s rights have also been restricted, with limitations on women’s roles in public life and impunity for those who commit “honour crimes”.<sup>82</sup> These issues have created a climate of fear and repression, exacerbated by the lack of accountability for human rights violations and abuses and the unwillingness or inability of federal Russian authorities to intervene effectively.

103. Serious human rights violations continue in Ingushetia Republic. The so-called “Ingush case”<sup>83</sup> is an ominous example of the use of anti-extremism and criminal legislation against political opponents and to suppress peaceful protests and activism.

## VI. Conclusions and recommendations

104. The Special Rapporteur concludes that the situation of human rights in the Russian Federation has significantly deteriorated since its invasion of Ukraine in February 2022. The situation had already been on a steady decline over the past two decades, in part a legacy of two wars in Chechnya that ended in 2009.

105. As documented in the present report, Russian authorities have severely curtailed the freedoms of association, peaceful assembly and expression, both online and offline, and have fundamentally undermined the independence of the judiciary and the guarantees of fair trial. An array of administrative sanctions is being applied arbitrarily against dissenters and force used against peaceful protesters. Both the harshness of recent criminal sentences and the number of people sentenced on politically motivated charges has increased.

106. The Special Rapporteur has documented the recent legislative restrictions that are being used to muzzle civil society and punish human rights activists and others for their anti-war stance.

107. The often-violent enforcement of these laws and regulations has resulted in a systematic crackdown on civil society organizations that has closed civic space and independent media. It has led to mass arbitrary arrests, detentions and harassment of human rights defenders, peaceful anti-war activists, journalists, cultural figures, minorities and anyone speaking out against the war of the Russian Federation on Ukraine. Women, especially those who are human rights defenders, activists or journalists, have suffered specific gender-based violence, humiliations and intimidation. The persistent use of torture and ill-treatment, including of sexual and gender-based violence, puts at risk the life of people in detention.

108. The limited accountability for human rights violations at the domestic level and the withdrawal of the Russian Federation from the European Court of Human Rights have narrowed the avenues for victims seeking remedies and redress. The environment of impunity, the unpredictability of changes to the law, in addition to their ambiguity, sheer number and scope, along with arbitrary enforcement, has forced many Russians into exile. The void left by censorship and the suppression of independent media has been replaced by State-sanctioned disinformation and propaganda for war.

109. Today’s impunity of law enforcement officials in Chechnya for crimes against the civilian population – that started during the two Chechen wars – is a warning for

<sup>80</sup> See [https://pytkam.net/wp-content/uploads/2022/09/ap\\_skfo.pdf](https://pytkam.net/wp-content/uploads/2022/09/ap_skfo.pdf) (in Russian).

<sup>81</sup> See [www.ohchr.org/en/press-releases/2019/02/chechnya-un-experts-urge-action-after-reports-renewed-persecution-lesbian](http://www.ohchr.org/en/press-releases/2019/02/chechnya-un-experts-urge-action-after-reports-renewed-persecution-lesbian).

<sup>82</sup> See [www.france24.com/en/tv-shows/focus/20201125-honour-crimes-women-in-chechnya-forced-to-suffer-in-silence](http://www.france24.com/en/tv-shows/focus/20201125-honour-crimes-women-in-chechnya-forced-to-suffer-in-silence).

<sup>83</sup> See [www.amnesty.org/en/wp-content/uploads/2021/12/EUR4650712021ENGLISH.pdf](http://www.amnesty.org/en/wp-content/uploads/2021/12/EUR4650712021ENGLISH.pdf).

the rest of the Russian Federation, given the Russian authorities' continued degradation and suppression of human rights protections, escalated by the war on Ukraine.

110. The Special Rapporteur concludes that the need for continued monitoring and analysis of human rights concerns in the Russian Federation, and redress for them, by all United Nations mechanisms are even more necessary given the limited capacity of regional mechanisms and the expulsion of the Russian Federation from the Council of Europe.

111. The Special Rapporteur is grateful to all those who provided information for the present report, often in the face of grave danger or heightened risk of intimidation and reprisals. She calls upon States and the international community to take urgent steps to secure their protection.

112. The Special Rapporteur recommends that the Russian authorities:

(a) Harmonize and bring domestic legislation into compliance with the State's international human rights obligations;

(b) Review those provisions of the Constitution of the Russian Federation that have adversely affected the enjoyment of human rights or led to regression;

(c) As a matter of urgency, repeal articles 207.3, 275.1, 280.3 and 284.2 of the Criminal Code and immediately release those detained under these provisions, quash their convictions and expunge their criminal records; similarly, it should review the provisions of the Administrative Code relating to "discrediting the armed forces" and "fake news" and repeal, in particular, articles 20.3.3 and 20.3.4; and it should adopt concrete measures, in law and practice, to guarantee the full enjoyment of freedom of expression, peaceful assembly and association in accordance with international human rights law;

(d) Repeal the laws on "foreign agents" and "undesirable organizations", as well as legal notions such as "individuals under foreign influence", which impose overly broad and vague grounds for administrative and criminal prosecution and lead to legal uncertainty and arbitrary implementation; individuals detained under these legal provisions should be immediately released, their convictions quashed and their criminal records expunged; discontinue, with immediate effect, the use of these laws as a tool to persecute individuals and organizations who have been labelled as "foreign agents" or "undesirable", and allow the normal functioning of organizations that have been banned or penalized based on this legislation; and urgently reform Russian law to align it fully with international human rights obligations on freedom of association;

(e) Repeal legislation unduly restricting the exercise of the right of peaceful assembly (such as Law no. 140449-8 of December 2022 "on amendments to certain legal acts of the Russian Federation, concerning improved regulation of the foreign agent status", that implements the provisions of the Foreign Agents Law, including requirements banning "foreign agents" from organizing or donating in support of peaceful assemblies; and effectively guarantee and protect the right of all individuals to participate in peaceful protests;

(f) Release from detention all political opposition activists arbitrarily detained for peacefully exercising their human rights, in particular Vladimir Kara-Murza, Alexei Navalny and Ilya Yashin; and ensure the full enjoyment of the right to participate in public affairs, including by representatives of the political opposition and civil society organizations;

(g) Ensure that national legislation is in full conformity with the international human rights guarantees for an independent judiciary, and adopt effective and efficient measures for tackling corruption and political pressure in the justice and law enforcement systems;

(h) Ensure without any further delay the enforcement of opinions and judgments in individual cases emanating from United Nations human rights mechanisms and the European Court of Human Rights;

(i) Ensure that all human rights violations are thoroughly, effectively, independently and impartially investigated, that perpetrators are prosecuted, and if convicted, sanctioned in a manner commensurate with the gravity of the crime, and that victims and their families are provided with adequate, effective and prompt reparation for harm suffered, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;

(j) Ensure that international fair trial standards are met, including that all defendants are given unhindered access to legal counsel of their choosing and are presumed innocent until proven otherwise by a decision of an independent and impartial tribunal;

(k) Put an immediate end to the instrumentalization of criminal provisions related to terrorism, extremism, treason and espionage targeting peaceful dissenters in trials held behind closed doors and out of public oversight;

(l) Refrain from any form of harassment, and review the detention of all journalists, media workers, human rights defenders, lawyers, cultural figures and political opposition representatives with regard to the compatibility of their detention with international human rights law; and immediately release those arbitrarily detained, including under forced psychiatric detention, and convicted solely for the peaceful exercise of their human rights;

(m) Put an immediate end to acts of pressure, intimidation, persecution and other forms of reprisal against independent media, including those reporting on the war on Ukraine, and secure the free exercise of the journalistic profession and access to a diversity of sources;

(n) Conduct an effective, impartial and independent investigation into all instances of use of force, arbitrary detention and other forms of pressure and harassment of individuals, including teachers, schoolchildren and their parents, for expressing an anti-war opinion, as well as of human rights lawyers representing their cases, and bring those responsible for such persecution to account in fair trial proceedings;

(o) Conduct a full review of the police and security services to ensure that their training, regulations and conduct are fully aligned with international human rights standards and law, and that there are independent means for redress for breaches of conduct and human rights standards;

(p) Allow unrestricted public access to the State archives and ensure a safe environment for historians, activists and other independent researchers on the past and historical memory of the Russian Federation; and end persecution against those who hold dissenting views, and provide guarantees for their right to freely seek, receive, use and disseminate information;

(q) Criminalize torture in national legislation in full compliance with the requirements of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and ensure prompt, transparent and effective investigation by an independent and impartial body of all allegations of torture and ill-treatment in custody, including forced extraction of self-incriminating confessions, as well as allegations of sexual and gender-based violence; and prosecute and hold accountable those responsible, including public officials and law enforcement officers, and if convicted, sanction them in a manner commensurate with the gravity of the crime;

(r) Take all measures necessary in law and in practice to prevent discrimination, stigmatization, hate speech, violence and other human rights violations and persecution on the grounds of sexual orientation and gender identity, and repeal the provisions of current laws in this area that are incompatible with the State's international human rights obligations;

(s) Ensure respect for the right to conscientious objection to military service – in law and in practice – and provide unhindered access to alternative civilian service



for conscientious objectors, both conscripts and reservists, and particularly those mobilized to participate in the war on Ukraine; investigate any allegations of harassment, use of force, torture and ill-treatment or other human rights violations by military officials against recruits and reservists in the conduct of the ongoing mobilization campaign, and bring perpetrators to justice;

(t) Establish full and non-selective engagement with all United Nations human rights mechanisms, including constructive communication with the mandate of the Special Rapporteur, and grant the mandate holder access to the territory of the Russian Federation;

(u) Cooperate fully with the Office of the Secretary-General and OHCHR to ensure that all forms of intimidation and reprisals are ended against those who seek to cooperate with the United Nations, including its human rights bodies and mechanisms, and put safeguards in place to prevent future reprisals.

113. The Special Rapporteur further recommends that the international community and States Members of the United Nations:

(a) Continue to monitor and engage in advocacy with the authorities of the Russian Federation to promote human rights-based solutions to the issues identified in the present report;

(b) Support the vital work of Russian independent media workers, human rights defenders, lawyers, cultural figures and civil society organizations, both inside and outside the country;

(c) Adopt a comprehensive strategy of urgent measures for the protection of dissenting voices and human rights defenders, including those in exile, and their families, to facilitate their freedom of movement, and enable them to continue their human rights work, in consultation with and based on the needs identified by civil society itself;

(d) Continue to support the work of United Nations human rights mechanisms, and commit the resources necessary for the effective discharge of their mandates.

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