



**Joint Stakeholder submission to the Universal Periodic
Review of the Russian Federation
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About the submitting organisations:

The **International Campaign to Abolish Nuclear Weapons (ICAN)** is a campaign coalition of over 600 non-government organisations in over one hundred countries. Following the historic achievement of the adoption of a strong nuclear weapons ban treaty, ICAN now campaigns for all States to sign and ratify the Treaty as a matter of urgency, take measures towards the global elimination of all nuclear weapons, and provide an overdue response to the victims of the humanitarian and environmental impact of nuclear weapon tests in the Pacific and elsewhere. ICAN was awarded the Nobel Peace Prize in 2017 for “its work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons and for its ground-breaking efforts to achieve a treaty-based prohibition of such weapons.”

The **Women’s International League for Peace and Freedom (WILPF)** is an international non-governmental organisation with National Sections covering every continent, an International Secretariat based in Geneva, and a New York office focused on the work of the United Nations. Since our establishment in 1915, we have brought together women and feminists from around the world who are united in working for peace by non-violent means and promoting political, economic, and social justice for all. We use existing international legal and political frameworks to achieve fundamental change in the way states conceptualise and address issues of gender, militarism, human rights, peace, and security.

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I. Violations connected to threats of using nuclear weapons

Article 6 of the International Covenant on Civil and Political Rights (ICCPR) recognizes and protects the right to life of all human beings. In 2018, the UN Human Rights Committee (Human Rights Committee) adopted General Comment n. 36, which interprets States parties' obligations under Article 6 of the Covenant. In this document, the Committee states that the threat or use of nuclear weapons is incompatible with respect for the right to life and may amount to a crime under international law.¹

Through this General Comment, the Committee also recommends that states parties “must take all necessary measures to stop the proliferation of weapons of mass destruction, including measures to prevent their acquisition by non-State actors, to refrain from developing, producing, testing, acquiring, stockpiling, selling, transferring and using them, to destroy existing stockpiles, and to take adequate measures of protection against accidental use, all in accordance with their international obligations.”² It further states that states parties must also respect “their international obligations to pursue in good faith negotiations in order to achieve the aim of nuclear disarmament under strict and effective international control”.³ The Russian Federation (hereinafter, Russia), as a party to the ICCPR, is obligated to implement its provisions in good faith.⁴

By stating that “the threat or use of weapons of mass destruction, in particular nuclear weapons, which are indiscriminate in effect and are of a nature to cause destruction of human life on a catastrophic scale, is incompatible with respect for the right to life and may amount to a crime under international law,”⁵ the Committee made clear that not just the use, but also the

¹ UN Human Rights Committee, “General Comment n. 36, *Article 6 (Right to Life)*, CCPR/C/GC/35, paragraph 66. Available at <https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life>.

² Ibid.

³ Ibid.

⁴ According to Article 26 of the 1969 Vienna Convention on the Law of Treaties, as pointed out by the Lawyers Committee on Nuclear Policy, “List of Issues Submission to the United Nations Human Rights Committee During its Periodic Review of the Russian Federation,” June 2020, <https://static1.squarespace.com/static/603410a4be1db058065ce8d4/t/6066067cfe388c40985b3439/1617299068436/RussiaListIssuesLCNPWSLF.pdf>.

⁵ UN Human Rights Committee, “General Comment n. 36, *Article 6 (Right to Life)*, CCPR/C/GC/35, paragraph 66. Available at <https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life>.

threat to use nuclear weapons, is incompatible with the right to life. In addition, the International Court of Justice (ICJ) issued an Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, in which the Court held that the use and threat of use of nuclear weapons is generally illegal.⁶

In November 2022, the Human Rights Committee made the following recommendation to Russia: "Recalling the Committee's general comments No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant and No. 36 (2018) on the right to life, the Committee reiterates and underscores that the Covenant applies with regard to all conduct by the State party's authorities or agents adversely affecting the enjoyment of the rights enshrined in the Covenant by persons subject to the State party's jurisdiction, and urges the State party to immediately: (a) Take all measures necessary to fully comply with its obligations to protect the right to life, including in situations of armed conflict;"⁷

In contravention of the ICJ Advisory Opinion and Article 36 of the ICCPR, as interpreted in General Comment n. 36, Russia has issued several threats to use nuclear weapons in the context of its invasion of Ukraine. As WILPF has previously reported,⁸ at the outset of Russia's invasion in February 2022, Russian President Vladimir Putin declared that other countries "will face consequences greater than any you have faced in history" if they intervened.⁹ A few days later, President Putin ordered Russian nuclear forces to be put on a heightened alert status.¹⁰ Former Russian President Dmitry Medvedev later outlined possible scenarios for the use of

⁶ John Burroughs, "The Advisory Opinion of the International Court of Justice and the Statute of the International Criminal Court," Lawyers Committee on Nuclear Policy, 15 June 1999, <https://www.lcnp.org/the-advisory-opinion-of-the-international-court-of-justice>.

⁷ Human Rights Committee, Concluding observations on the eighth periodic report of the Russian Federation, CCPR/C/RUS/CO/8, 1 December 2022, paragraph 7. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2FRUS%2FCO%2F8&Lang=en

⁸ WILPF, "Russia, Ukraine and Nuclear Dangers," 2022, <https://www.wilpf.org/focus-countries/ukraine/russia-ukraine-and-nuclear-dangers/>.

⁹ Dave Lawler, "Putin launches attacks across Ukraine," 24 February 2022, [https://urldefense.com/v3/https://www.axios.com/putin-declares-war-on-ukraine-5a28dbd5-362f-4e97-91e1-84272f7390fd.html;!!lvohdkk!xVOLsbgXb9O0QXF9NPTg9rG-2YIbRsKqoJWNCsG7SkEgDbTDJwppZLpLL-c9ceElu3M\\$](https://urldefense.com/v3/https://www.axios.com/putin-declares-war-on-ukraine-5a28dbd5-362f-4e97-91e1-84272f7390fd.html;!!lvohdkk!xVOLsbgXb9O0QXF9NPTg9rG-2YIbRsKqoJWNCsG7SkEgDbTDJwppZLpLL-c9ceElu3M$).

¹⁰ Yuras Karmanau, Jim Heintz, Vladimir Isachenkov And Dasha Litvinova, "Putin puts nuclear forces on high alert, escalating tensions," 28 February 2022, [https://urldefense.com/v3/https://apnews.com/article/russia-ukraine-kyiv-business-europe-moscow-2e4e1cf784f22b6afbe5a2f936725550;!!lvohdkk!xVOLsbgXb9O0QXF9NPTg9rG-2YIbRsKqoJWNCsG7SkEgDbTDJwppZLpLL-c9hyR27d4\\$](https://urldefense.com/v3/https://apnews.com/article/russia-ukraine-kyiv-business-europe-moscow-2e4e1cf784f22b6afbe5a2f936725550;!!lvohdkk!xVOLsbgXb9O0QXF9NPTg9rG-2YIbRsKqoJWNCsG7SkEgDbTDJwppZLpLL-c9hyR27d4$).



nuclear weapons and Russian Defence Minister Sergei Shoigu said that maintaining “readiness of strategic nuclear forces” remains a priority.¹¹ A Russian government spokesperson then said that Russia would only consider the use of nuclear weapons if there was an “existential threat” to Russia.¹²

When announcing a partial mobilisation of Russian military forces on 21 September 2022, President Putin made new and more explicit threats to use nuclear weapons “in the event of a threat to the territorial integrity of our country and to defend Russia and our people.”¹³ As WILPF has stated,¹⁴ given Russia’s illegal annexation of the Donetsk, Luhansk, Kherson, and Zaporizhzhia regions, this could mean that any attempt by Ukraine to take back these regions could constitute an attack on Russia’s “territorial integrity”.

These threats to use nuclear weapons violate Russia’s obligations to respect the right to life. The massive damage caused by nuclear weapons, coupled with the fact that their indiscriminate effects make it impossible to distinguish between military targets and civilian populations and infrastructure, make evident that nuclear weapons cannot be used in compliance with international law, including International Humanitarian Law (IHL). The International Committee of the Red Cross (ICRC) has stated on numerous occasions the incompatibility of the use of nuclear weapons and IHL in view of their catastrophic humanitarian consequences.¹⁵ The 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT Review Conference), expressed for the first time “its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons” and reaffirmed “the need for all states at all times to comply with applicable international law, including international humanitarian law.”¹⁶

¹¹ Natalie Colarossi, “Russia Lists Justifications to Use Nuclear Weapons as Ukraine War Drags On,” 26 March 2022, <https://www.newsweek.com/russia-lists-justifications-use-nuclear-weapons-ukraine-war-drags-1692142>.

¹² Brendan Cole, “Russia Finally Rules Out Using Nuclear Weapons Over Ukraine War”, 29 March 2022, <https://www.newsweek.com/russia-ukraine-peskov-putin-nuclear-weapons-biden-1692753>.

¹³ Russian Federation, “Address by the President of the Russian Federation,” 21 September 2022, <http://en.kremlin.ru/events/president/news/69390>.

¹⁴ WILPF, “Russia, Ukraine and Nuclear Dangers,” October 2022, <https://www.wilpf.org/focus-countries/ukraine/russia-ukraine-and-nuclear-dangers/>.

¹⁵ International Committee of the Red Cross (ICRC), “The ICRC’s legal and policy position on nuclear weapons,” June 2022, <https://international-review.icrc.org/articles/the-icrcs-legal-and-policy-position-on-nuclear-weapons-919>

¹⁶ Ibid.

Recommendations:

- Uphold Russia’s obligations to respect human rights, including the right to life, as well as International Humanitarian Law by: immediately ceasing to make explicit or implicit threats to use nuclear weapons, renouncing the use of nuclear weapons, committing to not using these weapons ever, and fulfilling its legal obligations to eliminate its nuclear weapons programme.

II. Violations related to Russia’s failure to negotiate to achieve nuclear disarmament

Russia is a state party to the nuclear Non-Proliferation Treaty (NPT), which commits it to “pursue negotiations in good faith on effective measures relating to ... nuclear disarmament”.¹⁷ General Comment n. 36 establishes that state parties must respect their international obligations to pursue in good faith negotiations to achieve nuclear disarmament.¹⁸ This had already been determined by the ICJ in its Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, in which the Court unanimously held that “there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.”¹⁹

Russia’s actions demonstrate that it has not been acting in good faith to comply with its disarmament obligations. Russia has not taken efforts to comply with Article VI of the NPT, or with its commitment under the outcome document of the 2000 NPT Review Conference, adopted by consensus, which stipulated the “unequivocal undertaking by the nuclear-weapon states to accomplish the total elimination of their arsenals”.²⁰

¹⁷ UNODA, “Treaty on the Non-Proliferation of Nuclear Weapons (NPT)”, <https://www.un.org/disarmament/wmd/nuclear/npt/text/>.

¹⁸ Human Rights Committee, “General Comment n. 36,” para. 66, 30 October 2018, <https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life>.

¹⁹ International Court of Justice, “Legality of the Threat or Use of Nuclear Weapons,” <https://www.icj-cij.org/case/95>.

²⁰ 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, “Final document,” 2000, <https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/GENERAL-DOCS/2000FD.pdf>.

As was raised by the majority of NPT states parties during the Tenth Nuclear Non-Proliferation Treaty Review Conference (NPT Review Conference) in August 2022, Russia and the other nuclear-armed states have failed to implement their disarmament commitments and obligations.²¹ Equally serious are the efforts by Russia to use the consensus rule in negotiations as a tool to impose its interests and prevent progress.²² At the aforementioned 2022 NPT Review Conference, a final document was not adopted by state parties largely due to Russia's actions in blocking consensus over the text.²³

It was precisely the lack of action by nuclear-armed states to comply with disarmament obligations that motivated the creation of the Treaty on the Prohibition of Nuclear Weapons (TPNW). Adopted in 2017, the Treaty entered into force in 2021, and currently has 68 states parties and 92 signatories. Russia, however, not only actively boycotted the negotiations of the Treaty but it has also refused to accede to it and has stated its opposition numerous times. For instance, in a national statement in the First Committee of the 2021 UN General Assembly (UNGA), Russia said: "Attempts to impose on the states that possess nuclear weapons a complete and unconditional elimination of their arsenals are hardly practicable without taking into account current strategic realities and legitimate security interests. For these reasons, we consider the adoption of the Treaty on the Prohibition of Nuclear Weapons as misguided and counter-productive in its essence. It only aggravates the situation, provoking deep divisions in the international community and undermining the foundations of the Non-Proliferation Treaty (NPT)."²⁴

²¹ Reaching Critical Will, "NPT News in Review," Vol. 17 N. 2, 4 August 2022,

<https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/NIR2022/NIR17.2.pdf>.

²² Decisions by state parties of the Nuclear Non-Proliferation Treaty must be taken by consensus and sometimes this is used by states as a way of blocking the adoption of commitments that they do not agree with. For an example of how the consensus rule can prevent progress at the NPT, check:

Reaching Critical Will, "NPT News in Review," Vol. 17 N. 10, 27 August 2022,

<https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/NIR2022/NIR17.10.pdf>.

²³ Reaching Critical Will, "NPT News in Review," Vol. 17 N. 10, 27 August 2022,

<https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/npt/NIR2022/NIR17.10.pdf>.

²⁴ Russian Federation, "Statement by the Representative of the Russian Federation in the First Committee of the 76th Session of the UN General Assembly at the Thematic Debate on "Nuclear Weapons," 13 October 2021,

https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com21/statements/13Oct_Russia_EN.pdf.

Russia has repeatedly voted against the resolutions on the TPNW adopted by the UNGA in 2018, 2019, 2020, 2021, and 2022.²⁵ The UNGA resolution on the TPNW calls upon “all States that have not yet done so to sign, ratify, accept, approve or accede to the Treaty at the earliest possible date.”²⁶ It has also voted against other resolutions related to the elimination of nuclear weapons. As pointed out by the Lawyer’s Committee on Nuclear Policy,²⁷ Russia has historically voted against the resolutions “Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons”²⁸ and “Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament”.²⁹ The first resolution “Calls once again upon all States to immediately engage in multilateral negotiations leading to nuclear disarmament in all its aspects under strict and effective international control, including under the Treaty on the Prohibition of Nuclear Weapons”.³⁰ The second resolution “Calls for the urgent commencement of negotiations in the Conference on Disarmament on effective nuclear disarmament measures to achieve the total elimination of nuclear weapons, including, in particular, on a comprehensive convention on nuclear weapons.”³¹ Russia has

²⁵ Resolutions 72/31 of 4 December 2017, 73/48 of 5 December 2018, 74/41 of 12 December 2019, 75/40 of 7 December 2020 and 76/34 of 6 December 2021. A record of the votes can be found at the Reaching Critical Will website, <https://www.reachingcriticalwill.org/disarmament-fora/unga/2022/resolutions>.

²⁶ UN General Assembly, “Treaty on the Prohibition of Nuclear Weapons,” A/C.1/77/L.17, 5 October 2022, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com22/resolutions/L17.pdf>.

²⁷ Lawyers Committee on Nuclear Policy, “Russian Nuclear Weapons Policy and the Right to Life: List of Issues Submission to the United Nations Human Rights Committee During its Periodic Review of the Russian Federation,” 1 June 2020, <https://static1.squarespace.com/static/603410a4be1db058065ce8d4/t/6066067cfe388c40985b3439/1617299068436/RussiaListIssuesLCNPWSLF.pdf>.

²⁸ UN General Assembly, “Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons,” A/C.1/77/L.22, 6 October 2022, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com22/resolutions/L22.pdf>.

²⁹ UN General Assembly, “Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament,” A/C.1/77/L.7, 19 September 2022, <https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com22/resolutions/L7.pdf>.

³⁰ UN General Assembly, “Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons,” A/C.1/77/L.22, 6 October 2022, Paragraph 2, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com22/resolutions/L22.pdf>.

³¹ UN General Assembly, “Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament,” A/C.1/77/L.7, 19 September 2022, Paragraph 4, <https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com22/resolutions/L7.pdf>.



also historically voted against the resolutions on the “Humanitarian consequences of nuclear weapons”³² and “Ethical imperatives for a nuclear-weapon-free world.”³³

A more recent example of Russia’s violations of its nuclear disarmament obligations is the announcement in February 2023 of the suspension of Russia's implementation of New START (Strategic Arms Reduction Treaty). In a speech announcing the decision, Russia declared that the treaty could not be kept separate from the war in Ukraine and “other hostile actions of the west against our country.”³⁴ The International Campaign to Abolish Nuclear Weapons (ICAN) considered the suspension dangerous and reckless, and called on Russia to immediately return to full compliance with the agreement and continue to adhere to its nuclear weapon limits while pursuing disarmament.³⁵

A month later, on 25 March 2023, Russia announced preparations in Belarus to accept the deployment of Russian nuclear weapons.³⁶ As stated by ICAN, “The deployment of nuclear weapons in additional countries, sometimes referred to as “nuclear sharing” complicates decision making and increases the risk of miscalculation, miscommunication and potentially catastrophic accidents.”³⁷ It is worth noting that the NPT prohibits the transfer of nuclear weapons to a non-nuclear armed country, and the TPNW explicitly forbids the “stationing, installation or deployment” of nuclear weapons on one’s territory.

³² UN General Assembly, “Humanitarian consequences of nuclear weapons,” A/C.1/77/L.16, 5 October 2022, <https://www.reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com22/resolutions/L16.pdf>.

³³ UN General Assembly, “Ethical imperatives for a nuclear-weapon-free world,” A/C.1/77/L.46, 12 October 2022, <https://reachingcriticalwill.org/images/documents/Disarmament-fora/1com/1com22/resolutions/L46.pdf>.

³⁴ Andrew Roth and Julian Borger, “Putin says Russia will halt participation in New Start nuclear arms treaty,” 21 February 2023, <https://www.theguardian.com/world/2023/feb/21/putin-russia-halt-participation-new-start-nuclear-arms-treaty>.

³⁵ International Campaign to Abolish Nuclear Weapons (ICAN), “What is the New START Agreement and why has Russia suspended its implementation?,” February 2023, <https://www.icanw.org/what-is-the-new-start-agreement-russia-suspended>.

³⁶ Reuters, “What did Putin say on tactical nuclear weapons and Belarus?” 25 March 2023, <https://www.reuters.com/world/europe/what-did-putin-say-tactical-nuclear-weapons-belarus-2023-03-25/>

³⁷ ICAN, “Putin announces plans to deploy nuclear weapons in Belarus,” 27 March 2023, <https://www.icanw.org/putin-announces-plans-to-deploy-nuclear-weapons-in-belarus>.

Therefore, Russia is not complying with its disarmament commitments and obligations. Furthermore, it has blocked consensus over new disarmament commitments and actions, refused to accede to the TPNW, suspended the implementation of New START, and decided to deploy nuclear weapons in another country's territory³⁸. These actions demonstrate that Russia is not pursuing good faith³⁹ negotiations to achieve nuclear disarmament, in violation of the right to life.

Recommendations:

- End its suspension of the New Strategic Arms Reduction Treaty (New START) and restart joint inspections with the United States and negotiate further reductions of their nuclear arsenals.
- Cease preparations for the deployment of nuclear weapons to Belarus.
- Take steps to fulfil its international obligations related to nuclear disarmament including in light of its obligations to respect the right to life and under Article VI of the nuclear Non-Proliferation Treaty, including by joining the Treaty on the Prohibition of Nuclear Weapons and committing to and implementing a time-bound, verifiable plan for the elimination of its nuclear weapon programme.

III. Nuclear weapons modernisation and spending at the expense of human rights

According to data published by the Federation of American Scientists, Russia currently has 5,977 nuclear weapons.⁴⁰ The country maintains and modernises land-based intercontinental missiles, submarines with sea-launched ballistic missiles, and long-range bombers, in order to

³⁸ Reuters, "What did Putin say on tactical nuclear weapons and Belarus?" 25 March 2023, <https://www.reuters.com/world/europe/what-did-putin-say-tactical-nuclear-weapons-belarus-2023-03-25/>

³⁹ For further reading on the lack of good faith in acting to achieve nuclear disarmament, check: Benoît Pelopidas, Sanne Cornelia J Verschuren, "Writing IR after COVID-19: Reassessing Political Possibilities, Good Faith, and Policy-Relevant Scholarship on Climate Change Mitigation and Nuclear Disarmament," *Global Studies Quarterly*, Volume 3, Issue 1, January 2023, <https://academic.oup.com/isagsq/article/3/1/ksad006/7058885?login=false#396953184>

⁴⁰ International Campaign to Abolish Nuclear Weapons (ICAN), "2021 Global Nuclear Weapons Spending Report," 14 June 2022, https://www.icanw.org/spending_report.

enable the launch of its nuclear weapons from land, sea, and aeroplanes.⁴¹ This structure and composition largely reflect the evolution of the nuclear force that was created by the Soviet Union during the cold war.⁴²

According to research from the Federation of American Scientists, Russia is in the late stages of a decades-long modernisation process of its strategic and nonstrategic nuclear forces to replace Soviet-era weapons with newer systems.⁴³ The researchers pointed out that in December 2021, Russian Defence Minister Sergei Shoigu reported that modern weapons and equipment make up 89.1 per cent of Russia's nuclear forces, an increase of 3 per cent from the previous year.⁴⁴

The cost to maintain this modernisation is astronomical. A study published by ICAN concluded that Russia spent 8.6 billion USD on its arsenals in 2021.⁴⁵ The study considers data published by the Stockholm International Peace Research Institute (SIPRI) in 2018, which found that Russian nuclear weapons system spending costs about 13 per cent of total defence expenditures in recent years (2010 and 2016).⁴⁶

The amount directed to the maintenance and modernisation of Russia's nuclear weapons contrasts with the amount dedicated to social spending. An analysis conducted by Reuters showed that the country plans to spend nearly a third of its 2023 budget "on defence and domestic security while slashing funding for schools, hospitals and roads as it diverts cash to support its military campaign in Ukraine."⁴⁷ According to Reuters, while there is an increase in

⁴¹ Pavel Podvig, "Russia," Assuring destruction forever: 2022 Edition, WILPF, January 2022 <https://reachingcriticalwill.org/images/documents/Publications/modernization/assuring-destruction-forever-2022.pdf>.

⁴² Ibid.

⁴³ Hans M. Kristensen, Matt Korda, "Nuclear Notebook: How many nuclear weapons does Russia have in 2022?", 23 February 2022, <https://thebulletin.org/premium/2022-02/nuclear-notebook-how-many-nuclear-weapons-does-russia-have-in-2022/>.

⁴⁴ Ibid.

⁴⁵ International Campaign to Abolish Nuclear Weapons (ICAN), "Squandered: 2021 Global Nuclear Weapons Spending," 14 June 2022, https://www.icanw.org/spending_report.

⁴⁶ Julian Cooper, "How much does Russia spend on nuclear weapons?," SIPRI, 1 October 2018, <https://www.sipri.org/commentary/topical-background/2018/how-much-does-russia-spend-nuclear-weapons>.

⁴⁷ Darya Korsunskaya, "Analysis: Surge in Russia's defence and security spending means cuts for schools and hospitals in 2023," Reuters, 22 November 2022,

the budget for “defence and domestic security,” the 2023 budget for “national economy” - including roads, agriculture, and research and development - fell by 23 per cent. Healthcare will receive 9 per cent less, while education spending will be cut by 2 per cent.⁴⁸

Russia’s massive military spending, including on nuclear weapons, diverts public investment away from the realisation of economic, social and cultural rights (ESCR)⁴⁹ including from social spending. It is thus at odds with its obligations under Article 2.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), to take the necessary steps “to the maximum of its available resources” for the full realisation of the rights under the Covenant.⁵⁰ The Treaty on the Prohibition of Nuclear Weapons also underlines in its Preamble “the waste of economic and human resources on programmes for the production, maintenance and modernization of nuclear weapons”.⁵¹ The diversion of resources from economic, social, and environmental programmes to nuclear weapons can also be considered incompatible with the right to life. As argued by the Lawyer’s Committee on Nuclear Policy,⁵² General Comment no. 36 of the Human Rights Committee states that “The duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity.” Among those general conditions are “degradation of the environment,” “deprivation of indigenous peoples’ land, territories and resources,” and “widespread hunger and malnutrition and extreme poverty and homelessness.”⁵³ Thus, the obscene amount of resources spent in

<https://www.reuters.com/world/europe/surge-russias-defence-security-spending-means-cuts-schools-hospitals-2023-2022-11-22/>.

⁴⁸ Ibid.

⁴⁹ See for example The Impact of the UK’s Arms Transfers and Military Spending on Women’s Rights, Joint Shadow Report CEDAW Committee, 72nd Session February 2019, Women’s International League for Peace and Freedom UK, Christian Aid, Quakers in Britain, Women’s International League for Peace and Freedom USA, Submission to the Universal Periodic Review United States of America, 36th Session 2-13 November 2020.

⁵⁰ Article 2.1 International Covenant on Economic, Social and Cultural rights, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

⁵¹ A/CONF.229/2017/8, para. 15.

⁵² Lawyers Committee on Nuclear Policy, “Russian Nuclear Weapons Policy and the Right to Life: List of Issues Submission to the United Nations Human Rights Committee During its Periodic Review of the Russian Federation,” 1 June 2020, <https://static1.squarespace.com/static/603410a4be1db058065ce8d4/t/6066067cfe388c40985b3439/1617299068436/RussiaListIssuesLCNPWSLF.pdf>.

⁵³ UN Human Rights Committee, “General Comment n. 36, *Article 6 (Right to Life)*, CCPR/C/GC/35, paragraph 26. Available at <https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life>.

the modernisation of nuclear arsenals should instead be devoted to human security, the reduction of inequality and poverty, and the regeneration of the planet.

In addition, the increasing modernisation of nuclear arsenals also constitutes a violation of Article VI of the NPT, which obligates every state party to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date.” The development of new nuclear weapons by Russia provokes a new technological arms race, in direct violation of this article.

The encouragement of a new arms race is evident not only from Russia’s nuclear modernisation programs, but also from an increase in the number and size of its nuclear-related military exercises. On 6 February 2019, Russia conducted a test launch of its RS-24 Yars ICBM (intercontinental ballistic missiles) at Plesetsk spaceport in the Arkhangelsk region. According to a press release from the Russian Ministry of Defence, the missile, which was armed with multiple warheads, was “successful”.⁵⁴ Russia has also aggressively pursued the development of new nuclear weapons, such as “the Sarmat” – a three-stage, liquid-fuelled ICBM with a maximum range of 18,000 kilometres – and the Kh-47M2 Kinzhal (“dagger”) – a plane-launched hypersonic missile – among many other systems. As found by the Federation of American Scientists, the concern over Russia’s intentions “stimulate increased defence spending, nuclear modernisation programs, and political opposition to further nuclear weapons reductions in Western Europe and the United States.”⁵⁵

Recommendations:

- Significantly reduce its nuclear weapon budget and redirect those funds towards fulfilling its obligations to respect, protect and fulfil economic, social and cultural rights and the right to life.

⁵⁴ International Campaign to Abolish Nuclear Weapons (ICAN), “Compliance with the Treaty on the Non-Proliferation of Nuclear Weapons: Russia,” July 2022, https://assets.nationbuilder.com/ican/pages/2958/attachments/original/1658413077/Russia_NPT_Compliance_Paper_updated_July_2022_sm.docx.pdf?1658413077.

⁵⁵ Hans M. Kristensen, Matt Korda, Nuclear Notebook: How many nuclear weapons does Russia have in 2022?, 23 February 2022, <https://thebulletin.org/premium/2022-02/nuclear-notebook-how-many-nuclear-weapons-does-russia-have-in-2022/>.

- End its nuclear weapon modernisation programme and begin a process of nuclear disarmament, including by joining the Treaty on the Prohibition of Nuclear Weapons.

IV. Human rights impacts of Russia’s Nuclear Weapons Testing and Production

In 1984, the Human Rights Committee stated in 1984 that: “The production, testing, possession, deployment and use of nuclear weapons should be prohibited and recognized as crimes against humanity.”⁵⁶ In 2009, the UN General Assembly also resolved that “every effort should be made to end nuclear tests in order to avert devastating and harmful effects on the lives and health of people and the environment.”⁵⁷

From 1949 to 1990, the Soviet Union carried out 715 nuclear tests.⁵⁸ 456 tests, the majority of Soviet tests, took place at the Semipalatinsk test site in Kazakhstan, exposing an estimated 1.5 million people to radiation.⁵⁹ 130 tests also took place in Siberia in Russia at the Novaya Zemlya test site, on an archipelago in the Arctic Ocean.⁶⁰ The Soviet Union’s other nuclear tests took place across modern-day Russia and Ukraine.

Examples of human rights impacts

⁵⁶ UN Human Rights Committee, Twenty-third session (1984) General comment No. 14: Article 6 (Right to life), available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FGEC%2F4723&Lang=en

⁵⁷ United Nations, “International Day against Nuclear Tests,” United Nations (United Nations), accessed March 2, 2023, <https://www.un.org/en/observances/end-nuclear-tests-day>.

⁵⁸ “Russia and the Treaty on the Prohibition of Nuclear Weapons,” ICAN, accessed March 2, 2023, <https://www.icanw.org/russia>.

⁵⁹ Wudan Yan, “The Nuclear Sins of the Soviet Union Live on in Kazakhstan,” *Nature* 568 (2019): 22-24, <https://www.nature.com/articles/d41586-019-01034-8>.

⁶⁰ Robert S. Norris, Robert B. Cochran, “Nuclear Weapons Tests and Peaceful Nuclear Explosions by the Soviet Union: August 29, 1949 to October 24, 1990,” National Resources Defense Council, October 1996, https://nuke.fas.org/norris/nuc_10009601a_173.pdf, 2; International Physicians for the Prevention of Nuclear War, International Commission and Institute for Energy and Environmental Research, Takoma Park, Md, eds., *Radioactive Heaven and Earth: The Health and Environmental Effects of Nuclear Weapons Testing in, on and above the Earth; a Report of the IPPNW International Commission* (London u.a: Zed Books, 1991) <https://ieer.org/wp/wp-content/uploads/1991/06/RadioactiveHeavenEarth1991.pdf>, 101.

In its general comment No. 14 (2000) on the right to the highest attainable standard of health, the UN Committee on Economic, Social and Cultural Rights (CESCR) stressed that States should refrain from using or testing nuclear weapons if such testing resulted in the release of substances harmful to human health.⁶¹ Exposure to radioactive fallout from Soviet nuclear weapons testing has had devastating and lasting physical and psychological health impacts, such as cancer, birth defects, infant mortality and an increase in suicide rates.⁶² Women and girls have been found to be disproportionately impacted by ionising radiation associated with nuclear weapons testing.⁶³ Karipbek Kuyukov, a Kazakh artist who was born with no arms as a result of his parents exposure to nuclear testing near the Semipalatinsk test site, recalls doctors offering an injection to his mother to end his life.⁶⁴ Indigenous communities have been disproportionately harmed by nuclear tests, including from nuclear testing in the Arctic where the Soviet Union placed one of its major nuclear weapons testing sites. One hundred and four Indigenous Nenetz families were displaced by Soviet nuclear testing at Novaya Zemlya and the environment on which they depended has been contaminated for many generations to come.⁶⁵

Nuclear testing has also had catastrophic consequences for the environment. The former UN Special Rapporteur on human rights and hazardous waste, Baskut Tuncak, has stated that nuclear tests are “one of the cruellest examples of environmental injustice.”⁶⁶ Nuclear fallout can contaminate essential food sources such as reindeer and caribou that Indigenous communities in the Arctic rely on.⁶⁷ In its 2010 review of Kazakhstan, the CESCR expressed

⁶¹ E/C.12/2000/4, para. 34

⁶² Steven L Simon, André Bouville, and Charles E Land, “Fallout from Nuclear Weapons Tests and Cancer Risks,” *American Scientist* 94 (2006): 48-57, <https://www.cancer.gov/about-cancer/causes-prevention/risk/radiation/fallout-pdf>; Togzhan Kassenova, “How Kazakhstan Fought Back Against Soviet Nuclear Tests,” Carnegie Endowment for International Peace, accessed March 2, 2023, <https://carnegieendowment.org/2022/02/14/how-kazakhstan-fought-back-against-soviet-nuclear-tests-pub-86404>.

⁶³ “Articles — Gender and Radiation Impact Project,” Gender and Radiation Impact Project, accessed March 13, 2023, <https://www.genderandradiation.org/success-stories>.

⁶⁴ Karipbek KUYUKOV 1, World Nuclear Survivors Forum, December 2021, <https://www.youtube.com/watch?v=ZYdkwvyVfBc>.

⁶⁵ Anthony Robbins, Arjun Makhijani, and Katherine Yih, “Radioactive Heaven and Earth,” The Apex Press, 1991, <https://ieer.org/wp/wp-content/uploads/1991/06/RadioactiveHeavenEarth1991.pdf>

⁶⁶ “Nuclear Testing Legacy Is ‘Cruellest’ Environmental Injustice, Warns Rights Expert,” UN News, July 16, 2020, <https://news.un.org/en/story/2020/07/1068481>.

⁶⁷ Bliss L. Tracy, “Radiation Effects on Caribou and Reindeer Effects on Caribou and Reindeer | SpringerLink,” in *Encyclopedia of Sustainability Science and Technology* (Springer: New York, NY) 2012, https://link.springer.com/referenceworkentry/10.1007/978-1-4419-0851-3_283

concern: “about the regional environmental hazards that have a negative impact on the enjoyment of the right to health by the population in the State party, in particular the depletion and pollution of the Aral Sea and the environmental pollution of the former nuclear test site of Semipalatinsk.”⁶⁸ It recommended that Kazakhstan “take immediate steps, including through regional cooperation as appropriate, to address environmental hazards that affect the health of the population and to strengthen its efforts to address environmental issues.”⁶⁹ The waters near the Novaya Zemlya archipelago in Russia are also heavily contaminated with radioactive materials from waste and discarded submarines, resulting in devastating effects on the delicate arctic ecosystem as well as fishing industries dependent on these and nearby waters.⁷⁰

Beyond testing, the production of Soviet nuclear weapons has also left a legacy of harm that continues to affect populations to this day. The explosion of a nuclear waste tank at the Mayak nuclear facility in modern-day Ozyorsk, Chelyabinsk Oblast, Russia in 1957 spread radioactive fallout on approximately 200 towns and displaced over 200,000 people.⁷¹ The Soviet Union largely concealed the health impacts of this accident from those who were exposed to the radiation until the 1980s.⁷² Radioactive waste dumping along the Techa River has exacerbated the contamination left from the Mayak explosion and continues to pose a threat to communities that depend on or are in close proximity to the river.⁷³

Victims’ access to remedy and justice

Russia’s obligations as a party to the ICESCR apply both with respect to situations on the State’s national territory, and outside the national territory in situations over which the State

⁶⁸ E/C.12/KAZ/CO/1 (CESCR 2010), para. 35

⁶⁹ E/C.12/KAZ/CO/1 (CESCR 2010), para. 35

⁷⁰Alec Luhn, “Russia’s ‘Slow-Motion Chernobyl’ at Sea,” BBC Future Planet, September 1, 2020, <https://www.bbc.com/future/article/20200901-the-radioactive-risk-of-sunken-nuclear-soviet-submarines>; “Nuclear Testing Chronology,” AtomicArchive, accessed March 2, 2023, <https://www.atomicarchive.com/almanac/test-sites/testing-chronology.html>.

⁷¹Charles Digges, Alexander Nikitin, Aledrei Ozarovsky, “Questions of Handling the legacy of Radioactive Contamination at the Mayak Production Association,” Bellona, 2018, https://network.bellona.org/content/uploads/sites/3/2019/01/MAYAK_engl_2.pdf, 5.

⁷²Charles Digges, Alexander Nikitin, Aledrei Ozarovsky, “Questions of Handling the legacy of Radioactive Contamination at the Mayak Production Association,” Bellona, 2018, https://network.bellona.org/content/uploads/sites/3/2019/01/MAYAK_engl_2.pdf, 5.

⁷³Charles Digges, Alexander Nikitin, Aledrei Ozarovsky, “Questions of Handling the legacy of Radioactive Contamination at the Mayak Production Association,” Bellona, 2018, https://network.bellona.org/content/uploads/sites/3/2019/01/MAYAK_engl_2.pdf, 6.

may exercise control.⁷⁴ As a party to the ICCPR, Russia also has “an obligation to respect and ensure the rights under article 6 of all persons who are within its territory and all persons subject to its jurisdiction, that is, all persons over whose enjoyment of the right to life it exercises power or effective control”.⁷⁵ The Human Rights Committee’s General Comment n. 36 on the right to life also recommend that States must: “afford adequate reparation to victims whose right to life has been or is being adversely affected by the testing or use of weapons of mass destruction, in accordance with principles of international responsibility.”⁷⁶

Both Russia and Kazakhstan have laws to provide assistance to their own citizens they consider affected by nuclear testing, but both are quite limited in scope and flawed.⁷⁷ There is no assistance from Russia to Kazakhstan, and virtually nothing from Russia for victims near the Novaya Zemlya site in Siberia. Russia for instance pays reparations to Russian former military personnel victims of nuclear testing and Russian residents on the Kazakh border near Semipalatinsk, while it does not provide financial compensation for Kazakh citizens of the Semipalatinsk area.⁷⁸ Information about adverse health and environmental effects due to nuclear testing carried out in the Soviet era has remained largely classified. Local military personnel and civilians were often ill-informed about the potential hazards of nuclear weapons tests. The secrecy and sometimes misinformation around the dangers of nuclear tests made it more difficult for victims to prove that health issues were indeed a product of radioactive

⁷⁴ Committee on Economic, Social and Cultural Rights, General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, para. 10, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11

⁷⁵ UN Human Rights Committee, “General Comment n. 36, *Article 6 (Right to Life)*”, CCPR/C/GC/35, paragraph 63. Available at <https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life>.

⁷⁶ UN Human Rights Committee, “General Comment n. 36, *Article 6 (Right to Life)*”, CCPR/C/GC/35, paragraph 66. Available at <https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life>. UN Human Rights Committee, “General Comment n. 36, *Article 6 (Right to Life)*”, CCPR/C/GC/35, paragraph 66. Available at <https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life>.

⁷⁷ Radio Free Europe, Radio Liberty, Victims Of Kazakhstan's Soviet-Era Nuclear Tests Feel 'Abandoned' By Government, 23 november 2019, available at: <https://www.rferl.org/a/victims-of-kazakhstan-s-soviet-era-nuclear-tests-feel-abandoned-by-government/30288299.html>

⁷⁸ PRIF report, 4/2021, Beyond the ban: a global agenda for nuclear justice, Jana Baldus, Caroline Fehl, Sasha Hach, page 9, available at: https://www.hsfk.de/fileadmin/HSFK/hsfk_publicationen/PRIF_Report_0421_web.pdf

contamination, and thus to claim compensation.⁷⁹ As underlined by the CESCR, transparency and accountability in governance, access to remedies and participation of the affected population in decision-making processes are necessary for the enjoyment of the right to health.⁸⁰ In addition, as part of the right to an effective remedy, victims of nuclear testing should enjoy restitution (e.g. of property and land of victims displaced by nuclear testing), compensation (monetary and non-monetary), rehabilitation (including free medical and psychological healthcare and support, free access to legal and social services), measures of satisfaction and guarantees of non-repetition (e.g. through banning the use of nuclear weapons and testing by ratifying the TPNW).⁸¹ Measures of satisfaction should include the verification of the facts about nuclear tests and public disclosure of the truth, public apologies, judicial and administrative sanctions against those liable for violations, commemorations and tributes to the victims.⁸² Given the differential impacts of nuclear testing on individuals in marginalised situations, such remediation measures should be designed in accordance with victims' needs, be gender-responsive, child-rights responsive and culturally-appropriate, in particular where nuclear tests were conducted on Indigenous peoples' lands, and fully account for transgenerational harm resulting from the long lasting impacts of nuclear testing.

Articles 6 and 7 of the TPNW requires states parties affected by the past use and testing of nuclear weapons to provide assistance to affected individuals towards the full realisation of their rights, as well as to undertake environmental remediation. Article 7 creates a framework of international cooperation and assistance to take forward these efforts. Article 7(6) places a special responsibility on states that tested nuclear weapons to provide assistance to affected states parties, once they join the treaty. Kazakhstan, as a TPNW state party directly affected by Soviet nuclear testing, is leading work under the Treaty to provide victim assistance and environmental remediation. Russia must consider how it could contribute to this work to

⁷⁹ PRIF report, 4/2021, Beyond the ban: a global agenda for nuclear justice, Jana Baldus, Caroline Feh, Sasha Hach, page 11, available at: https://www.hsfk.de/fileadmin/HSFK/hsfk_publicationen/PRIF_Report_0421_web.pdf

⁸⁰ E/C.12/2000/4, paras. 11, 34, 55 and 59

⁸¹ The right to a remedy and reparation for the use of nuclear weapons, Stuart Casey-Maslen, page 476, available at: <https://www.cambridge.org/core/books/abs/nuclear-weapons-under-international-law/right-to-a-remedy-and-reparation-for-the-use-of-nuclear-weapons/ED9D029E58C9031076F34143C43826D5>

⁸² The right to a remedy and reparation for the use of nuclear weapons, Stuart Casey-Maslen, page 475, available at: <https://www.cambridge.org/core/books/abs/nuclear-weapons-under-international-law/right-to-a-remedy-and-reparation-for-the-use-of-nuclear-weapons/ED9D029E58C9031076F34143C43826D5>

address its past harm, including by providing accurate information about the nature and impacts of its history of nuclear testing.

Recommendations

- Recognise the human rights impacts of Soviet Union's nuclear weapons testing and production in Russia and Kazakhstan on all individuals, including civilians and military service personnel whose health, livelihoods, housing, and environments have been affected.
- Fully cooperate and assist - including through provision of technical and financial assistance - third countries to evaluate and remedy the human rights and environmental impacts of Soviet Union nuclear weapons testing.
- Assess the differential impacts of Soviet nuclear testing on individuals in marginalised situations, and ensure that remedies are victims-centred, gender-responsive, child-rights responsive and culturally-appropriate, in particular where nuclear tests were conducted on Indigenous peoples' lands, and that they fully account for transgenerational harms resulting from the long lasting impacts of nuclear testing.
- Uphold victims of Soviet nuclear tests' right to remedy including by:
 - granting restitution (e.g., of property and land of victims displaced by nuclear testing),
 - compensation (monetary and non-monetary),
 - rehabilitation (including free medical and psychological healthcare and support, free access to legal and social services),
 - measures of satisfaction (e.g. by declassifying any relevant information on Soviet Union's nuclear weapons testing and associated programmes carried out in Kazakhstan and Russia between 1949 and 1990, including those that relate to accidents, environmental or health impacts arising from nuclear programmes or activities, verification of facts about nuclear tests and public disclosure of the truth, public apologies, judicial and administrative sanctions against those liable for violations, commemorations and tributes to the victims),
 - and guarantees of non-repetition (e.g. through a comprehensive ban on the use of nuclear weapons and testing by ratifying the TPNW).