

Universal Periodic Review (30th session, Apr-May 2018)
Contribution of UNESCO
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Russian Federation

I. Background and framework

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	Ratified (01/08/1962)	Reservation to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not a State Party to the Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	12/10/1988 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	Not ratified			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	Not ratified			Right to take part in cultural life

Right to education

II. Promotion and protection of human rights on the ground

1. The **Constitution of the Russian Federation of 1993**¹ includes the right to education in Article 43 providing for general access free of charge to pre-school, secondary and secondary vocational education and making basic general education compulsory. A new Law on Education "On education in the Russian Federation" was adopted December 2012, repealing the previous Law on Education of 1992 and bringing

¹ <http://www.unesco.org/education/edurights/media/docs/4b158532ba99b4f21fa07dbffe2f85bc20265f67.pdf>

together a number of ordinances, governmental decrees and laws. It sets up conditions to realize the right to education and provides state guarantees of human rights in the area of education.

2. In terms of reporting to UNESCO, the Russian Federation submitted a national report within the framework of the **9th (2016-2017) and 8th (2011-2013) Consultations** of Member States on the measures taken to implement the UNESCO Convention against Discrimination in Education. The Russian Federation submitted a report on the measures taken to implement the UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms for the **6th (2016-2017) Consultations** of Member States, but did not report within the framework of the **5th (2012-2013) Consultations**.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. The Constitution of the Russian Federation guarantees under Article 29 freedom of ideas and speech for everyone. It prohibits censorship and approves a right to the freedom of information: “everyone shall have the right to freely look for, receive, transmit, produce and distribute information by any legal way.”²
4. Defamation was decriminalized in 2011. The Criminal Code presently foresees criminal liability only for slander (Art. 128.1).³ It does not include prison sanctions, but provides for a monetary fine of up to five million roubles (approximately USD 80,000).
5. The Law on Providing Access to Information on the Activities of Government Bodies and Bodies of Local Self-Government, adopted in 2009, provides everyone with the right to request for information held by public authorities.
6. In recent years, the Russian Federation has introduced a number of laws and amendments aimed to regulate online speech.
7. In 2012, the Law on the Protection of Minors against Information Detrimental to their Health and Development was amended to empower the governmental watchdog agency Roskomnadzor to blacklist domain names and network addresses of websites that contain information banned for dissemination in the country.⁴
8. In 2013, the Law on Information, Information Technologies and Protection of Information was amended to allow the Prosecutor General to order blocking websites

² <http://www.constitution.ru/en/10003000-03.htm>

³ The Criminal Code of the Russian Federation” dated 13 June 1996 No. 63-Φ3 (as amended on 19 December 2016), available at http://www.consultant.ru/document/cons_doc_LAW_10699/

⁴ <https://rg.ru/2012/07/30/zakon-dok.html>

containing content such as calls to unsanctioned public protests and to “extremist” activities.⁵ The law also orders owners of the blogs visited by more than 3,000 users daily to register with the public authorities. It imposes additional responsibility on the bloggers, blog hosting services, as well as online forums for verifying the accuracy and reliability of posted information, following election law, respecting reputation and privacy, etc.⁶

9. In 2016, Parliament amended the Law on Countering Terrorism⁷ and the Criminal Code⁸ requiring telecommunications and internet companies to retain the contents of all communications for six months and the metadata for three years. The law makes it easier for the authorities to identify users and access personal information without judicial oversight, which could lead to unjustifiable interference with privacy and freedom of expression.

10. The United Nations Special Rapporteurs on Freedom of Expression, Freedom of Assembly and Freedom of Belief in their joint communication of 28 July 2016 raised concerns regarding potential interference of new legislation on online speech with the exercise of the right to freedom of opinion and expression in Russia.⁹

➤ Implementation of Legislation:

11. The Law on the Mass Media of 1991¹⁰ and ordinances issued by the Government set down that governmental watchdog agency Roskomnadzor¹¹ remains the licensing and regulatory body for all media. The agency operates under the Ministry of Communications and Mass Communications.

➤ Safety of Journalists:

12. Since 2008, eighteen journalists have been killed in the Russian Federation. The Government has responded to UNESCO requests concerning 16 of the killings of journalist’s cases.

III. Recommendations

13. Below are the recommendations made within the framework of the 2nd cycle of the Working Group (16th session) on the Universal Periodic Review (July 2013):¹²

140.136. *Pay specific attention to staff members’ education and human rights training of personnel of law-enforcement agencies, courts and investigating authorities/ Pay priority attention to education and training in the area of human rights for staff of the law enforcement bodies, courts and investigative bodies.*

140.208. *Step up efforts to ensure human rights education and training for all.*

⁵ <https://rg.ru/2013/12/30/extrem-site-dok.html>

⁶ <https://rg.ru/2014/05/07/informtech-dok.html>

⁷ <https://rg.ru/2016/07/08/antiterror-dok.html>

⁸ <https://rg.ru/2016/07/08/antiterror-dok.html>

⁹ http://www.ohchr.org/Documents/Issues/Opinion/Legislation/RUS_7_2016.pdf

¹⁰ <https://rkn.gov.ru/chamber-of-commerce/p716/>

¹¹ <https://rkn.gov.ru/eng/>

¹² <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/155/09/PDF/G1315509.pdf?OpenElement>

140.210. *Put in place comprehensive and evidence-based sexual and reproductive health education programmes.*

140.211. *Further intensify the efforts to improve the system of education in the area of human rights and to strengthen the human rights culture.*

140.214. *Continue adapting health, education and transport services to the needs of persons with disabilities.*

140.217. *Ensure that its national legislation is in conformity with the obligation set in the article 27 of ICCPR with the objective of providing national minorities with the possibility to use their mother tongue without obstacles, as well as education in their mother tongue.*

Review and specific recommendations

14. A number of recommendations during the last UPR cycle focused on human rights education, in particular of law enforcement bodies, courts and investigative bodies, sexual and reproductive health education, adaptation of education to persons with special needs and the provision of education in the mother tongue of national minorities.

15. In 2012, the Russian Federation ratified the Convention on the Rights of Persons with Disabilities, which spells out in Article 24 that persons with disabilities have the right to education and shall not be excluded from the general education system. This positive step forward should be particularly welcome. The 2012 Law “On Education” includes several provisions on this matter. Article 79 particularly refers to the organization of education for persons with special needs. It provides the development of adapted educational programmes and differentiated educational standards and spells out different inclusion models, such as special classes in general institutions as the most widely applied approach, joint classes with other students, or schooling at home through distance education technologies.¹³ Through the “Accessible Environment” Programme, the Russian Federation reportedly provides joint training opportunities for persons with and without special needs in over 9,000 educational institutions. Furthermore, Order No. 1309 of November 2015 sets up rules of accessibility to educational facilities for students with special needs. Additionally, since the 2014/15 academic year, higher education institutions set up quotas for enrolment of persons with special needs, accounting for no less than 10% of government-funded enrolment vacancies. A set of measures has been approved to ensure access to professional, including mechanisms to provide access to higher education and vocational guidance measures. Following the circulation of guidelines on educational arrangements for students with special needs, 74 higher education institutions have developed adapted teaching materials. Information and methodological support in inclusive higher education are provided through an internet portal. Teaching resource centers in leading vocational training institutions specializing in vocational training of persons with special needs and a network of resource centers to study at higher education

¹³ Committee on Economic, Social and Cultural Rights, Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Social, Economic and Cultural Rights, Sixth periodic reports of States parties due in 2016, Russian Federation, 16 September 2016, E/C.12/RUS/6, p 35; Education for All 2015 National Review Report: Russian Federation, p 12

institutions are planned to be set up.¹⁴ Nevertheless, the percentage of children with special needs in mainstream schools remains low.¹⁵ Therefore, the Russian Federation should be encouraged to further promote an inclusive approach to the education of persons with disabilities, in line with Article 24 of the Convention on the Rights of Persons with Disabilities, and to provide adequate teacher training, suitably equipped schools and sufficient support for students and parents.

16. With regard to human rights education, the Russian Federation set up the course “Human Rights” that is taught in 40 higher learning institutions and included problems affecting human rights in secondary school curricula.¹⁶ No further policy action regarding human rights education could be identified, especially relating to human rights trainings of law enforcement bodies. The Russian Federation should be encouraged to take further steps to ensure and promote human rights education in schools as well as trainings for civil servants. These trainings should furthermore be monitored and evaluated and the Russian Federation could be encouraged to share information with UNESCO in this regard.

17. One area of recommendation concerned the provision of education to national minorities in their mother tongue. As Article 26 of the Constitution of the Russian Federation spells out, everyone has the right to choose the language of instruction. Article 14 of the 2012 Law on Education provides for the right to choose the language of instruction as far as possible. In this regard, 4,196 schools are reported to provide teaching in ethnic languages of the Russian Federation on a permanent basis. The inclusion of the teaching and study of native languages in the curriculum is being pursued.¹⁷ Although some information on the application and the exercise of these rights could be obtained, further information in this regard would be welcomed. Therefore, the Russian Federation should be encouraged to gather and share further information with UNESCO on the access to education of national minorities in their mother tongue.

18. Regarding education on sexual and reproductive health, only little reference could be found of its inclusion in the curricula of basic and secondary schools. The Russian Federation should therefore be recommended to ensure the inclusion of comprehensive and age-appropriate sexual and reproductive health education in the curricula.

➤ **Specific recommendations:**

¹⁴ Committee on Economic, Social and Cultural Rights, Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Social, Economic and Cultural Rights, Sixth periodic reports of States parties due in 2016, Russian Federation, 16 September 2016, E/C.12/RUS/6, p 36

¹⁵ Committee on the Rights of the Child, Concluding observations on the combined fourth and fifth periodic reports of the Russian Federation, 25 February 2014, CRC/C/RUS/4-5, p 13

¹⁶ Committee on the Elimination of Discrimination against Women, Consideration of Reports submitted by States parties under article 18 of the Convention, Eighth periodic report of States parties due in 2014, Russian Federation, 22 August 2014, CEDAW/C/RUS/8

¹⁷ Committee on Economic, Social and Cultural Rights, Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Social, Economic and Cultural Rights, Sixth periodic reports of States parties due in 2016, Russian Federation, 16 September 2016, E/C.12/RUS/6, pp 36

1. The Russian Federation should be encouraged to continue its efforts to guarantee access to inclusive education for persons with special needs, including adequate teacher training, suitable equipment of educational institutions and necessary support.
2. The Russian Federation should be recommended to intensify its efforts to provide human rights education in primary and secondary educational institutions.
3. The Russian Federation could be recommended to ensure the inclusion of comprehensive and age-appropriate sexual and reproductive health education in the curricula.
4. The Russian Federation should be strongly encouraged to continue to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
5. The Russian Federation should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Global Database on the Right to Education.¹⁸

Freedom of opinion and expression

19. The Government is encouraged to decriminalize slander which remains an offence under the Criminal Code, and incorporate it into the civil code in accordance with international standards.
20. The Government is encouraged to assess if the law requiring registration for bloggers with a certain size of audience is in line with the provisions of necessity and proportionality under the International Covenant on Civil and Political Rights.
21. The Government is encouraged to continue to investigate the cases of killed journalists, and continue to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists.
22. The Government is encouraged to ensure that legitimate enforcement of anti-terrorist and anti-extremist legislation does not infringe on the ability of ordinary citizens to exercise the right to freedom of opinion and expression and would not compromise the ability of users in Russia to communicate securely.
23. The Government is encouraged to ensure judicial oversight in cases related to the blocking of online content.

¹⁸ <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

Cultural Rights

24. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972),¹⁹ the Russian Federation is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, the Russian Federation is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.
25. The Russian Federation is also encouraged to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

Freedom of scientific research and the right to benefit from scientific progress and its applications

26. The **Russian Federation** has not submitted its National Report on the implementation of the **Recommendation on the Status of Scientific Researchers** (1974) for the **Second Consultation** covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002527/252798e.pdf>). Therefore the **Russian Federation** is encouraged to report to UNESCO in future on any legislative or other steps undertaken by it to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in a spirit of autonomy, freedom of research, non-discrimination and respect for their human rights.

¹⁹ Periodic Report available at: <http://whc.unesco.org/document/136521>