

## Responses to Recommendations

### RUSSIAN FEDERATION

Review in the Working Group: 4 February 2009

Adoption in the Plenary: 10 June 2009

Russian Federation's responses to recommendations (as of 09.08.2012):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
5 REC rejected; 57 pending	Out of the 57 pending, 42 were accepted (out of which 5 were considered as already implemented or in the process of implementation – n°14, 39, 42, 50 and 51), 14 rejected, 2 not accepted and already being implemented (n°23 and 31), 1 taken note of and already implemented (n°10 -> no clear position), 1 responded to without clear position (n°18) and 2 left pending (part of n°4 and 7) <sup>1</sup>	No additional information provided	Accepted: 42 Rejected: 20 No clear position: 2 Pending: 2

#### List of recommendations contained in Section II of the Report of the Working Group A/HRC/11/19:

R - 1. Consider ratifying (Germany) / accede to (Australia) the Second Optional Protocol to the International Covenant on Civil and Political Rights;

R - 2. Implement its announcement to abolish the death penalty *de iure* (Germany); Consider officially establishing a moratorium on executions with a view to abolishing death penalty (Brazil); Eliminate use of the death penalty (Australia);

R - 3. Become party to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (Slovakia);

<sup>1</sup> The total number of recommendations is now 66 as 2 were split into 3.

R - 4. Ratify (United Kingdom, Brazil, Mexico) / Accede to the Optional Protocol to CAT (Czech Republic, Liechtenstein), establish its national preventive mechanism accordingly (Czech Republic) / as required under that Protocol (Liechtenstein)

P - and review conditions in prisons, particularly pre-trial detention facilities, to bring them into compliance with international standards (Czech Republic);

A - Pursue its efforts to improve the situation of detainees and to take measures in achieving this goal (Algeria);

R - 5. Ratify the Rome Statute on the ICC (Brazil, Slovakia, France);

R - 6. Consider ratifying the Convention for the Protection of Migrant workers and their families (Egypt);

7. Ratify

P - the Convention for the Elimination of the Enforced Disappearances of Persons (Argentina, Mexico),

A - the Convention on the Rights of Persons with Disabilities,

R - and the Convention 169 of the ILO (Mexico);

R - 8. Ratify the Protocol No. 14 to the European Convention on Human Rights (Finland, Ukraine, and Slovenia) and the Charter for Regional and Minority Languages (Ukraine);

R - 9. Become a party to the remaining United Nations Human Rights instruments (Slovenia);

NC - 10. Withdraw reservations to core human rights instruments such as both 1966 covenants (Brazil);

A - 11. Continue its efforts to consolidate its national human rights institutional architecture (Egypt);

R - 12. Issue (Brazil, France, Czech Republic, Slovenia) and implement (Czech Republic) a standing invitation to all United Nations Special Procedures (Brazil, France, Czech Republic, Slovenia); to all thematic special procedures (Switzerland);

R - 13. Accept the visits of Special Procedures of the Council which have been requested to date (Mexico); Find an agreement as soon as possible on the visit of the Special Rapporteur on torture (Switzerland); Extend an invitation to the Special Rapporteur on torture to visit North Caucasus under his usual terms of operation (Denmark); Provide access to Ingushetia for the United Nations Working Group on enforced disappearances and the Special Rapporteurs on torture and extrajudicial, summary or arbitrary executions (United Kingdom); That the visit by the Working Group on enforced or involuntary Disappearances agreed upon in principle take place within 2009 (Norway);

A - 14. Submit as quickly as possible information on alleged forced disappearances cases to the Working Group on Enforced or Involuntary Disappearances (Japan);

A - 15. Continue its efforts in ensuring the respect and promotion of human rights principles despite all existing challenges and obstacles (Palestine);

A - 16. Intensify its efforts to resolve outstanding issues in ensuring human rights as mentioned in its national report (Vietnam);

A - 17. Continue to refine its domestic legislation in the field of human rights and freedoms (Zimbabwe);

NC - 18. Revise relevant legislation particularly the federal law on countering terrorism and the law on extremism to ensure their compatibility with international obligations of the Russian Federation (Mexico);

A - 19. Continue with its current positive efforts for furtherance of the human rights protection (Democratic People's Republic of Korea);

A - 20. Continue to maintain its policy of broadening and strengthening international cooperation in the promotion and protection of human rights in the interest of humankind (Zimbabwe);

A - 21. Continue its active participation in the work of Human Rights Council as well as to maintain its contribution to OHCHR (Jordan);

A - 22. Take further necessary measures in fighting extremism (Turkey); Further step up efforts to punish and stop extremist crimes, counter racism and xenophobia, and promote greater respect and tolerance for cultural diversity in society (Philippines);

R - 23. Develop a strong institutional framework that will help to combat racism and create an atmosphere of racial tolerance in Russian society (Ireland); Set up a national mechanism to counter the phenomena of racist violence and to gather reliable statistics in this regard (Belgium); Engage in active awareness-raising policy and systematically condemn racist and xenophobic violence (Belgium);

A - 24. Continue its positive work to combat racial discrimination and related intolerance (Algeria); Attention be paid to CERD's observation to strengthen the legislative framework in the area of non-discrimination with a special attention to gender equality, ethnic minority, indigenous people and migrants regardless of their minority status (Mexico); Apply its current anti racism legislation in an effective way and take new structural measures specifically to counter discrimination (Belgium); Adopt a clear and comprehensive definition of racial discrimination in its legislation (New Zealand); Consider a comprehensive approach and specific programs to combat racist attacks and discrimination, especially with regard to the vulnerable position of migrants (The Netherlands);

A - 25. Pay special attention to racially motivated crimes and strengthen its efforts to address them (Republic of Korea); Step up its efforts made to investigate acts of racial aggression (Switzerland) and to punish their perpetrators (Switzerland, Austria), and attack in a longstanding way the deep causes of this problem in the framework of reforms of justice (Switzerland); take further steps to fight discrimination and make sure that perpetrators of racist and hate crimes be held duly responsible for their crimes (Norway); Systematically collect data on racially motivated hate crimes (Austria);

A - 26. Take further efforts in addressing the problem of unemployment, socio-economic inequality and social vulnerability among its population (Malaysia);

A - 27. Continue its effort to promote equality between men and women (Algeria); Continue its policy to ensure gender equality aimed at upholding the rights of women (Belarus);

R - 28. Increase its efforts and take concrete policy measures in order to promote tolerance and non-discrimination of lesbian, gay, bisexual, transsexual and transgender persons (Sweden);

A - 29. Step up its efforts to combat torture, *inter alia*, by effectively addressing the concerns of the Committee against Torture (Denmark); Address the concerns expressed by the High Commissioner for Human Rights about the use of torture in the Chechen Republic as well as concerns by the Committee Against Torture over many ongoing and consistent allegations of torture and ill-treatment committed by law enforcement personnel as well as reports of torture and ill treatment in unofficial places of detention in the North Caucasus (Australia);

A - 30. Encourage the use of non-custodial options when sentencing or determining pretrial measures involving pregnant prisoners and prisoners with children and where women are detained, put in place policies to ensure that all children are able to maintain contact with their mothers (New Zealand);

R - 31. Provide prison guards and law enforcement officials in general, with human rights training specifically focusing on protection of human rights of women, children, national minorities and persons of minority sexual orientation or gender identity; and further to ensure investigation and punishment of all cases of violation of human rights by this personnel (Czech Republic);

A - 32. Adopt specific law on domestic violence (Czech Republic), Adopt legislative measures to outlaw domestic violence if it has not done so already (South Africa); Adopt comprehensive strategy to

combat domestic violence (New Zealand) Collect statistical data on cases of violence against women, including domestic violence as specific crime and finally establish shelters and safe housing for victims of domestic violence, that would be locally accessible, sufficiently and sustainably funded and of corresponding capacity (Czech Republic); Enhance the efforts to combat violence against women and to improve women's access to safe shelter (Sweden);

A - 33. Develop and carry out the whole range of measures for the practical implementation of provisions of the Convention on the Rights of the Child and its two Optional Protocols (Belarus);

A - 34. Consolidate measures of national and international nature to ensure the effective fight against trafficking in persons (Belarus);

A - 35. Take further efforts in refining its domestic legislation in various fields of human rights, reforming the judiciary and improving the situation of people who are deprived of their liberty, so as to further ensure the promotion and protection of human rights for its peoples (Malaysia);

A - 36. 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, and 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 (New Zealand);

A - 37. Strengthen its ongoing efforts to reform the justice system according to international standards (The Netherlands); Continue improving its legislation towards a judicial reform with a view to having a modern legislation which adapts to new challenges (Nicaragua); Realize its commitments particularly those related to legislative and judicial reform anti-corruption (Vietnam); Increase its efforts in overcome existing challenges in the field of the judicial system, including corruption, transparency and accountability of the public administration as well as a rational division of responsibility between federal and regional levels of Government (Italy); Take steps to further improve judicial procedures to safeguard human rights (Australia); Take steps to implement the plan in relation to judicial procedures and adopt measures that corruption of judicial procedures is decreasing (Australia);

A - 38. Establish a juvenile justice system (Austria, Czech Republic) that not only strives to punish, but rather to help juveniles to re-integrate into society, taking into account existing international standards in this regard (Austria);

A - 39. Pursue its action plans to protect the rights of the child and of the family (Saudi Arabia); Continue its efforts to reduce the number of children without parental care particularly by stepping up the work already undertaken to overcome this phenomena (Algeria);

A - 40. Abolish completely the system of "propiska" and adopt further measures to ensure that both its legal system and practice comply with the protection of freedom of movement (Czech Republic);

A - 41. Continue its positive measures for the protection of the dignity of the individual, freedom of thought, conscience and religion (Palestine);

A - 42. Promote the rights of human rights defenders to freedom of expression, association and assembly; and to review the extremism and NGO laws to ensure their compatibility with international human rights obligations and standards including the United Nations Declaration on Human Rights Defenders (Slovakia); Revise the Law against Extremism in such a way, that it would clarify the definition of extremism (The Netherlands); Consider a review of the NGO law taking into account, amongst others, the concerns expressed by United Nations rights bodies (The Netherlands);

A - 43. Take measures to protect journalists and other human rights defenders (Australia); Adopt further measures aimed at improving the state of media freedom and protecting the working conditions of journalists and human rights defenders in the Country (Italy); Effectively investigate and prosecute crimes and violations against human right defenders and journalists, and punish those responsible. Complaints of harassment of human rights defenders must receive a prompt response and adequate measures for their safety should be taken (Norway); Intensify its efforts made to investigate practices

of harassment and aggression against journalists and lawyers and punish their perpetrators (Switzerland);

A - 44. Adopt appropriate measures to disseminate widely and ensure full observance of the Declaration on Human Rights Defenders. The Declaration, as well as all other human rights standards, should in particular be made available to schools and institutions of higher education (Norway);

A - 45. 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 (United Kingdom);

A - 46. Take further measures to improve the security of journalists and to ensure that violations of the rights of journalists are fully and promptly investigated and that any one found responsible is brought to justice according to international standards (The Netherlands);

A - 47. 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 (France, Italy, Switzerland, Ireland);

**R - 48. Effectively investigate and punish crimes that have been committed against leaders of Ukrainian associations in 2002-2006 (Ukraine);**

A - 49. Create an environment, *inter-alia* through a legislative framework, that promotes rather than restricts the right to freedom of assembly and that encourages citizens to express their diverse views (Austria);

A - 50. Improve conditions for proper functioning of independent media, in particular national TV channels, in order to provide more space for expressing diverse views and opinions (Slovakia);

A - 51. In the current world economic crisis, step up its efforts for the protection of economic, social and cultural rights for the most vulnerable segments of the population including the migrants (Algeria);

A - 52. Continue its positive efforts to consolidate the areas of health and education especially for disabled children (Cuba)

A - 53. Continue its positive efforts to promote and protect economic, social and cultural rights and combat poverty (Cuba);

A - 54. Continue implementation of the package of important programmes aimed at the defending citizens' economic and social rights (Belarus);

A - 55. Enhance its efforts to provide equal educational opportunities for children with disabilities, including by abolishing the practice of "corrective" and "auxiliary schools", by providing the necessary support and by ensuring that teachers are trained to educate children with disabilities in regular schools (Liechtenstein);

A - 56. Increase its efforts to ensure full respect of the rights of persons belonging to minorities and indigenous groups, including education of their children (Sweden); Implement the recommendations raised by CERD as to how to improve the situation of the indigenous communities (Denmark); Comply with the principles contained in the Declaration on the rights of indigenous people (Mexico);

A - 57. Undertake measures ensuring rights of ethnicities and national minorities to use its native languages in practice (Ukraine); intensify its efforts to ensure provision of education in minority languages (Finland).

**86. In the view of the Russian Federation, the recommendations contained in the report in paragraph 54 are not relevant as they do not comply with the basis of the review stipulated in HRC Resolution 5/1 “Institution-building of the United Nations Human Rights Council.”**

Paragraph 54 (Georgia):

- “Recommended that Russia de-occupy the territories of Georgia – Abkhazia and Tskhinvali region including South Ossetia, and until remaining in the territories in question, to comply with the obligation incumbent upon the occupying power by the rules of the international humanitarian law”
- “To comply with the provisional measures prescribed by the International Court of Justice
- “To implement in good faith relevant provisions of the Resolution 1648 (2009) adopted by the Parliamentary Assembly of the Council of Europe”
- “Recommended halting forced distribution of passports certifying Russian citizenship among ethnic Georgians In the occupied territories controlled by the Russian armed forces”
- “Recommended putting an end to all practices limiting and/or violating the human rights of ethnic Georgians in the territories controlled by the Russian armed forces – including, but not limited to, access to education in Georgian language, freedom of movement of ethnic Georgians and right to freely choose the place of their residence”

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