



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/RUS/CO/6
24 November 2009

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Ninety-seventh session
12-30 October 2009

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

RUSSIAN FEDERATION

1. The Committee considered the sixth periodic report of the Russian Federation (CCPR/C/RUS/6) at its 2663rd, 2664th and 2665th meetings (CCPR/C/SR.2663-2665), held on 15 and 16 October 2009, and adopted the following concluding observations at its 2681th meeting (CCPR/C/SR.2681), held on 28 October 2009.

A. Introduction

2. The Committee welcomes the sixth periodic report of the Russian Federation, and the inclusion in the report of information on a number of measures taken to address the concerns expressed in the Committee's previous concluding observations (CCPR/CO/79/RUS). It also welcomes the dialogue with the delegation, the detailed written replies (CCPR/C/RUS/Q/6/Add.1) submitted in response to the Committee's list of issues, and the additional information and clarifications provided orally.

B. Positive aspects

3. The Committee welcomes the various constitutional amendments, as well as legislative, administrative and practical measures taken to improve the promotion and protection of human rights in the State party since the examination of the fifth periodic report, in particular:

(a) The judicial reform in the context of the 2007-2011 Federal Special-Purpose Programme for the Development of the Judicial System in the Russian Federation, the establishment of the National Working Group on Judicial Reform and the adoption in 2009 of the Law “On the securing of access to information on the activities of the courts of the Russian Federation”;

(b) The adoption in 2008 of the National Plan on Countering Corruption and the enactment of the Federal Law on Counteraction of Corruption;

(c) The upgrade of the accreditation status of the Federal Commissioner for Human Rights (“Ombudsman”) following its review by the International Coordinating Committee of National Institutions (ICC) in January 2009;

(d) The establishment of the Office of the Ombudsman for Children, in September 2009 and the ratification, in 2008, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

(e) The adoption and entry into force of two administrative regulations relating to the granting of political asylum and refugee status in the Russian Federation.

C. Principal subjects of concern and recommendations

4. The Committee notes with concern that many of its recommendations adopted following the consideration of the State party’s fifth periodic report (CCPR/CO/79/RUS) have not yet been implemented, and regrets that most subjects of concern remain. (art. 2)

The State party should re-examine, and take all necessary measures to give full effect to the recommendations adopted by the Committee in its previous concluding observations.

5. While acknowledging the information provided by the State party, the Committee expresses once again its concern at the State party’s restrictive interpretation of, and continuing failure to implement the Views adopted by the Committee under the Optional Protocol to the Covenant. The Committee further recalls that, by acceding to the Optional Protocol, the State party has recognized its competence to receive and examine complaints from individuals under the its jurisdiction, and that failure to give effect to its Views would call into question the State party’s commitment to the Optional Protocol. (art. 2)

The Committee urges the State party once again to review its position in relation to Views adopted by the Committee under the Optional Protocol to the Covenant and to implement all of those Views.

6. The Committee regrets the lack of information on instances where the Federal Commissioner for Human Rights and the regional ombudsmen initiated the drafting of legislation, or referred individual cases to courts. The Committee is also concerned that recommendations made by the the Federal Commissioner for Human Rights are not always duly implemented. (art. 2)

The State party should strengthen the legislative mandate of the Federal Commissioner for Human Rights and the regional ombudsmen and provide them with additional resources, so that they may be in a position to fulfil their mandate efficiently. The State party should provide the Committee with detailed information on the number and the outcome of complaints received and determined by the Federal Commissioner for Human Rights and the regional ombudsmen, as well as on the recommendations and the concrete action taken by the authorities in each case. Such detailed information should be made publicly available through accessible means, such as the annual report of the Federal Commissioner for Human Rights.

7. While taking note of the State party's assurance that counter-terrorism measures are in compliance with the Covenant, the Committee is nevertheless concerned about several aspects of the 2006 Federal Law "on counteracting terrorism", which imposes a wide range of restrictions on Covenant rights that, in the Committee's view, are comparable to those permitted only under a state of emergency under the State party's Constitution and the State of Emergency law, and in particular: (a) the lack of precision in the particularly broad definitions of terrorism and terrorist activity; (b) the counter-terrorism regime established by the 2006 Law is not subject to any requirement of justification on grounds of necessity or proportionality, or to procedural safeguards or judicial or parliamentary oversight; and (c) that the Law does not place limits on the derogations that may be made from the provisions of the Covenant and does not take into account the obligations imposed by article 4 of the Covenant. The Committee also regrets that the Law lacks a provision explicitly outlining the obligation of the authorities to respect and protect human rights in the context of a counter-terrorist operation. (art. 2)

The State party should review the relevant provisions of the 2006 Federal Law "On counteracting terrorism" to bring it into line with the requirements of article 4 of the Covenant, taking into account pertinent considerations set out in the Committee's general comment No. 29 (2001) on derogations during a state of emergency and general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant. In particular, the State party should:

(a) Adopt a narrower definition of crimes of terrorism limited to offences that can justifiably be equated with terrorism and its serious consequences, and ensure that the procedural guarantees established in the Covenant are fulfilled;

(b) Consider establishing an independent mechanism to review and report on laws related to terrorism;

(c) Provide information on measures taken in this regard, including information on which Covenant rights can be suspended during a counter-terrorist operation and under what conditions.

8. The Committee expresses concern about the large number of convictions for terrorism-related charges, which may have been handed down by courts in Chechnya on the basis of confessions obtained through unlawful detention and torture. (arts. 6, 7, and 14)

The State party should consider carrying out a systematic review of all terrorism-related sentences pronounced by courts in Chechnya to determine whether the trials concerned were conducted in full respect for the standards set forth in article 14 of the Covenant and ensure that no statement or confession made under torture has been used as evidence.

9. The Committee is concerned about the large number of stateless and undocumented persons in the State party, in particular former Soviet citizens who were unable to acquire citizenship or nationality subsequent to the break-up of the USSR, and to regularize their status in the Russian Federation or in any other State with which they have a significant connection, and consequently remain stateless or with undetermined nationality. The Committee also notes that members of certain ethnic groups from varying regions, in particular individuals from Central Asia and the Caucasus, face problems acquiring citizenship due to complex legislation governing naturalization and obstacles posed by strict residence registration requirements. (arts. 2, 3, 20 and 26)

The State party should take all necessary measures to regularize the status of stateless persons on its territory by granting them a right to permanent residence and the possibility of acquiring Russian citizenship. Furthermore, the State party should consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and undertake the legislative and administrative reform necessary to bring its laws and procedures in line with these standards.

10. While noting the information provided by the State party on preventive measures taken to address violence against women, in particular domestic violence, the Committee remains concerned about the continued prevalence of domestic violence in the State party and the lack of shelters available to women. The Committee regrets that it did not receive sufficient information relating to the prosecution of authors of domestic violence, and also notes that the State party has not adopted any special legislation with regard to domestic violence within the legal system. The Committee is also concerned about allegations of honour killings in Chechnya of eight women whose bodies were discovered in November 2008. (arts. 3, 6, 7 and 26)

The Committee urges the State party to strengthen its efforts to combat violence against women, including by adopting specific criminal legislation in this regard. The State party should promptly investigate complaints related to domestic violence and other acts of violence against women, including honour killings, and ensure that those responsible are prosecuted and adequately punished. Sufficient funding should be

allocated for victim assistance programmes, including those run by non-governmental organizations, and additional shelters should be made available across the country. The State party should also ensure mandatory training for the police to sensitize them with regard to all forms of violence against women.

11. The Committee expresses its concern at reports of an increasing number of hate crimes and racially motivated attacks against ethnic and religious minorities, as well as persistent manifestations of racism and xenophobia in the State party, including reports of racial profiling and harassment by law enforcement personnel targeting foreigners and members of minority groups. The Committee is also concerned about the failure on the part of the police and judicial authorities to investigate prosecute and punish hate crimes and racially motivated attacks against ethnic and religious minorities, often qualified merely as “hooliganism”, with charges and sentences that are not commensurate with the gravity of the acts. (arts. 6,7, 20 and 26)

The State party should make a sustained effort to improve the application of laws punishing racially motivated crimes and ensure adequate investigation and prosecution of all cases of racial violence and incitement to racially motivated violence. Adequate reparation, including compensation, should be provided to the victims of hate crimes. The State party is also encouraged to pursue public education campaigns to sensitize the population to the criminal nature of such acts, and to promote a culture of tolerance. Furthermore, the State party should intensify its sensitization efforts among law enforcement officials, and ensure that mechanisms to receive complaints of racially motivated police misconduct are readily available and accessible.

12. The Committee notes with concern that the death penalty has yet to be abolished de jure in the State party despite the welcome moratorium on the execution of death sentences in force since 1996, which the State party describes as solid. The Committee is also concerned that the current moratorium will expire in January 2010. (art. 6)

The State party should take the necessary measures to abolish the death penalty de jure at the earliest possible moment, and consider acceding to the Second Optional Protocol to the Covenant.

13. Notwithstanding the position of the State party that no crimes were committed by Russian military forces or other military groups against the civilian population on the territory of South Ossetia (para. 264, CCPR/C/RUS/Q/6/Add.1), and that the State party does not take responsibility for possible crimes by armed groups (para. 266), the Committee remains concerned about allegations of large-scale, indiscriminate abuses and killings of civilians in South Ossetia during the military operations by Russian forces in August 2008. The Committee recalls that the territory of South Ossetia was under the de facto control of an organized military operation of the State party, which therefore bears responsibility for the actions of such armed groups. The Committee notes with concern that, to date, the Russian authorities have not carried out any independent and exhaustive appraisal of serious violations of human rights by members of Russian forces and armed groups in South Ossetia and that the victims have received no reparations. (arts. 6, 7, 9, 13 and 14)

The State party should conduct a thorough and independent investigation into all allegations of involvement of members of Russian forces and other armed groups under their control in violations of human rights in South Ossetia. The State party should ensure that victims of serious violations of human rights and international humanitarian law are provided with an effective remedy, including the right to compensation and reparations.

14. The Committee is concerned about ongoing reports of torture and ill-treatment, enforced disappearance, arbitrary arrest, extrajudicial killing and secret detention in Chechnya and other parts of the North Caucasus committed by the military, security services and other State agents, and that the authors of such violations appear to enjoy widespread impunity due to a systematic lack of effective investigation and prosecution. The Committee is particularly concerned that the number of disappearances and abduction cases in Chechnya has increased in the period 2008-2009, and about allegations of mass graves in Chechnya. While noting the establishment of a special unit aimed at ensuring implementation of the judgments of the European Court of Human Rights and payment of compensation to victims, the Committee regrets that the State party has yet to bring to justice the perpetrators of the human rights violations in the cases concerned, even though the identity of these individuals is often known. The Committee also notes with concern the reports of collective punishment for relatives of terrorist suspects, such as the burning of family homes, and harassment, threats and reprisals against judges and victims and their families and regrets the failure on the part of the State party to provide effective protection to the persons concerned. (arts. 6, 7, 9 and 10)

The State party is urged to implement fully the right to life and physical integrity of all persons on its territory and should:

(a) Take stringent measures to put an end to enforced disappearances, extrajudicial killings, torture, and other forms of ill-treatment and abuse committed or instigated by law enforcement officials in Chechnya and other parts of the North Caucasus;

(b) Ensure prompt and impartial investigation by an independent body of all human rights violations allegedly committed or instigated by State agents and suspend or reassign the agents concerned during the process of investigation;

(c) Prosecute perpetrators and ensure that they are punished in a manner proportionate to the gravity of the crimes committed, and grant effective remedies, including redress, to the victims;

(d) Take effective measures, in law and in practice, to protect victims and their families, as well as their lawyers and judges, whose lives are under threat due to their professional activities;

(e) Provide information on investigations launched, convictions and penalties including those by military courts in relation to human rights violations

committed by State agents against the civilian population in Chechnya and other parts of the North Caucasus, disaggregated by type of crime.

15. The Committee is concerned about the continuing substantiated reports of acts of torture and other cruel, inhuman or degrading treatment or punishment committed by law enforcement personnel and other State agents, including of persons who are in police custody, pretrial detention and prison. The Committee is concerned about the extremely low rate of conviction of the State agents concerned, initiated under section 117 (cruel treatment) of the Criminal Code, and that most prosecutions for cases of torture are under section 286 (abuse of power) and section 302 (extorting confessions) of the Criminal Code. While noting the establishment of investigative committees pursuant to the decree of 2 August 2007, the Committee notes that these committees are attached to the Prosecutor's Office and thus may lack the necessary independence when examining allegations of torture by public officials. The Committee also expresses concern about reports that investigations and prosecutions of alleged perpetrators of acts of torture and ill-treatment are frequently marked by undue delays and/or suspensions, and that in practice, the burden of proof rests on the victims. Furthermore, while welcoming the adoption of the 2008 Federal Law on Public Control of Monitoring of Human Rights in Places of Detention, the Committee notes with concern the lack of a functioning national system with fully trained professionals to review all places of detention and cases of alleged abuses of persons while in custody. (arts. 6, 7, and 14)

The State party should:

(a) Consider amending the Criminal Code in order to criminalize torture as such;

(b) Take all necessary measures for a fully functioning independent human rights monitoring body to review all places of detention and cases of alleged abuses of persons while in custody, ensuring regular, independent, unannounced and unrestricted visits to all places of detention, and to initiate criminal and disciplinary proceedings against those found responsible;

(c) Ensure that all alleged cases of torture, ill-treatment and disproportionate use of force by law enforcement officials are fully and promptly investigated by an authority independent of ordinary prosecutorial and police organs, that those found guilty are punished under laws that ensure that sentences are commensurate with the gravity of the offence, and that compensation is provided to the victims or their families.

16. The Committee expresses its concern at the alarming incidence of threats, violent assaults and murders of journalists and human rights defenders in the State party, which has created a climate of fear and a chilling effect on the media, including for those working in the North Caucasus, and regrets the lack of effective measures taken by the State party to protect the right to life and security of these persons. (arts. 6, 7, and 19)

The State party is urged to:

(a) Take immediate action to provide effective protection to journalists and human rights defenders whose lives and security are under threat due to their professional activities;

(b) Ensure the prompt, effective, thorough, independent, and impartial investigation of threats, violent assaults and murders of journalists and human rights defenders and, when appropriate, prosecute and institute proceedings against the perpetrators of such acts.

(c) Provide the Committee with detailed information on developments in all cases of criminal prosecutions relating to threats, violent assaults and murders of journalists and human rights defenders in the State party covering the period between 2003 and 2009.

17. The Committee is concerned about reports of extraditions and informal transfers by the State party to return foreign nationals to countries in which the practice of torture is alleged while relying on diplomatic assurances, notably within the framework of the 2001 Shanghai Convention on Combating Terrorism, Separatism and Extremism. In particular, the Committee notes with concern the return to Uzbekistan of persons suspected of involvement in the Andijan protests of 2005. (arts. 6, 7, and 13)

The State party should ensure that no individual, including persons suspected of terrorism, who are extradited or subjected to informal transfers, whether or not in the context of the Shanghai Cooperation Organisation, is exposed to the danger of torture or cruel, inhuman or degrading treatment or punishment. Furthermore, the State party should recognise that, the more systematic the practice of torture or cruel, inhuman or degrading treatment, the less likely it will be that a real risk of such treatment can be avoided by diplomatic assurances, however stringent any agreed follow-up procedure may be. The State party should exercise the utmost care in the use of such assurances and adopt clear and transparent procedures allowing review by adequate judicial mechanisms before individuals are deported, as well as effective means to monitor the fate of the affected individuals.

18. While the Committee welcomes the various measures taken by the State party to combat trafficking in persons, in particular through legislation and international cooperation, the Committee is concerned about the notable lack of recognition of the rights and interests of trafficking victims in the counter-trafficking efforts of the State party. (art. 8)

The State party should, as a matter of priority, take all necessary measures to ensure that victims of trafficking in human beings are provided with medical, psychological, social and legal assistance. Protection should be provided to all witnesses and victims of trafficking so that they may have a place of refuge and an opportunity to give evidence against those held responsible. The State party should also continue to reinforce international cooperation as well as existing measures to combat trafficking in persons

and the demand for such trafficking, by devoting sufficient resources to prosecuting perpetrators and imposing sanctions on those found responsible.

19. The Committee expresses concern about the significant number of persons with mental disabilities who are deprived of their legal capacity in the State party and the apparent lack of adequate procedural and substantive safeguards against disproportionate restrictions in their enjoyment of rights guaranteed under the Covenant. In particular, the Committee is concerned that there are no procedural safeguards and no recourse to appeal against the judicial decision based on the mere existence of a psychiatric diagnosis to deprive an individual of his/her legal capacity, as well as against the decision to institutionalize the individual which often follows legal incapacitation. The Committee is also concerned that persons deprived of legal capacity have no legal recourse to challenge other violations of their rights, including ill-treatment or abuse by guardians and/or staff of institutions they are confined to, which is aggravated by the lack of an independent inspection mechanism regarding mental health institutions. (arts. 9 and 10)

The State party should:

(a) **Review its policy of depriving persons with mental disabilities of their legal capacity and establish the necessity and proportionality of any measure on an individual basis with effective procedural safeguards, ensuring in any event that all persons deprived of their legal capacity have prompt access to an effective judicial review of the original decision, and, when applicable, of the decision to subject them to institutionalization;**

(b) **Ensure that persons with mental disabilities are able to exercise the right to an effective remedy against violations of their rights and consider providing less restrictive alternatives to forcible confinement and treatment of persons with mental disabilities;**

(c) **Take appropriate measures to prevent all forms of ill-treatment in psychiatric institutions, including through the establishment of inspection systems that take into account the United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care (adopted by the General Assembly in resolution 46/119).**

20. While welcoming the adoption of the Federal Special-Purpose Programme for the Development of the Penal Correction System for 2007-2016, pursuant to Government decision No. 540 of September 2006, as well as the overall reduction of the prison population to conform to institutional capacity and the allocation of necessary resources, the Committee remains concerned about overcrowding in prisons which continues to be a problem in some areas, as acknowledged by the State party. (art. 10)

The State party should continue to take measures to improve conditions of detention of persons deprived of their liberty through its Federal Special-Purpose Programme,

particularly in relation to the problem of overcrowding in prisons, with a view to achieving full compliance with requirements of article 10.

21. The Committee is concerned about the lack of independence of judges in the State party. In particular, the Committee is concerned about the appointment mechanism for judges that exposes them to political pressure and about the lack of an independent disciplinary mechanism, particularly in cases of corruption. The Committee is also concerned about the relatively low rate of acquittal for criminal cases. (arts. 2 and 14)

The State party should amend the relevant domestic legal provisions in order to ensure the full independence of the judiciary from the executive branch of government and consider establishing, in addition to the collegiate corpus of judges, an independent body responsible for matters relating to the appointment and promotion of judges, as well as their compliance with disciplinary regulations.

22. The Committee expresses concern about the potential impact of the proposed draft law on lawyers' activity and the Bar on the independence of the legal profession and the right to a fair trial as stipulated in article 14 of the Covenant. In particular, it notes with concern that the bill proposes to enable the State Registration Agency to remove a lawyer's licence to practise through a court action without prior approval of the Chambers of Lawyers under certain circumstances, and to obtain access to the legal files of lawyers under investigation and demand information on any case in which they are involved. (art. 14)

The State party should review the compatibility of the proposed draft law on lawyers' activity and the Bar with its obligations under article 14 of the Covenant, as well as article 22 of the Basic Principles on the Role of Lawyers and refrain from taking any measures that constitute harassment or persecution of lawyers and unnecessarily interfere with their defence of clients.

23. While welcoming the reduction, in 2008, of the prescribed length of civilian service for conscientious objectors from 42 months to 21 months, the Committee notes with concern that it is still 1.75 times longer than military service, and that the State party maintains the position that the discrimination suffered by conscientious objectors is due to such alternative service amounting to "preferential treatment" (para. 151, CCPR/C/RUS/6). The Committee notes with regret that the conditions for alternative service are punitive in nature, including the requirement to perform such services outside places of permanent residence, the receipt of low salaries, which are below the subsistence level for those who are assigned to work in social organizations, and the restrictions in freedom of movement for the persons concerned. The Committee is also concerned that the assessment of applications, carried out by a draft panel for such service, is under the control of the Ministry of Defence. (arts. 18, 19, 21, 22 and 25)

The State party should recognize fully the right to conscientious objection, and ensure that the length and the nature of this alternative to military service do not have a punitive character. The State party should also consider placing the assessment of applications for conscientious objector status entirely under the control of civilian authorities.

24. The Committee is concerned that media professionals continue to be subjected to politically motivated trials and convictions, and in particular, that the practical application of the Mass Media Act as well as the arbitrary use of defamation laws has served to discourage critical media reporting on matters of valid public interest, adversely affecting freedom of expression in the State party. (arts. 9, 14, and 19)

The State party should ensure that journalists can pursue their profession without fear of being subjected to prosecution and libel suits for criticizing Government policy or Government officials. In doing so, the State party should:

- (a) Amend its Criminal Code to reflect the principle that public figures should tolerate a greater degree of criticism than ordinary citizens;**
- (b) Decriminalise defamation and subject it only to civil lawsuits, capping any damages awarded;**
- (c) Provide redress to journalists and human rights activists subjected to imprisonment in contravention of articles 9 and 19 of the Covenant;**
- (d) Bring relevant provisions of the Mass Media Act into line with article 19 of the Covenant by ensuring a proper balance between the protection of a person's reputation and freedom of expression.**

24. In light of numerous reports that the extremism laws are being used to target organizations and individuals critical of the Government, the Committee regrets that the definition of "extremist activity" in the Federal Law on Combating Extremist Activity remains vague, allowing for arbitrariness in its application, and that the 2006 amendment to this law has made certain forms of defamation of public officials an act of extremism. The Committee also notes with concern that some provisions of article 1 of the Federal Law on Combating Extremist Activity include acts that are not sanctioned in the Criminal Code and are only punishable under the Code of Administrative Offences, such as mass dissemination of extremist materials, the application of which may not be subject to judicial review. The Committee is also concerned about the loose manner in which the definition of "social groups" in article 148 of the Criminal Code has been interpreted by the courts and their reliance on various experts in this respect, granting protection for State organs and agents against "extremism". (arts. 9 and 19)

The Committee reiterates its previous recommendation (CCPR/CO/79/RUS, paragraph 20) that the State party should revise the Federal Law on Combating Extremist Activity with a view to making the definition of "extremist activity" more precise so as to exclude any possibility of arbitrary application, and consider repealing the 2006 amendment. Moreover, in determining whether written material constitutes "extremist literature", the State party should take all measures to ensure the independence of experts upon whose opinion court decisions are based and guarantee the right of the defendant to counter-expertise by an alternative expert. The State party should also define the concept of "social groups" as stipulated in section 148 of the Criminal Code in a manner that does not include organs of the State or public officials.

25. The Committee is concerned about the reports of excessive use of force by the police during demonstrations, in particular in the context of the 2007 Duma elections and the 2008 presidential elections, and regrets that it did not receive any information from the State party on any investigation or prosecution measures taken in relation to members of the police in connection with the excessive use of force. (art. 21)

The State party should provide detailed information on the results of any investigation, prosecution and disciplinary measures taken vis-à-vis members of the police in connection with the alleged cases of excessive use of force in the context of the Duma elections in 2007 and the presidential elections in 2008. The State party should establish an independent body with authority to receive, investigate and adjudicate all complaints of excessive use of force and other abuses of power by the police.

26. The Committee notes with concern that, despite the amendments of July 2009, the restrictions on the registration and operation of associations, non-governmental organizations and political parties under the 2006 Non-Profit Organizations Act continue to pose a serious threat to the enjoyment of the rights to freedom of expression, association and assembly in the State party. The Committee also notes with regret that the measures taken by the State party to reduce the number of international donors benefiting from tax exemption in the Russian Federation has significantly limited the availability of foreign funding to non-governmental organizations. (arts. 19, 21, and 22)

The State party should ensure that any restriction on the activities of non-governmental organizations under the 2006 Non-Profit Organizations Act is compatible with the provisions of the Covenant by amending the law as necessary. The State party should refrain from adopting any policy measures that directly or indirectly restrict or hamper the ability of non-governmental organizations to operate freely and effectively.

27. The Committee is concerned about acts of violence against lesbian, gay, bisexual and transgender (LGBT) persons, including reports of harassment by the police and incidents of people being assaulted or killed on account of their sexual orientation. The Committee notes with concern the systematic discrimination against individuals on the basis of their sexual orientation in the State party, including hate speech and manifestations of intolerance and prejudice by public officials, religious leaders and in the media. The Committee is also concerned about discrimination in employment, health care, education and other fields, as well as the infringement of the right to freedom of assembly and association and notes the absence of legislation that specifically prohibits discrimination on the basis of sexual orientation. (art. 26)

The State Party should:

(a) Provide effective protection against violence and discrimination based on sexual orientation, in particular through the enactment of comprehensive anti-discrimination legislation that includes the prohibition of discrimination on grounds of sexual orientation;

(b) Intensify its efforts to combat discrimination against LGBT persons, including by launching a sensitization campaign aimed at the general public as well as providing appropriate training to law enforcement officials;

(c) Take all necessary measures to guarantee the exercise in practice of the right to peaceful association and assembly for the LGBT community.

28. While welcoming decree No. 132 of 4 February 2009 on the sustainable development of indigenous peoples in the North, Siberia and the Far East, and the corresponding action plan for 2009-2011, the Committee expresses concern about the alleged adverse impact upon indigenous peoples of: (a) the 2004 amendment to article 4 of the Federal Law on Guarantees of the Rights of Numerically Small Indigenous Peoples; (b) the process of consolidation of the constituent territories of the Russian Federation through absorption of national autonomous areas; and (c) the exploitation of lands, fishing grounds and natural resources traditionally belonging to indigenous peoples through granting of licenses to private companies for development projects such as the construction of pipelines and hydroelectric dams. (art.27)

The State party should provide, in its next periodic report, detailed information on the impact of these measures upon the traditional habitat, way of life and economic activities of indigenous peoples in the State party, as well as on their enjoyment of rights guaranteed under article 27 of the Covenant.

29. The Committee requests the State party to publish its sixth periodic report and these concluding observations, making them widely available to the general public and to the judicial, legislative and administrative authorities. Printed copies should be distributed to universities, public libraries, the library of the parliament, lawyers' associations, and other relevant places. The Committee also requests the State party to make the sixth periodic report and these concluding observations available to civil society and to the non-governmental organizations operating in the State party. In addition to Russian, the Committee recommends that the report and the concluding observations be translated into the main minority languages spoken in the Russian Federation.

30. 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 recommendations in paragraphs 13, 14, 16 and 17 above.

31. The Committee requests the State party to include in its seventh periodic report, due to be submitted by 1 November 2012, specific, up-to-date information on follow-up action taken on all the recommendations made and on the implementation of the Covenant as a whole. The Committee also requests that the seventh periodic report be prepared in consultation with civil society organizations operating in the State party.
