

UNITED NATIONS HUMAN RIGHTS COUNCIL

**16th Session of the Working Group on the Universal Periodic Review**

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**COMPARISON OF ICJ SECOND CYCLE RECOMMENDATIONS FOR THE UPR OF THE RUSSIAN FEDERATION  
WITH CORRESPONDING FIRST CYCLE RECOMMENDATIONS AND COMMITMENTS**

<b>Concerning prevention of torture and other gross human rights violations</b>		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle voluntary commitments</i>
i) Ensure that conduct amounting to torture as defined in Article 1 CAT is prosecuted as torture under Article 117 of the Criminal Code, rather than as more minor offences carrying lighter penalties;	No corresponding recommendation	No corresponding voluntary commitment
ii) Implement in practice the right to access to an independent lawyer, for a period of time sufficient to provide effective legal advice, immediately following arrest or detention and regularly thereafter;	No corresponding recommendation	No corresponding voluntary commitment  Related statement:  UN Doc 11/19, 70. In relation to restriction of freedom of activities of lawyers the delegation noted that in the course of implementation of the federal programme for the development of the judicial system 2007–2011 the limitation of activities of lawyers are not foreseen. Law on activities of lawyers provides for lawyers' independence and prohibits interference to lawyers practices from the state bodies
iii) Ensure that all detainees enjoy in practice an immediate right to inform a family member or other person of their detention;	Related recommendations:  85(4) and 16. (Czech Republic). Review conditions in prison, particularly pre-trial detention facilities, and bring them into compliance with international standards - <i>Accepted</i>  85(4) and 22. (Algeria). Pursue efforts to improve the situation of detainees and to take measures in achieving this goal – <i>Accepted</i>	No corresponding voluntary commitment

iv) Ensure that judicial review of detention is real and substantial and is sufficient to safeguard detainees against ill-treatment;	No corresponding recommendation	No corresponding voluntary commitment
v) Take steps to decrease reliance on pre-trial detention;	<p>Related recommendations:</p> <p>85(4) and 16. (Czech Republic). Review conditions in prison, particularly pre-trial detention facilities, and bring them into compliance with international standards – <i>Accepted</i></p> <p>85(30) and 56. (New Zealand). Encourage the use of non-custodial options when sentencing or determining pre-trial measures involving pregnant prisoners and prisoners with children – <i>Accepted</i></p>	<p>Corresponding voluntary commitment:</p> <p>UN Doc 11/19/Add.1/Rev.1, 30. We would note that work on this is in hand. In particular, following the Seventh All-Russia Congress of Judges, the President of the Russian Federation issued a call on 12 January 2009 to develop the judicial and penitentiary systems by preparing amendments for legislation providing for, among other reforms, the adoption in criminal cases of alternative punishments not involving deprivation of liberty</p>
vi) Take effective measures to protect against harassment and threats towards lawyers, in particular in the North Caucasus;	<p>Related recommendations:</p> <p>85(43) and 24. (Switzerland). Intensify efforts made to investigate practices of harassment and aggression against journalists and lawyers and punish their perpetrators – <i>Accepted</i></p> <p>85(43) and 61. (Norway). Complaints of harassment of human rights defenders must receive a prompt response and adequate measures for their safety should be taken – <i>Accepted</i></p> <p>85(45) and 36. (United Kingdom). Respect and protect the ability of human rights defenders and lawyers to carry out their work without hindrance, intimidation or harassment, in line with the United Nations Declaration on Human Rights Defenders and the United Nations Basic Principles on the Role of Lawyers – <i>Accepted</i></p> <p>85(47) and 18, 21, 24, 58. (France, Italy, Switzerland, Ireland). Conduct a thorough, prompt and impartial investigation on the assassinations of journalists and human rights defenders including those as referred to in paragraphs 18, 21, 24 and 58 of the report, and bring the perpetrators to justice – <i>Accepted</i></p>	No corresponding voluntary commitment.

	<p>Not taken up as a recommendation:</p> <p>19. (Germany). Asked what measures had been taken to assure personal security of human rights defenders, including lawyers and journalists</p>	
<b>Concerning impunity for gross human rights violations</b>		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle voluntary commitments</i>
<p>vii) Conduct prompt, thorough and effective investigations into acts of torture and other ill-treatment in the North Caucasus and elsewhere in the Russian Federation;</p>	<p>Corresponding recommendations:</p> <p>85(29) and 55. (Australia). Address the concerns of the...Committee Against Torture over many ongoing and consistent allegations of torture committed by law enforcement personnel as well as reports of torture and ill-treatment in unofficial places of detention in the North Caucasus. – <i>Accepted</i>.</p> <p>85(29) and 59. (Denmark). Step up its efforts to combat torture, inter alia, by effectively addressing the concerns of the Committee against Torture – <i>Accepted</i></p> <p>Related recommendations:</p> <p>85(13) and 59. (Denmark). Extend an invitation to the Special Rapporteur on torture to visit North Caucasus – <i>Not accepted</i></p> <p>Not taken up as a recommendation:</p> <p>18. (France). Asked when the Special Rapporteur on torture will visit the North Caucasus</p> <p>20. (The Netherlands). Noted the ECHR rulings in relation to human right violations in the North Caucasus... and the rulings seemed to lay bare a shortcoming in the justice system</p> <p>36. (UK). Expressed concern about the ongoing extra-judicial killings, torture, abduction and arbitrary detention in the North Caucasus</p>	<p>Related statement:</p> <p>UN Doc 11/19/Add.1/Rev.1, 4. The Russian Federation is also party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 26 November 1987 and, as such, actively cooperates with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The mechanism of the European Convention largely duplicates that of the Optional Protocol to the Convention against Torture</p>

	61. (Norway). Remained concerned about the human rights situation in the North Caucasus	
viii) Take effective measures to prevent and put an end to the practice of and impunity for torture and other ill-treatment by military, security services or other State agents;	No corresponding recommendation	No corresponding voluntary commitment
ix) Carry out systematic and structural changes in the law enforcement and justice systems aimed at effectively tackling the problems of impunity for torture and other ill-treatment;	Related recommendation: 85(36) and 56. (New Zealand). Prioritize the establishment of meaningful and accessible accountability mechanisms to ensure transparency in the investigation and prosecution of human rights violations, provide effective remedies and legal redress for victims... – <i>Accepted</i>	No corresponding voluntary commitment
<b>Concerning judicial independence</b>		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle voluntary commitments</i>
x) Strengthen the independence of the judiciary including through reforms of the systems of judicial appointment, selection and promotion, and of judicial discipline;	Corresponding recommendation: 85(36) and 56. (New Zealand). Take measures to increase the independence of the judiciary and strengthen oversight of the implementation, at the State level, of federal human rights legislation and obligations – <i>Accepted</i>  Related recommendations: 85(35) and 47. (Malaysia). Take further efforts in refining its domestic legislation in various fields of human rights, reforming the judiciary ... so as to further ensure the promotion and protection of human rights for its peoples – <i>Accepted</i>  85(37) and 28. (Nicaragua). Continue improving legislation towards a judicial reform with a view to having a modern legislation	Related voluntary commitment: UN Doc. 11/19/Add.1/Rev.1, 37 and UN Doc 11/37, 311: The Government has already adopted a programme on the development of the Russian judicial system, 2007-2011, which includes the provision of electronic support for judicial proceedings in order to improve the quality of justice and raise the level of judicial protection of the public's civil rights and lawful interests. One aim will be to increase the public's confidence in justice, by various means, including improvements in the quality and effectiveness of the way that cases are heard, improvements in the implementation of judicial decisions and stronger guarantees on the independence of judges, together with greater independence in practice  Related statement:

	<p>which adapts to new challenges – <i>Accepted</i></p> <p>85(37) and 35. (Vietnam). Realise its commitments related to legislative and judicial reform – <i>Accepted</i></p> <p>85(37) and 21. (Italy). Increase efforts to overcome existing challenges in the field of the judicial system, including corruption, transparency, and accountability of public administration... – <i>Accepted</i></p> <p>85(37) and 55. (Australia). Take steps to further improve judicial procedures to safeguard human rights. Take steps to implement the national anti-corruption plan in relation to judicial procedures – <i>Accepted</i></p> <p>85(37) and 20. (The Netherlands). Strengthen efforts to reform the justice system according to international standards – <i>Accepted</i></p> <p>Not taken up as a recommendation:</p> <p>25. (Pakistan). Regarding the administration of justice Pakistan requested further details on the ongoing full-fledged reform of judiciary to make access to justice more effective and to ensure the independence of judges and lawyers</p>	<p>UN Doc. 11/19, 70: In relation to judicial reforms, the delegation informed that it is largely achieved and as a result an independent judiciary exists. Legislation is brought into line with norms and principles of international law and treaties.</p> <p>Development of organization of judicial system is carried out by enhancing the training of its staff and provides guarantees of independence of judges. Attempts to illegally influence or interfere in the administration of justice are prohibited by law and punished.</p>
<b>Concerning new amendments governing NGO activities</b>		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle voluntary commitments</i>
xi) Amend the law on NGO activities to make its application foreseeable and predictable and eliminate the possibility of its abuse or arbitrary application;	No corresponding recommendation	No corresponding voluntary commitment
xii) Amend the law on NGO activities so as to meet international human rights law standards of prescription by law and so as not to permit undue interference with the legal exercise of the right to freedom of association;	<p>Corresponding recommendations:</p> <p>85(42) and 20. (The Netherlands). Consider a review of the NGO law to take into account among others, the concerns expressed by the United Nations human rights bodies – <i>Accepted</i></p> <p>85(42) and 79. (Slovakia). Review the... NGO laws to ensure their compatibility with</p>	<p>Corresponding voluntary commitment:</p> <p>UN Doc. 11/19/Add.1/Rev.1, 42. The Russian Federation has set up the Presidential Council to promote the development of civil society and human rights institutions. A constructive dialogue is under way between the Council and representatives of non-governmental</p>

	<p>international human rights law and standards including the UN Declaration on Human Rights Defenders – <i>Accepted</i></p> <p>Not taken up as a recommendation:</p> <p>41. (Egypt). Commented on allegations that NGOs are facing various obstacles in carrying out their activities as a result of the recently adopted legislation</p> <p>60. (Japan). Asked how the NGO law, amended in 2006, to increase state oversight over national NGOs, is currently administrated</p>	<p>organizations (NGOs) on improving legislation governing NGO activities, taking into account international legal rules and the need to bring the law into line with international standards, with due account taken of United Nations recommendations. There has been discussion about the possibility of changing the law with a view to regulating NGOs' tax liability, defining the procedures for joint action with State bodies, keeping civil society informed about NGO activities and monitoring by civil society.</p>
<b>Concerning the transfer of suspects in breach of the obligation of <i>non-refoulement</i></b>		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle voluntary commitments</i>
<p>xiii) Scrupulously respect the principle of <i>non-refoulement</i>, cease reliance on diplomatic assurances against torture and other ill-treatment and ensure that detentions and transfers comply with national law and procedures as well as international human rights obligations;</p>	<p>Related recommendations:</p> <p>85(4) and 16. (Czech Republic). Review conditions in prisons, particularly pre-trial detention facilities, to bring them into compliance with international standards – <i>Accepted</i></p> <p>85(31) and 16. (Czech Republic). Provide prison guards and law enforcement officials in general, with human rights training ...and further to ensure investigation and punishment of all cases of violation of human rights by this personnel – <i>Not accepted</i></p>	<p>Related voluntary commitment:</p> <p>UN Doc 11/19/Add.1/Rev.1, 4. The Russian Federation accepts the recommendation that it should continue its efforts to improve the situation as regards persons held in custody and to take measures to achieve that end.</p> <p>Related statements:</p> <p>UN Doc 11/19, 67. Russia stated that in 2008, the federal law was adopted stipulating establishment of regional commissions, involving members of civil society, which are monitoring prison conditions.</p> <p>UN Doc. 11/19/Add.1/Rev.1, 31. The Russian Federation has already established and is operating a system of educational establishments providing staff with further professional training in the needs of the institutions and bodies of the penal correction system, taking account of the requirements of international legal standards and rules relating to the protection of human and civic rights and freedoms. The Russian Federation is thus already implementing this recommendation and therefore does not accept it.</p>

<b>Concerning homosexual propaganda bans</b>		
<i>Second cycle ICJ recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle recommendations</i>	<i>Corresponding 1<sup>st</sup> cycle voluntary commitments</i>
xiv) At the Federal level, reject the draft Amendment to the Code of Administrative Offences on establishing administrative responsibility for the promotion of homosexuality amongst minors;	No corresponding recommendation	No corresponding voluntary commitment
xv) Repeal existing regional laws banning homosexual propaganda;	Not taken up as a recommendation: 18. (France). Noted that freedom of expression and assembly is not guaranteed for homosexuals and asked what measures the government would take in that regard	No corresponding voluntary commitment
xvi) Discourage regions that are considering adoption of similar propaganda bans;	No corresponding recommendation	No corresponding voluntary commitment
xvii) Adopt comprehensive anti-discrimination legislation that includes sexual orientation and gender identity as protected grounds;	Corresponding recommendation: 85(28) and 62. (Sweden). Increase efforts to take concrete policy measures in order to promote tolerance and non-discrimination of lesbian, gay, bisexual, transsexual and transgender persons – <i>Not accepted</i>  Related recommendations: 85(22) and 51. (Philippines). Promote greater respect and tolerance for cultural diversity in society – <i>Accepted</i> 85(24) and 20. (The Netherlands). Consider a comprehensive approach and specific programs to combat racist attacks and discrimination – <i>Accepted</i>  Not taken up as a recommendation: 40. (South Africa). Noted that Russia had not adopted comprehensive anti-discrimination legislation and asked about planned measures in this regard	No corresponding voluntary commitment

Concerning international human rights instruments and mechanisms		
Second cycle ICJ recommendations	Corresponding 1 <sup>st</sup> cycle recommendations	Corresponding 1 <sup>st</sup> cycle voluntary commitments
<p>xviii) Become party to the Second OP to the ICCPR, the OP to the ICESCR, the Second OP to the CRC, the ICRMW, the ICPED, and the Rome Statute of the ICC;</p>	<p>Corresponding recommendations:</p> <p>85(9) and 80. (Slovenia). Become a party to the remaining United Nations Human Rights instruments – <i>Not accepted</i></p> <p>85(1) and 19, 55. (Germany, Australia). Consider ratifying the Second OP to the ICCPR – <i>Not accepted</i></p> <p>85(5) and 30, 79, 18. (Brazil, Slovakia, France). Ratify the Rome Statute of the ICC – <i>Not accepted</i></p> <p>85(6) and 41. (Egypt). Consider ratifying the Convention for the Protection of Migrant workers and their families – <i>Not accepted</i></p> <p>85(7) and 82, 81. (Argentina, Mexico). Ratify the ICPED – <i>Will consider</i></p> <p>Related recommendations:</p> <p>85(3) and 79. (Slovakia). Become party to the OP on CRC on the Sale of Children, Child Prostitution and Child Pornography – <i>Not accepted</i></p> <p>85(33) and 50. (Belarus). Develop and carry out the whole range of measures for the practical implementation of the provisions of the CRC and its two OPs – <i>Accepted</i></p> <p>85(2) and 19. (Germany). Implement its announcement to abolish the death penalty de iure – <i>Not accepted</i></p> <p>85(2) and 30. (Brazil). Consider officially establishing a moratorium on executions with a view to abolishing the death penalty – <i>Not accepted</i></p> <p>85(2) and 55. (Australia). Eliminate the use of the death penalty – <i>Not accepted</i></p> <p>85(51) and 22. (Algeria). Step up efforts for</p>	<p>No corresponding voluntary commitments.</p> <p>Related statements:</p> <p>UN Doc 11/19, 75. Regarding the OP CRC, Russia will consider whether domestic legislation corresponds to the international standards and then decide on accession or non-accession to it.</p> <p>UN Doc 11/19, 76. The Second OP to the ICCPR will be considered once appropriate changes have been made in domestic legislation. The Russian Federation strives to abolish the death penalty on a step by step basis. There is currently a moratorium on the application of death penalty sentences. Russia also supported the UN GA Resolution on abolishing the death penalty.</p> <p>UN Doc 11/19/Add.1/Rev.1, 14. The Russian Federation has actively cooperated with the Working Group on Enforced or Involuntary Disappearances since it was first set up in its consideration of specific cases of disappearances. All requests by the Working Group are thoroughly investigated. The Russian law enforcement agencies take all the necessary steps to obtain information on the fate and exact location of disappeared persons.</p> <p>UN Doc 11/19/Add.1/Rev.1, 51. A range of measures is being taken to protect the most vulnerable sections of society, including migrant workers, during the current crisis. Thus, for example, the Russian Federal Migration Service has set up a hotline enabling it, in partnership with the relevant bodies of the member States of the Organization for Security and Cooperation in Europe and the Eurasian Economic Community, to take effective action on cases of harassment or non-payment of wages to migrant workers.</p>



	<p>the protection of economic, social and cultural rights for the most vulnerable segments of the population including migrants – <i>Accepted</i></p> <p>85(54) and 50. (Belarus). Continue implementation of the package of important programmes aimed at the defending citizens' economic and social rights – <i>Accepted</i></p>	
<p>xix) Extend all reasonable cooperation and assistance to facilitate timely and effective country missions in respect of outstanding country mission requests by Special Procedures;</p>	<p>Corresponding recommendations:</p> <p>85(12) and 30, 18, 16, 80, 24. (Brazil, France, Czech Republic, Slovenia, Switzerland). Issue a standing invitation to all UN Special Procedures/ thematic Special Procedures – <i>Not accepted</i></p> <p>85(13) and 81. (Mexico). Accept the visits of Special Procedures of the Council which have been requested to date – <i>Not accepted</i></p>	<p>No corresponding voluntary commitment</p> <p>Related statements:</p> <p>UN Doc 11/19, 6. Visits by United Nations Special Procedures representatives have been taking place on a constant basis. In order to ensure guarantees of rights and freedoms the Ombudsman institution was established and effectively functioning and as a result it was granted status A in January 2009.</p> <p>UN Doc 11/19/Add.1/Rev.1, 13. The Russian Federation receives regular visits from Special Rapporteurs and will in future be receiving Human Rights Council special procedures mandate holders, where possible, depending on the importance and relevance of a given issue for the Russian Federation and the need to make proper preparations for such visits.</p>
<p>xx) Present to the Council, as soon as possible after adoption of the outcome document for the UPR of the Russian Federation, a national plan of action for implementation of accepted recommendations and voluntary pledges and commitments;</p>	<p>No corresponding recommendation</p>	<p>No corresponding voluntary commitment</p>
<p>xxi) Present to the Council, two years after adoption of the outcome document, a mid-term progress report on the status of implementation of recommendations and voluntary pledges and commitments.</p>	<p>No corresponding recommendation</p>	<p>No corresponding voluntary commitment</p>