
ADVANCE UNEDITED VERSION

Human Rights Committee

Concluding observations on the seventh periodic report of the Russian Federation*

1. The Committee considered the seventh periodic report of the Russian Federation (CCPR/C/RUS/7) at its 3136th and 3137th meetings (CCPR/C/SR.3136 and 3137), held on 16 and 17 March 2015. At its 3157th meeting (CCPR/C/SR.3157), held on 31 March 2015, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the punctual submission of the seventh periodic report of the Russian Federation and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's large high-level delegation on the measures taken by the State party during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/RUS/Q/7/Add.1) to the list of issues (CCPR/C/RUS/Q/7), which were supplemented by the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and institutional steps taken by the State party:

(a) Amendments introduced to legislation in 2014, expanding mandatory accommodation for persons with sensory and physical disabilities and prohibiting discrimination based on disability;

(b) Adoption of the Federal Act No. 284-FZ on amendments to certain legislative acts establishing the mandates and responsibilities in respect of inter-ethnic relations, in October 2013;

(c) Introduction of domestic legal remedies for excessive delays in judicial proceedings or in the enforcement of judicial decisions;

(d) The amendments introduced on 2 April 2012 to the Federal Act No. 95-FZ of

* Adopted by the Committee at its 113th session (16 March –2 April 2015).

11 July 2001 on Political Parties, which eased the procedural requirements for establishing and officially registering political parties.

4. The Committee welcomes the ratification of, or accession to, the following international instruments by the State party:

(a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 24 September 2013;

(b) The Convention on the Rights of Persons with Disabilities, on 25 September 2012.

C. Principal matters of concern and recommendations

Implementation of the Committee's Views under the Optional Protocol to the Covenant

5. The Committee is concerned at the State party's failure to implement the Views adopted by the Committee under the Optional Protocol, despite decision No. 1248-0 of 28 June 2012 of the Constitutional Court designed to facilitate their implementation. It also regrets the lack of clear information regarding the existence of efficient mechanisms and legal procedures for ensuring the full implementation of the Committee's Views and their operation in practice (art. 2).

The State party should take all institutional and legislative measures to ensure that mechanisms and appropriate procedures are in place to give full effect to the Committee's Views so as to guarantee the right of victims to an effective remedy when there has been a violation of the Covenant, in accordance with article 2, paragraph 3, of the Covenant. It should promptly comply with all Views issued with respect to it.

Armed conflicts in the Donbas region of Ukraine and the South Ossetia region of Georgia

6. The Committee is concerned at reports alleging serious violations of the Covenant in the Donbas region of Ukraine by forces over which the State party appears to have considerable influence which may amount to effective control. It is also concerned at reports that allegations of serious violations of the Covenant committed during the armed conflict in the South Ossetia region of Georgia in 2008 were not fully investigated (art. 2).

The Committee, in line with the interpretation of article 2, paragraph 1, of the Covenant in its General Comment 31(2004), calls on the State party to ensure the application of the Covenant in respect of acts perpetrated by armed groups and proclaimed authorities of the self-proclaimed 'Donetsk people's republic', 'Luhansk people's republic', and 'South Ossetia', to the extent that it already exercises influence over these groups and authorities which amounts to effective control over their activities.

Accountability for alleged human rights violations committed in the North Caucasus Federal Area

7. While noting the establishment of a special unit under the Investigative Committee to investigate violations committed during the counter-terrorism operations in the Chechen Republic, the Committee remains concerned (CCPR/C/RUS/CO/6, para. 14) at the limited progress in investigating serious past and ongoing human rights violations, including unlawful and extrajudicial killings, abductions, torture and ill-treatment, secret detention and enforced disappearance perpetrated by State agents during security and counter-terrorism operations in the North Caucasus Federal Area, and at the continuing practice of

collective punishment of relatives and suspected supporters of alleged terrorists, including destruction of their homes and expulsions from the Chechen Republic (arts. 2, 6, 7, 9, 14, 16, and 17).

The State party should:

(a) Ensure that all human rights violations committed during security and counter-terrorism operations in the North Caucasus Federal Area are thoroughly, effectively, independently and impartially investigated, that perpetrators are prosecuted and sanctioned in a manner commensurate with the gravity of the acts committed, and that victims or their families are provided with effective remedies, including equal and effective access to justice and reparations;

(b) Immediately end the practice of collective punishment of relatives and suspected supporters of alleged terrorists, and provide effective remedies to victims for violation of their rights, including for damage or destruction of property and forced expulsion.

Racism and xenophobia

8. The Committee expresses concern about (a) manifestations of Islamophobia and anti-Semitism as well as other racist and xenophobic acts, including racially motivated crimes, such as violent attacks by the Cossack patrols, which particularly target non-Slav persons, including migrant workers from Central Asia, the Caucasus, Africa and persons of Roma origin; (b) proliferation and functioning of extremist groups, such as ultra-nationalist, racist and neo-Nazi groups, including skinheads; (c) the use of discriminatory language against national, ethnic, religious or other minorities, and xenophobic and racist rhetoric in the political discourse, in particular during electoral campaigns, and in the media (arts. 2, 20, and 26).

The State party should strengthen its efforts to combat all acts of racism, xenophobia, Islamophobia and anti-Semitism, including in political discourse and in the mass media by, inter alia:

(i) Instituting awareness-raising campaigns aimed at promoting respect for human rights and tolerance for diversity;

(ii) Addressing effectively the illegal activities of extremist organizations and groups and the Cossack patrols;

(iii) Thoroughly investigating alleged hate crimes under the relevant provisions of the Criminal Code, punishing such acts with appropriate sanctions, and providing victims with adequate remedies, including compensation.

Racial profiling

9. The Committee remains concerned (CCPR/C/RUS/CO/6, para. 11) at reports of racial profiling by law enforcement officers targeting Roma, persons originating from the Caucasus, Central Asia and Africa who appear to be disproportionately affected by frequent identity checks, confiscation of identity documents, extortion of bribes, harassment, arrests, detentions, physical violence and verbal abuse (arts. 2, 9, 12, 17 and 26).

The State party should take all necessary measures to effectively combat and eliminate racial profiling by law enforcement officers, inter alia by clearly defining and prohibiting racial profiling by law and providing mandatory training on cultural awareness and the inadmissibility of racial profiling to law enforcement personnel. It should also investigate misconduct based on racially discriminatory grounds and bring perpetrators to justice.

Discrimination on the grounds of sexual orientation and gender identity

10. The Committee is concerned:

(a) about reports of discrimination, hate speech, violence against lesbian, gay, bisexual and transgender (LGBT) individuals and activists and violation of their rights to freedom of expression and assembly;

(b) about the absence of explicit protection against discrimination on grounds of sexual orientation and gender identity in the anti-discrimination legislation;

(c) that article 63, paragraph 1 (e) of the Criminal Code recognizing as aggravated circumstances the commission of an offence for reasons of, inter alia, “hatred or enmity” or “hate or hostility towards a given social group” does not appear to have ever been applied to cases involving violence against LGBT individuals;

(d) that the laws adopted at regional and federal level banning “promotion of non-traditional sexual relations to minors”, although upheld by the Constitutional Court (rulings No. 151-O-O of 19 January 2010 and No. 24-P of 23 September 2014), exacerbate the negative stereotypes against LGBT individuals and represent a disproportionate restriction of their rights under the Covenant;

(e) that a decree signed by Prime Minister Medvedev on 29 December 2014 included transgender identity, bigender identity, asexuality and cross-dressing in the list of medical conditions constituting contra-indications to driving (arts. 2, 7, 9, 17, 19, 21 and 26).

The State party should clearly and officially state that it does not tolerate any form of social stigmatization of homosexuality, bisexuality or transexuality, or hate speech, discrimination or violence against persons based on their sexual orientation or gender identity. It should also:

(i) Take all necessary steps to strengthen the legal framework protecting LGBT individuals from discrimination and violence and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim’s sexual orientation or gender identity and apply the provisions of article 63, paragraph 1 (e) of the Criminal Code to such acts;

(ii) Repeal laws banning “promotion of non-traditional sexual relations to minors” adopted at regional and federal level;

(iii) Exclude transgender identity, bigender identity, asexuality and cross-dressing from the list of medical conditions constituting contra-indications to driving.

(iv) Guarantee the exercise in practice of the rights to freedom of expression and assembly of LGBT individuals and their supporters.

Non-discrimination and gender equality

11. While noting the steps taken by the State party to promote gender equality and the progress made, the Committee remains concerned about the continued underrepresentation of women in decision-making positions in political and public life, including in the State Duma, the Federal Council and executive bodies (arts. 2, 3 and 26).

The State party should:

(a) Develop strategies to combat patriarchal attitudes and stereotypes on the roles and responsibilities of women and men in the family and society at large, including awareness-raising campaigns sensitizing the population on the need to ensure the enjoyment by women of their rights;

(b) Step up its efforts to achieve equitable representation of women in the State Duma, the Federal Council and at the highest levels of the Government within specific time frames.

Domestic violence

12. The Committee is concerned at the increase by 20 percent in the number of reported cases of domestic violence affecting women and children since 2010 and at the slow progress in adopting the draft federal act on prevention of domestic violence. It also notes with concern the lack of due diligence of law enforcement officers in registering and investigating domestic violence cases, and that support services for victims, including the number of psychological and educational centres and shelters, are insufficient (arts. 2, 3, 7, 24 and 26).

The State party should step up its effort to prevent and combat all forms of domestic violence, including by:

(a) Adopting without undue delay specific federal legislation prohibiting domestic violence;

(b) Ensuring that law enforcement authorities, as well as medical and social workers, receive appropriate training to deal with cases of domestic violence;

(c) Strengthening its awareness-raising efforts to sensitize widely the public at large to the adverse impact of domestic violence; encouraging the reporting of domestic violence cases, inter alia by systematically informing women and children of their rights, and of the existing legal avenues through which they can receive protection;

(d) Ensuring that domestic violence cases are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that victims are adequately compensated;

(e) Ensuring that victims have access to effective remedies and means of protection, including to an adequate number of psychological and educational centres and other support services, including accommodation or shelters, that are available in all parts of the country.

Counter-terrorism measures

13. The Committee regrets the lack of clarity as to whether the 2006 Federal Law on Countering Terrorism: (a) contains specific provisions codifying the obligation of the authorities to respect and protect human rights in the context of counter-terrorism operations; (b) authorizes temporary restrictions on rights and freedoms not listed in article 11, paragraph 3; and (c) provides for independent review over counter-terrorism activities undertaken by the executive, including with regard to monitoring telephone, electric and postal communications (arts. 2, 7, 9, 10, 14 and 17).

The Committee reiterates its previous recommendation (CCPR/C/RUS/CO/6, para. 7) that the State party should take all necessary measures to ensure that its counter-terrorism legislation and practices are in full compliance with its obligations under the Covenant, including with the requirements of article 4. The State party should also ensure that its counter-terrorism legislation provides for an independent mechanism to review counter-terrorism activities undertaken by the executive.

Torture and ill-treatment

14. The Committee, while noting that acts that may constitute torture or ill-treatment can be prosecuted under several articles of the Criminal Code, remains concerned at reports that

torture and ill-treatment, including for the purpose of eliciting confessions, are still widely practised, and notes with concern recent allegations that Mr. Zaur Dadaev and other suspects had confessed to the killing of opposition leader Boris Nemtsov under torture (arts. 2, 7 and 14).

The State party should take effective measures to eradicate torture and ill-treatment, inter alia by ensuring that all allegations of torture and ill-treatment, including the allegations of torture of Mr. Zaur Dadaev and his alleged associates, are promptly and thoroughly investigated by an independent and impartial body, that perpetrators are prosecuted under appropriate criminal provisions and, if convicted, are punished with adequate sanctions, and that victims are provided with effective remedies, including appropriate compensation.

Asylum and non-refoulement

15. The Committee is concerned that access to asylum procedures by asylum-seekers who may be in need of international protection is allegedly still problematic. It is also concerned at the lack of any specific legal safeguard against refoulement of a person to another State where there are substantial grounds for believing that he/she would be at real risk of being subjected to torture and at reports of refoulement of asylum-seekers and persons granted protection on the territory of the State party. The Committee is further concerned that such persons are often subjected to refoulement in spite of pending interim measures requests issued by international human rights bodies, including the Committee and the European Court of Human Rights (arts. 6, 7, and 13).

The State party should:

(a) Ensure that asylum-seekers who may be in need of international protection are able to access asylum procedures, more specifically by establishing accessible asylum and referral procedures at all border points, international airports, and transit zones;

(b) Amend legislation by clearly prohibiting the refoulement of refugees and asylum-seekers to another State where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant, by authorities involved in the execution of expulsion or deportation decisions and introducing mandatory prior verification mechanisms for the authorities adjudicating asylum claims as an effective instrument to consistently comply with the non-refoulement principle;

(c) Prevent the refoulement of asylum-seekers and persons granted protection on the territory of the State party, in line with articles 6, 7 and 13 of the Covenant and ensure respect for interim measures requests issued by international human rights bodies.

Drug users

16. The Committee, noting the legal ban on opioid substitution therapy, is concerned at allegations that the police sometimes deliberately cause arrested drug users to suffer withdrawal symptoms in order to elicit forced confessions or coerce them into cooperating with the police – actions that would also ultimately lead to violation of their rights under article 14 of the Covenant. The Committee notes that such physical and mental pain and suffering associated with withdrawal syndromes may amount to torture or ill-treatment and is concerned that the State party's approach to the treatment of drug-dependent individuals deprived of their liberty does not seem to adequately protect them against such suffering (arts. 7, 9, 10, and 14).

The State party should take all necessary measures to ensure (a) that its policies vis-à-vis drug users deprived of their liberty fully conform to its obligation to effectively protect them against the pain and suffering associated with the withdrawal syndrome and that timely, adequate and scientifically based medical assistance to counter withdrawal symptoms is available in practice; (b) that adequate legal safeguards are in place against conducting interrogations or any other procedural actions while the person is suffering from withdrawal syndrome; (c) that due process rights of drug users deprived of their liberty, including not to be compelled to testify against themselves, are effectively respected in practice.

Independence of the judiciary

17. The Committee is concerned about the practice of selection, appointment, promotion and dismissal of judges that appears to be subject to extra-procedural influences, including the reported improper influence of court presidents in the appointment procedure as well as the significant role of the Presidential Commission in the selection and appointment process. It is also concerned at the disciplinary system for judges, at reports indicating substantial rates of dismissal of judges and at allegations that disciplinary action can be based on the substance of judicial decision-making such as acquittal. The Committee is further concerned about the low acquittal rate and at the high percentage of acquittals overturned on appeal. It is also concerned at reports of lack of independence and impartiality of ex officio lawyers (arts. 2 and 14).

The State party should:

(a) **Ensure that the appointment and promotion of judges strictly follows the procedure prescribed by law and is not subject to any unofficial extra-procedural influences, and that all bodies involved in the judicial selection process are fully independent and operate in full transparency and fairness;**

(b) **Reduce the role of the Presidential Commission in the process of appointment of individuals proposed by independent bodies established to govern appointments;**

(c) **Ensure that an independent body is responsible for judicial discipline, clarify the grounds for disciplinary action, guarantee due process in judicial disciplinary proceedings and independent judicial review of disciplinary sanctions;**

(d) **Establish sufficient safeguards to ensure the impartiality of ex officio lawyers, including a complaint mechanism for the accused to challenge such impartiality.**

Harassment, violence and killing of lawyers, journalists, human rights defenders and opposition politicians

18. The Committee remains concerned (CCPR/C/RUS/CO/6, paras. 14 and 16) at reports of harassment, death threats, intimidation, physical violence and killing of lawyers, journalists, human rights defenders and opposition politicians, in particular of those working in the North Caucasus, in connection with their professional activities, and at the slow progress in investigating such cases, including with regard to the killings of journalists Khadzhimurad Kamalov (2011) and Akhmednabi Akhmednabiev (2013) and human rights advocate Natalia Estemirova (2009) (arts. 2, 6, 7, 9, 14 and 19).

The State party should take immediate steps to provide, in practice, effective protection to lawyers, journalists, human rights defenders and opposition politicians whose lives, safety and security are under threat due to their work in monitoring and reporting on human rights issues and on other matters of legal and public interest, and refrain from taking any measures that may constitute harassment or persecution

or undue interference in the exercise of their work or of their right to freedom of opinion and expression. It should effectively investigate, prosecute and bring perpetrators of the above acts to justice.

Freedom of expression

19. The Committee is concerned about a number of developments that create separately and jointly a substantial chilling effect on freedom of speech and expression of dissenting political opinions, including:

- (a) The re-criminalization of defamation in 2011;
- (b) The Federal law No. 190-FZ of November 2012 expanding the definition of treason to include provision of any financial, material, technical, consultative or other assistance to a foreign State, an international or foreign organization [...] against State security;
- (c) The Federal law No. 136-FZ (“Blasphemy Law”) of June 2013, and the legal proceedings against members of the Pussy Riot punk band for hooliganism under article 213 of the Criminal Code;
- (d) The Federal law No. 398-FZ authorizing prosecutors to issue emergency orders, without a court decision, to block any website containing, *inter alia*, calls to participate in “public events held in violation of the established order” or “extremist” or “terrorist” activities, and used in order to block also news websites (grani.ru, and kasparov.ru) and the blog of an opposition leader, Alexei Navalny;
- (e) The law criminalizing, *inter alia*, distortion of the Soviet Union’s role in the Second World War, signed by the President on 5 May 2014;
- (f) The law regulating the activities of online blogs, signed by the President on 5 May 2014, requiring bloggers with more than 3,000 users daily to conform to burdensome legal constraints and responsibilities.

The Committee notes that the above laws appear to be incompatible with the Covenant as the necessity of the imposed restrictions and the proportionality of the response appear not to meet the strict requirements of article 19(3) of the Covenant.

The State party should consider decriminalizing defamation and, in any case, it should countenance the application of criminal law only in the most serious of cases, bearing in mind that imprisonment is never an appropriate penalty for defamation. It should repeal or revise the other laws mentioned above with a view to bringing them into conformity with its obligations under the Covenant, taking into account the Committee’s general comment No. 34 (2011) on freedoms of opinion and expression. In particular, it should clarify the vague, broad and open-ended definition of key terms in these laws and ensure that they are not used as tools to curtail freedom of expression beyond the narrow restrictions permitted in article 19 of the Covenant.

Combating extremism

20. The Committee remains concerned (CCPR/C/RUS/CO/6, para. 25; CCPR/CO/79/RUS, para. 20) that the vague and open-ended definition of “extremist activity” in the Federal Law on Combating Extremist Activity does not require any element of violence or hatred and that no clear and precise criteria on how materials may be classified as extremist are provided in the law. The Committee expresses concern at numerous reports that the law is increasingly used to curtail freedom of expression, including political dissent, and freedom of religion, targeting, *inter alia*, Jehovah’s Witnesses. It also expresses concern at the adverse impact of the July 2014 amendment to the Criminal Code (article 280.1) introducing the offence of public calls for action aimed at

violating the territorial integrity of the State and at reports that the law has been applied, for example, against the editor-in chief of the Crimean Tatar “Avdet” newspaper (arts. 2, 9, 18, 19, and 26).

The Committee reiterates its previous recommendations (CCPR/C/RUS/CO/6, para. 25; CCPR/CO/79/RUS, para. 20) that the State party should revise without undue delay the Federal Law on Combating Extremist Activity with a view to clarifying the vague and open-ended definition of “extremist activity”, ensuring that the definition requires an element of violence or hatred, and establishing clear and precise criteria on how materials may be classified as extremist. It should take all necessary measures to prevent the arbitrary use of the law and revise the Federal List of Extremist Materials. The State party should also ensure that article 280.1 is applied in a manner consistent with the State party’s obligations under article 19 of the Covenant as interpreted in the Committee’s general comment No. 34 (2011) on freedoms of opinion and expression and is not used to silence individuals critical of the State party’s foreign policy, including with regard to Crimea.

Peaceful assembly

21. The Committee expresses concern at consistent reports of arbitrary restrictions on the exercise of freedom of peaceful assembly, including violent and unjustified dispersal of protesters by law enforcement officers, arbitrary detentions and imposition of harsh fines and prison sentences for expressing one’s political views. The Committee notes with particular concern the charges of violence against law enforcement officers and mass unrest brought against demonstrators on Bolotnaya Square in Moscow on 6 May 2012 resulting in prison sentences up to 4.5 years and lengthy pre-trial detention exceeding in some cases a year, as well as the detention of some 1,300 protesters during spontaneous gatherings following the announcement of the verdict in the Bolotnaya case in February 2014. The Committee is further concerned about the strong deterrent effect on the right to peaceful assembly of the new restrictions introduced in the amended Federal Law No. 65-FZ (Assemblies Act) of 8 June 2012, which imposes high administrative sanctions on organisers of assemblies who were previously convicted of similar administrative offences. Similarly, it is concerned at additional set of restrictions of July 2014, further increasing the fines for violating rules on holding public events, introducing administrative custodial sentence for participation in an unauthorized public gathering and making repeated violations a criminal offense punishable by up to five years of imprisonment or a fine of up to 1 million rubles (arts. 7, 9, 10, 14, 19, and 21).

The State party should take all necessary measures to ensure that individuals fully enjoy their rights under article 21 of the Covenant in practice, inter alia by:

(a) Abstaining from any unjustified interference with the exercise of this right and ensuring that any restrictions imposed are in compliance with the strict requirements of article 21 of the Covenant and not subordinate to political considerations;

(b) Promptly investigating all cases of violence, excessive use of force by law enforcement officers, arbitrary arrests and detention of peaceful protesters, and punishing those responsible;

(c) Revising those laws, regulations and practices affecting the exercise of the right to peaceful assembly, including those imposing heavy sanctions on individuals exercising such right, with a view to bringing them in line with the Covenant.

Freedom of association

22. The Committee is concerned about the amendments introduced in 2012 to the Federal Law No. 121-FZ on Non-Commercial Organizations, upheld by the Constitutional Court in April 2014, requiring non-commercial organizations (NCOs) receiving foreign funding and engaging in “political activities” to register as “foreign agents”, and about their adverse impact on the freedom of expression, assembly and association. The Committee notes with concern that the definition of “political activity” in the law is very broadly construed and permits authorities to register as “foreign agents”, without their consent or a court decision, NGOs conducting diverse activities related to public life, including NGOs working on human rights and environmental issues. The Committee is also concerned about the complex procedure of removal from the “foreign agent” register and regrets that the amendments led to restrictions on the operations of NGO activities and to suspension or voluntary closure of some NGOs. The Committee is further concerned about the new draft law, passed at first reading on 20 January 2015, that would ban “undesirable” foreign companies or organizations, or groups that are perceived to pose a threat to the “defence capability or security of the State, public order, or public health”, and about its adverse human rights implications if signed into law (arts. 14, 19, 21, and 22).

The State party should repeal or revise the legislation requiring non-commercial organizations that receive foreign funding to register as “foreign agents” with a view to bringing it in line with the State party’s obligations under the Covenant, and take into account the opinion of the European Commission for Democracy through Law (Venice Commission) in this regard. It should, at the very least: (a) drop the term “foreign agent” from the law; (b) clarify the broad definition of “political activities”; (c) remove the power of registering non-commercial organizations under the law without their consent; (d) revisit the procedural requirements and sanctions applicable under the law to ensure their necessity and proportionality.

Violations of Covenant rights of residents of the Autonomous Republic of Crimea and the city of Sevastopol

23. The Committee, having regard to General Assembly resolution 68/262, adopted on 27 March 2014, entitled “Territorial integrity of Ukraine”, is concerned about reported violations of the Covenant in the Autonomous Republic of Crimea and the city of Sevastopol that are under the effective control of the State party, including:

(a) Allegations of serious human rights violations, many of which involving the “Crimean self-defence” forces, including enforced disappearances, abductions, arbitrary detention, ill-treatment and attacks against journalists;

(b) Alleged violations of freedom of expression and information, including harassment of media, blockage of Ukrainian internet sites and forced relocation of local internet sites, threats and intimidation against journalists;

(c) A limited possibility for Crimean residents to make an informed decision on the free choice of their citizenship owing to the very short period granted to refuse Russian citizenship. This disproportionately affected those individuals who could not apply in person at the designated locations to refuse citizenship, in particular persons in places of detention and other closed institutions such as hospitals, orphanages etc. It also resulted in serious implications on the ability of Crimean residents who retained Ukrainian nationality to enjoy their rights under the Covenant;

(d) Allegations that Mr. Oleg Sentsov has been deprived against his will of his Ukrainian nationality, has been tried in Moscow as a citizen of the Russian Federation and has been subject to legal proceedings which failed to meet the requirements of articles 9 and 14 of the Covenant;

(e) Allegations of discrimination and harassment of members of minorities and indigenous peoples, in particular Crimean Tatars, including a ban on entry into the territory of Crimea for five years of some of their leaders, Mustafa Dzhemilev, Ismet Yuksel and Reshat Chubarov;

(f) Reports of violations of freedom of religion and belief on the territory of Crimea, such as intimidation and harassment of religious communities, including attacks on the Ukrainian Orthodox Church, the Greek Catholic Church and the Muslim community (arts. 1, 2, 6, 7, 9, 10, 12–14, 16–19, 21, 22 and 25–27).

The State party should:

(i) Take effective measures to investigate all allegations of serious human rights violations, in particular abductions, enforced disappearances, arbitrary detention and ill-treatment, including those committed by “Crimean self-defence” forces, and bring perpetrators to justice and provide victims or their families with effective remedies, including appropriate compensation;

(ii) Ensure the exercise in practice of freedom of expression and information for all residents of Crimea, including freedom to use the Internet, in line with the State party’s obligations under the Covenant;

(iii) Ensure that appropriate and transparent procedures are in place for Crimean residents to revisit their decision concerning their nationality; consider the possibility of allowing residents to retain their Ukrainian citizenship even if they are interested in a Russian citizenship;

(iv) Ensure that Crimean residents who retained their Ukrainian nationality are not discriminated against in any sphere of public life and are granted full access to public services on equal terms;

(v) Respect and ensure the rights of minorities and indigenous peoples, in particular, that Crimean Tatars are not subject to discrimination and harassment, and revisit the legal justification for criminal cases brought against some Crimean Tatar leaders and activists;

(vi) Respect and ensure freedom of religion and belief in the territory of Crimea and refrain from any actions that may compromise it, in line with the State party’s obligations under the Covenant.

Rights of indigenous peoples

24. The Committee remains concerned (CCPR/C/RUS/CO/6, para. 29) at insufficient measures being taken to respect and protect the rights of indigenous peoples and to ensure that members of such peoples are recognized as such. It notes with concern that no “territory of traditional nature use” has been established to date under the 2001 Federal Law on Territories of Traditional Nature Use (TTNU) of Numerically Small Indigenous Peoples of the North, Siberia and Far East, that indigenous peoples’ sacred areas are largely unprotected from desecration, contamination and destruction by extractive, development and related activities, that consultation with indigenous peoples on matters of interest to their communities is insufficiently enforced in practice, and that access to effective remedies remains a challenge (arts. 2 and 27).

The State party should ensure the full implementation of the TTNU provisions and effective legal protection for indigenous peoples’ rights to their lands and natural resources, adopt measures to effectively protect their sacred areas and ensure that consultations are held with the indigenous communities that might be adversely affected by the State party’s development projects and extractive industries operations with a view to obtaining their free, prior and informed consent for all

proposed project activities. It should also ensure access to effective remedies for all members of indigenous groups for any violations of their rights.

Dissemination of information relating to the Covenant

25. The State party should widely disseminate the Covenant and the (First) Optional Protocol, the text of its seventh periodic report and the present concluding observations among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public.

26. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 7, 19, and 22 above.

27. The Committee requests the State party to submit its next periodic report on 2 April 2019 and to include specific up-to-date information on the implementation of all its recommendations and on the Covenant as a whole. The Committee requests the State party in the preparation of the report to broadly consult civil society and non-governmental organizations operating in the country. According to General Assembly Resolution 68/268 the word limit for the report is 21,200 words.
