

Submission by the Women’s International League for Peace and Freedom (WILPF)¹

Universal Periodic Review of the Russian Federation

5 April 2023

I. Repression of anti-war sentiment

Even before its invasion of Ukraine in 2022, the Russian Federation (hereinafter Russia) was among the most restrictive countries in the world regarding media freedoms and civil society space more generally. Background information on this context is provided in the Annex.

a. Targeting of anti-war dissent

Russia’s war against Ukraine has marked the start of new relentless attacks against free speech at all levels of society. As noted by the UN HRC, there is “a clear connection between domestic repression and war abroad.”²

Authorities have further tightened their grip on civil society space through vague laws on so-called “foreign agents”, “undesirable organisations” and “extremism”. This crackdown culminated with the adoption of new provisions of the criminal code on the dissemination of “false news” about the Russian military in March 2022.³ These new provisions are used to punish any criticism of the war with prison terms for as long as 15 years.

A few days after the start of the war against Ukraine, the Russian media regulator ordered media to remove reports describing the invasion of Ukraine as an “assault”, “invasion” or a “war” with the risk of pecuniary sanctions or blockages in case of non-compliance.⁴

¹ **Note:** Unless otherwise indicated, all hyperlinks in the footnotes were last accessed on 2 April 2023.

² UN Human Rights Council, fifty-first session, ‘Resolution adopted by the Human Rights Council on 7 October 2022’ UN Doc A/HRC/RES/51/25 (11 October 2022), preambular paragraph 6, available at: <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/520/25/PDF/G2252025.pdf?OpenElement>>.

³ OMCT, ‘Russia: Renewed crackdown on civil society amid invasion of Ukraine’, 4 March 2022, available at: <https://www.omct.org/en/resources/statements/russia-renewed-crackdown-on-civil-society-amid-invasion-of-ukraine>; Freedom House, Freedom in the world 2023 Russia, available at: <<https://freedomhouse.org/country/russia/freedom-world/2023>>.

⁴ OMCT, ‘Russia: Renewed crackdown on civil society amid invasion of Ukraine’ (4 March 2022) available at: <<https://www.omct.org/en/resources/statements/russia-renewed-crackdown-on-civil-society-amid-invasion-of-ukraine>>

In December 2022, the UN Human Rights Committee (HRC'ttee) expressed concerns on these issues.⁵

⁵ “28. The Committee is deeply concerned about the amendments to the Criminal Code, made in March 2022, which criminalize: (a) the public dissemination of knowingly false information about the army of the Russian Federation and the exercise of powers by the public authorities of the Russian Federation abroad (art. 207.3); (b) the public discrediting of the army of the Russian Federation or of the exercise of powers by the public authorities of the Russian Federation aimed at defending the interests of the Russian Federation and its citizens and maintaining international peace and security (art. 280.3); and (c) calls for sanctions against the Russian Federation, its citizens or legal entities (art. 284.2). The Committee expresses its concern about the decision of the Federal Service for Supervision of Communications, Information Technology and Mass Media, made at the request of the Prosecutor General, that states that, with regard to the war in Ukraine, journalists are to report only information provided by the Government of the Russian Federation or face fines and being blocked on the Internet. It is concerned about reports that thousands of Internet sites and resources and a number of social media platforms (Twitter, Facebook and Instagram) have been blocked and that more than 20 media outlets, both national and international, have been suspended, including the major independent news outlet Novaya Gazeta. The Committee notes with great concern the dissolution of the union representing journalists and other media workers that had worked to defend the rights of media workers across the Russian Federation. The Committee is seriously concerned about the reports of harassment against media workers and journalists, including criminal prosecution, searches of their homes and seizure of electronic devices, arrests, physical attacks and threats, including against their relatives. The Committee expresses its substantial concern about limitations on freedom of expression, in particular with respect to anti-war statements, including in educational institutions, as well as in public (arts. 9, 17 and 19).” UN Human Rights Committee ‘Concluding observations on the eighth periodic report of the Russian Federation’ (1 December 2022) UN Doc CCPR/C/RUS/CO/8, paragraph 28, available at: <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2FC%2FRUS%2FCO%2F8&Lang=en>; Freedom House, Freedom in the world 2022, Russia, available at: <<https://freedomhouse.org/country/russia/freedom-world/2022>>.

The crackdown on civil society has severely escalated with increasing harassment, prosecutions on trumped-up charges, and even the forced dissolution of several NGOs.⁶ Anti-war activists and journalists that report on the war or question the official state narratives about the war are facing judicial harassment and threats, and so do the lawyers who represent them.⁷ Peaceful protests against the war and forced mobilisation in the army have also been met with excessive use of force by the authorities. The HRC'ttee has expressed deep concerns on this.”⁸

Recommendations

- Immediately release all persons detained in relation to participating in peaceful assemblies, including in anti-war protests, whose detention is incompatible with international human rights law (IHRL);
- Refrain from any form of harassment or threats against protesters, including through the practice of preventative arrests, as well as the adoption of any further restriction and ensure the safe and full exercise of their right to freedom of expression;
- Repeal all legislation unduly restricting freedom of expression, including articles 207.3, 275.1, 280.3 and 284.2 of the Criminal Code, and refrain from adopting any further

⁶ See for example, United Nations Office of the High Commissioner for Human Rights, Press releases, Special Procedures, 'Russia: UN experts alarmed by escalation of crackdown on civil society', (27 January 2023) available at: <<https://www.ohchr.org/en/press-releases/2023/01/russia-un-experts-alarmed-escalation-crackdown-civil-society>>; United Nations Office of the High Commissioner for Human Rights, Press releases, Special Procedures, 'Russia: UN expert alarmed at continued targeting of human rights defenders' (14 September 2022), available at: <<https://www.ohchr.org/en/press-releases/2022/09/russia-un-expert-alarmed-continued-targeting-human-rights-defenders>>; United Nations Office of the High Commissioner for Human Rights, Press releases, Special Procedures, 'Russia: UN experts condemn civil society shutdown' (13 July 2022), available at: <<https://www.ohchr.org/en/press-releases/2022/07/russia-un-experts-condemn-civil-society-shutdown>>.

⁷ In 2022, the Human Rights Committee expressed deep concern: “about the increase in reports of violence and harassment of journalists, such as Ivan Safronov, and notes reports that journalists writing about the war in Ukraine, such as Maria Ponomarenko, have been particularly targeted. The Committee is further concerned about reports of lawyers, such as Dmitry Talantov and Ivan Pavlov, facing unwarranted disciplinary proceedings and even criminal prosecutions, in particular in connection with defending participants in anti-war protests (arts. 1, 6–7, 9, 14 and 19).” CCPR/C/RUS/CO/8 Human Rights Committee Concluding observations on the eighth periodic report of the Russian Federation, paragraph 26, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FRUS%2FCO%2F8&Lang=en.

⁸ “ The Committee is deeply concerned about numerous and consistent reports of restrictions of the freedom of assembly, including refusal by the authorities to authorize peaceful protests, in particular anti-war protests; the alleged arbitrary detention of hundreds of thousands of participants in peaceful protests; and the violent response of law enforcement officials to peaceful assemblies. It is further concerned about the implications Federal Law No. 260-FZ of 14 July 2022 may have on freedom of assembly, given the provisions that criminalize public calls for activities aimed against State security or at obstructing the exercise by public bodies or officials to ensure State security. It is concerned about reports that participation in assemblies is hampered by the use of preventive detention and by the use of facial recognition systems that are not regulated by law, including in regard to the procedure for storing and reviewing data relating to such systems (arts. 7, 9–10, 14, 17, 19 and 21).” UN Human Rights Committee 'Concluding observations on the eighth periodic report of the Russian Federation' (1 December 2022) UN Doc CCPR/C/RUS/CO/8, paragraph 32.

restrictions incompatible with IHRL, including requirements that amount to de facto authorisation of an assembly;

- Effectively guarantee and protect the right to peaceful assembly including for anti-war protests, and take measures to prevent, investigate and eliminate all forms of excessive use of force by security forces in the context of public protests.

b. Intersectional dimensions of repression

As underlined by the HRC, WHRDs⁹ in Russia face specific gender-based threats and persons belonging to minorities and to groups who are discriminated against and marginalised are particularly at risk.¹⁰ There have been reports of threats and acts of sexual violence against activists or their relatives. A OSCE Rapporteur's report notes that sexualised police violence against female protesters is "more noticeable since February 2022".¹¹ It also notes gender-based forms of persecution against men between the age of 18 and 27 who are subject to military service and who are under the threat of being drafted if expelled from the university.¹²

Russia accepted recommendation 147.97 on LGBTIQ+ people.¹³ However, the repression of LGBTIQ+ persons has reached new heights since the start of the war, with several overly vague laws passed in 2022 outlawing spreading information about so-called "non-traditional sexual relations" and the

⁹ Women human rights defenders

¹⁰ UN Human Rights Council, fifty-first session, 'Resolution adopted by the Human Rights Council on 7 October 2022' UN Doc A/HRC/RES/51/25 (11 October 2022) preambular paragraphs 7-8, available at: <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/520/25/PDF/G2252025.pdf?OpenElement>>.

¹¹ Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, 351/2022, page 114, available at: <<https://www.osce.org/files/f/documents/7/5/526720.pdf>>; See also, Russian Police are Torturing Anti-War Activists (20 October 2022) available at: <<https://www.hrw.org/news/2022/10/20/russian-police-are-torturing-anti-war-activists>>; Russia: Activist allegedly beaten and raped for reciting anti-war poem online (27 September 2022) available at: <<https://www.amnesty.org/en/latest/news/2022/09/russia-activist-allegedly-beaten-and-raped-for-reciting-anti-war-poem-online/>>.

¹² Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, 351/2022 (September 2022), page 115, available at: <<https://www.osce.org/files/f/documents/7/5/526720.pdf>>.

¹³ 147.97 "Ensure that lesbian, gay, bisexual, transgender and intersex people are able to exercise their rights to freedom of peaceful assembly and expression without discrimination or fear of reprisals, and investigate promptly, effectively and impartially all allegations of abductions, secret imprisonment, torture and other ill-treatment, and killings of gay men in Chechnya (New Zealand)." UN Human Rights Council, thirty-ninth session, 'Report of the Working Group on the Universal periodic review of Russian Federation' (12 June 2018) UN Doc A/HRC/39/13.

closure of LGBTIQ+ NGOs.¹⁴ Anti-war activists belonging to Indigenous Peoples and minority groups are increasingly denouncing the disproportionate impacts of the war on them and are facing repression for it.¹⁵ Feminist activists are also targeted for their anti-war positions and activism on gender issues.¹⁶

Recommendations

- Immediately cease any form of harassment and repression of media workers, human rights defenders, and anti-war activists, including LGBTIQ+, Indigenous, ethnic minority, and feminist activists, and ensure the safe and full exercise of their rights to freedom of expression, association and assembly;
- Repeal any laws discriminating against LGBTIQ+ persons, including the 2022 law on “non-traditional sexual relations.”¹⁷

¹⁴ United Nations Office of the High Commissioner for Human Rights, Press releases, Special Procedures, ‘Russia: UN expert alarmed at continued targeting of human rights defenders’ (14 September 2022) available at: <<https://www.ohchr.org/en/press-releases/2022/09/russia-un-expert-alarmed-continued-targeting-human-rights-defenders>>; AlJazeera, ‘As the Ukraine war rages, Russia doubles down on anti-LGBT laws’ (31 October 2022) available at: <<https://www.aljazeera.com/news/2022/10/31/russia-introduces-more-anti-lgbt-laws-amid-war-losses>>; BBC, ‘Russia: Putin’s Kremlin targets LGBT in new crackdown’ (23 January 2023) available at: <<https://www.bbc.com/news/world-europe-64345693>>; Open Democracy, Russia’s biggest LGBT+ group has been shut down. But we’re going nowhere (22 April 2022) available at: <<https://www.opendemocracy.net/en/5050/cf-sphere-russia-lgbtqi-shut-down/>>.

¹⁵ Al Jazeera, ‘Putin is using ethnic minorities to fight in Ukraine’: Activist’ (25 October 2022) available at: <<https://www.aljazeera.com/features/2022/10/25/russia-putin-is-using-ethnic-minorities-to-fight-in-ukraine>>; Resilience, ‘How Russians, Indigenous people and Belarusians are uniting to resist the war in Ukraine’, (28 February 2023) available at: <<https://www.resilience.org/stories/2023-02-28/how-russians-indigenous-people-and-belarusians-are-uniting-to-resist-the-war-in-ukraine/>>; Cultural Survival, ‘Anti-War Initiatives Led by Indigenous Peoples in Russia are Inherently Anti-Colonialist’ (23 September 2022) available at: <<https://www.culturalsurvival.org/news/anti-war-initiatives-led-indigenous-peoples-russia-are-inherently-anti-colonialist>>.

¹⁶ The International Association of Political Science Students, ‘Protest, Persecution, And Prison: Women’s Anti-War Resistance In Putin’s Russia’, 9 February 2023, available at: <https://iapss.org/protest-persecution-and-prison-womens-anti-war-resistance-in-putins-russia/?utm_source=rss&utm_medium=rss&utm_campaign=protest-persecution-and-prison-womens-anti-war-resistance-in-putins-russia>

¹⁷ Federal Law of 29 June 2013, No 135-FZ, ‘On the introduction of amendments into article 5 of the Federal Law “On the protection of children from information liable to be injurious to their health and development” and individual legislative documents of the Russian Federation aimed at protecting children from information promoting the denial of traditional family values’; Amended by Federal Law No. 478-FZ of December 5, 2022 “On Amendments to the Federal Law “On Information, Information Technologies and Information Protection” and Certain Legislative Acts of the Russian Federation”, Available in Russian language at: <<http://publication.pravo.gov.ru/Document/View/0001202212050019?index=1&rangeSize=1>>

c. New technologies and repression

As reported by Human Rights Watch (HRW), Russian authorities have been using facial recognition software since 2017 across the country without it being regulated by law.¹⁸ There are multiple reports of people planning on attending anti-war protests who have been preventively detained by the police.¹⁹ Some reported having been included in a “list of potential protesters” due to their political activism and were detained before a major holiday or potential protest.²⁰ People who actually participated in protests as well as draftees escaping mobilisation have also been arrested after being identified through such technologies.²¹ In 2022, the HRC'ttee expressed concerns relating to this use of facial recognition systems and recommended that Russia cease its use.²² Further information is available in the Annex.

Recommendations

- Cease the use of facial recognition software and of any other technologies to identify people who hold anti-war views, including their use in the context of peaceful protests, and ensure that all use of new technologies, including facial recognition by the government, is strictly regulated by law in accordance with international human rights standards.

d. Militarising education

Authorities are also silencing any public opposition to the war. For example, it has been reported that criminal prosecutions under the law on spreading false information have targeted members of the public (who expressed anti-war views on social media or privately), more than journalists and

¹⁸ ‘Submission by Human Rights Watch on Russia to the Human Rights Committee, 134th Session’ (10 February 2022) available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FRUS%2F47850&Lang=en.

¹⁹ Reuters, ‘Facial recognition is helping Putin curb dissent with the aid of U.S. tech’, (28 March 2023) available at: <https://www.reuters.com/investigates/special-report/ukraine-crisis-russia-detentions/>.

²⁰ Reuters, ‘Facial recognition is helping Putin curb dissent with the aid of U.S. tech’, (28 March 2023) available at: <https://www.reuters.com/investigates/special-report/ukraine-crisis-russia-detentions/>.

²¹ Reuters, ‘Facial recognition is helping Putin curb dissent with the aid of U.S. tech’, (28 March 2023) available at: <https://www.reuters.com/investigates/special-report/ukraine-crisis-russia-detentions/>; Human Rights Watch, ‘Russia Uses Facial Recognition to Hunt Down Draft Evaders’, 26 September 2022, available at: <https://www.hrw.org/news/2022/10/26/russia-uses-facial-recognition-hunt-down-draft-evaders>.

²² The Committee “is concerned about reports that participation in assemblies is hampered by the use of preventive detention and by the use of facial recognition systems that are not regulated by law, including in regard to the procedure for storing and reviewing data relating to such systems (arts. 7, 9–10, 14, 17, 19 and 21)” “In accordance with article 21 of the Covenant and in the light of the Committee’s general comment No. 37 (2020) on the right of peaceful assembly, the State party should: (...) (e) Refrain from the use of facial recognition systems and the practice of preventive detention to hamper participation in peaceful assemblies.” UN Human Rights Committee ‘Concluding observations on the eighth periodic report of the Russian Federation’ (1 December 2022) UN Doc CCPR/C/RUS/CO/8, paragraphs 32 and 33 e).

activists.²³ Even children and youth who oppose the war are at risk of persecution.²⁴ In February 2023 the Committee on the Rights of the Child asked questions to Russia relevant to this issue.²⁵ The HRC'ttee has also expressed "its substantial concern about limitations on freedom of expression, in particular with respect to anti-war statements, including in educational institutions, as well as in public."²⁶ It has been reported that since the start of the war, disinformation about the war, as well as militaristic, so-called "patriotic" lessons, have been rolled out in schools to children as young as 6 years old, and teachers who do not conform to official propoganda face sanctions including dismissals.²⁷

Recommendations

- Ensure children's full enjoyment of freedom of expression and that no child is persecuted or prosecuted for expressing views including anti-war views, and remove barriers to children's enjoyment of their right to freedom of association and assembly, and ensure that children are not punished for participating in any protests, including in anti-war protests;

²³ Slate, 'Russia Wants Citizens to Like, Comment, Subscribe for More Surveillance' (14 September 2022), available at: <<https://slate.com/technology/2022/09/russia-domestic-surveillance.html>>; Novaya Gazeta Europe, 'Couple detained for their anti-war comments in restaurant in southern Russia receive punishment in the form of arrest and fine', 31 January 2023, available at: <<https://novayagazeta.eu/articles/2023/01/31/couple-detained-for-their-anti-war-comments-in-restaurant-in-southern-russia-receive-punishment-in-the-form-of-arrest-and-fine-en-news>>

²⁴ Al Jazeera, 'In Russia, children opposing the Ukraine war are being targeted' (8 March 2023), available at: <<https://www.aljazeera.com/news/2023/3/8/russian-crackdown-on-dissent-targets-children>>; Politico, 'In Russia, an anti-war drawing can cost you your daughter', 20 March 2023, available at: <<https://www.politico.eu/article/russia-anti-war-drawing-cost-your-daughter-yefremov-tula/>>

²⁵ "Please describe the measures taken: (...)

(b) To ensure children's full enjoyment of freedom of expression and that no child is persecuted or prosecuted for expressing views, including views that dissent from those of the State;

(c) To provide children with access to information, including by lifting the bans and arbitrary restrictions in place in the State party on social media platforms such as Facebook, TikTok and Twitter, and by conducting campaigns on children's digital rights. Please also inform the Committee of the measures taken to put an end to State propoganda in schools;

(d) To remove barriers for children's enjoyment of their right to freedom of association and assembly, and ensure that children are not punished for participating in any protests, including in anti-war protests." UN Committee on the Rights of the Child, 'List of issues in relation to the combined sixth and seventh periodic reports of the Russian Federation'(14 March 2023) UN Doc CRC/C/RUS/Q/6-7, paragraphs 4 b) and d), available at: <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CRC%2FC%2FRUS%2FQ%2F6-7&Lang=en>.

²⁶ UN Human Rights Committee 'Concluding observations on the eighth periodic report of the Russian Federation' (1 December 2022) UN Doc CCPR/C/RUS/CO/8*, paragraph 28.

²⁷ DW, 'Mandatory patriotism classes in Russian schools' (11 September 2022) available at:

<<https://www.dw.com/en/mandatory-patriotism-classes-in-russian-schools/a-63687952>>;

Business Insider, 'How Russia is molding the minds of schoolkids to support its brutal invasion of Ukraine', 29 January 2023, available at: <<https://www.businessinsider.com/russia-ukraine-invasion-propoganda-schoolkids-2023-1?r=US&IR=T>>;

The Guardian, 'Russian parents and teachers urged to boycott 'propaganda classes', 1 September 2022, available at: <<https://www.theguardian.com/world/2022/sep/01/russian-parents-and-teachers-urged-to-boycott-propaganda-classes>>.

- Immediately cease the use of mandatory so-called “patriotic education” classes and respect teachers’ right to freedom of expression and opinion, and children’s right to access to information.

II. Forced recruitment

a. Forced recruitment and the targeting of ethnic minorities and Indigenous Peoples

In December 2022 the HRC’ttee expressed concern “about allegations of forced mobilization and conscription of thousands of Crimean inhabitants, many of whom are Indigenous people”,²⁸ and recommended immediately ending this practice.²⁹ According to the IV Geneva Convention, the Occupying Power may not compel protected persons to serve in its armed or auxiliary forces.³⁰

Moreover, the Committee expressed its concern “about reports of forced conscriptions for the war in Ukraine and violent suppression of peaceful protests against these conscriptions in the North Caucasus federal area.”³¹ In North Caucasus, Russian authorities have a particular leverage regarding conscription as joining in the military is well-remunerated and as this is a region with some of the lowest living standards and salaries.³² There are reports of recruitment tactics using economic coercion, pressure and threats.³³ For instance, men have been threatened by the police at their place

²⁸ UN Human Rights Committee ‘Concluding observations on the eighth periodic report of the Russian Federation’ (1 December 2022) UN Doc CCPR/C/RUS/CO/8, paragraph 38.

²⁹ UN Human Rights Committee ‘Concluding observations on the eighth periodic report of the Russian Federation’ (1 December 2022) UN Doc CCPR/C/RUS/CO/8, paragraph 39 (e).

³⁰ According to article 51 of the IV Geneva Convention 1949, to which Russia is a State Party, “The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted”. Convention (IV) relative to the Protection of Civilian Persons in Time of War. (Geneva, 12 August 1949) Article 51. Available at: <<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-51>>.

³¹ UN Human Rights Committee ‘Concluding observations on the eighth periodic report of the Russian Federation’ (1 December 2022) UN Doc CCPR/C/RUS/CO/8, paragraph 8.

³² Yekaterina Bezmenova, ‘Russia’s Shadow Mobilization Accelerates with new Ethnic Units from The North Caucasus’ (RadioFreeEurope RadioLiberty, 26 June 2022) available at: <<https://www.rferl.org/a/russia-ukraine-war-north-caucasus-recruitment/31915842.html>>.

³³ Niko Vorobyov, ‘Russia’s ethnic minorities lament the war in Ukraine’ (Aljazeera, 2 August 2022) Available at: <<https://www.aljazeera.com/news/2022/8/2/racist-federation-russias-minorities-complain-of-racism>>; Meduza, ‘Our entire society is built on threats’ How Russia’s military enlistment offices intimidate conscripts who seek alternative service’ (25 July 2022) available at: <<https://meduza.io/en/feature/2022/07/25/our-entire-society-is-built-on-threats>>; Emily Calton O’Keeffe, ‘Putin’s Cannon Fodder: Ethnic Minorities Disproportionate Casualties In Russia’s War’ (The Organisation for World Peace, 4 September 2022) available at: <<https://theowp.org/putins-cannon-fodder-ethnic-minorities-disproportionate-casualties-in-russias-war/>>; Javier G. Cuesta and Maria R. Sahuquillo, ‘Putin’s conscription drive targets Russia’s ethnic minorities’ (El Pais, 7 October 2022) available at: <<https://english.elpais.com/international/2022-10-07/putins-conscription-drive-targets-russias-ethnic-minorities.html>>

of residence because they did not go to an appointment at a conscription office.³⁴ There are also reports of inexperienced soldiers being sent to fight in Ukraine and recruitment of ethnic minorities to create units along ethnic lines.³⁵ According to the Free Buryatia Foundation, Buryats, Yakuts and Dagestanis minorities have been disproportionately conscripted in comparison to other peoples.³⁶ Independent Russian media outlets report that Dagestanis and Buryats face the highest casualties in the war in Ukraine.³⁷

Moreover, people who oppose conscription, including through public protests, face repression from the authorities. According to the European Bureau for Conscientious Objection (EBCO), its member organisation in Russia, Citizen.Army.Law³⁸ has been declared as a foreign agent by the authorities; and the work of NGO Soldiers' Mothers³⁹ "is also under suppression."⁴⁰

Recommendations

- Immediately cease forced conscription of Crimean residents and forced conscription of ethnic minorities and Indigenous peoples, including in the North Caucasus region;

³⁴ Novaya Gazeta Europe, 'Police raid houses of Moscow residents forcing them to visit enlistment offices' (3 June 2022) available at: <<https://novayagazeta.eu/articles/2022/06/03/police-raid-houses-of-moscow-residents-forcing-them-to-visit-enlistment-offices-news>>; Meduza, 'Our entire society is built on threats' How Russia's military enlistment offices intimidate conscripts who seek alternative service' (25 July 2022) available at: <<https://meduza.io/en/feature/2022/07/25/our-entire-society-is-built-on-threats>>.

³⁵ Yekaterina Bezmenova, 'Russia's Shadow Mobilization Accelerates with new Ethnic Units from The North Caucasus' (RadioFreeEurope RadioLiberty, 26 June 2022) available at: <<https://www.rferl.org/a/russia-ukraine-war-north-caucasus-recruitment/31915842.html>>.

³⁶ Javier G. Cuesta and Maria R. Sahuquillo, 'Putin's conscription drive targets Russia's ethnic minorities' (El Pais, 7 October 2022) available at: <<https://english.elpais.com/international/2022-10-07/putins-conscription-drive-targets-russias-ethnic-minorities.html>>; Amy Mackinnon, 'Russia is sending its ethnic minorities to the meat grinder' (Foreign Policy, 23 September 2022) available at <<https://foreignpolicy.com/2022/09/23/russia-partial-military-mobilization-ethnic-minorities/>>; Niko Vorobyov, 'Russia's ethnic minorities lament the war in Ukraine' (Aljazeera, 2 August 2022) Available at: <<https://www.aljazeera.com/news/2022/8/2/racist-federation-russias-minorities-complain-of-racism>>; See also: Cultural Survival, 'Violations of indigenous peoples' rights in the republic of Sakha (Yakutia) during partial military mobilisation' (30 September 2022) available at: < <https://www.culturalsurvival.org/news/violations-indigenous-peoples-rights-republic-sakha-yakutia-during-partial-military>>.

³⁷ Emily Calton O'Keeffe, 'Putin's Cannon Fodder: Ethnic Minorities Disproportionate Casualties In Russia's War' (The Organisation for World Peace, 4 September 2022) available at: <<https://theowp.org/putins-cannon-fodder-ethnic-minorities-disproportionate-casualties-in-russias-war/>>; See also: <<https://www.globalsecurity.org/military/world/russia/personnel-nationalities.htm>>.

³⁸ An organisation that carries out activities to protect the human rights and legal interests of conscripts and conscientious objectors, those in military or alternative civil service and members of their families. More information on Citizen Army Law at: <<https://civicsolidarity.org/member/608/citizen-army-law>>.

³⁹ More information on Soldiers' Mothers at :<<https://soldiersmothers.ru/en>>.

⁴⁰ European Bureau for Conscientious Objection, 'Annual Report Conscientious Objection to Military Service in Europe 2021' (21 March 2022) page 52. Available at: <<https://www.ohchr.org/sites/default/files/2022-05/EBCO-HRC50.pdf>>.

- Ensure that the right to freedom of association is respected including by repealing any legislation that restricts NGOs activities such as, the ‘Foreign Agents’ law (Federal Law No. 255-FZ of July 14, 2022) and the law on “undesirable organisations” (Federal Law No. 129 of 25 May 2015).

a. Right to conscientious objection to military service

According to Amnesty International, “Despite constitutional guarantees regarding alternative service, requests to perform such service by individuals drafted for deployment in Ukraine were routinely refused by military commissariats and courts. The authorities claimed that in the absence of specific legislative provisions for alternative service at times of “partial mobilization”, these guarantees did not apply. Legislation introduced in November stipulated that those deployed on alternative civilian service during mobilization could be sent to serve as civilian personnel in the armed forces”.⁴¹

Although the right to conscientious objection has been enforced in Russia since 2004 under Federal Law No 113 on Alternative Civil Service (ACS), it is designed to make ACS unattractive.⁴² In 2009, the HRC^{ttee} expressed concerns on the length of civilian service for conscientious objectors and the conditions for alternative services that are punitive in nature⁴³ and recommended that Russia “recognize fully the right to conscientious objection, and ensure that the length and the nature of this

⁴¹ Amnesty International Annual Report: The State of the World's Human Rights 2022/23, March 2023, page 311: <<https://www.amnesty.org/en/documents/pol10/5670/2023/en/> >

⁴² See European Bureau for Conscientious Objection, ‘Annual Report Conscientious Objection to Military Service in Europe 2021’ (21 March 2022) page 52-53. Available at: <<https://www.ohchr.org/sites/default/files/2022-05/EBCO-HRC50.pdf>>; Human Rights Group “Citizen.Army.Law”, ‘On the implementation of the right to conscientious objection to military service in Russia in 2004-2016’ (2016). Available at: <<https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/Report%20Russia%202016.pdf>>.

⁴³ “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.” UN Human Rights Committee ‘Consideration of reports submitted by States Parties under article 40 of the Covenant: Concluding observations of the Human Rights Committee, Russian Federation’ (24 November 2009) UN Doc CCPR/C/RUS/CO/6, paragraph 23.

alternative to military service do not have a punitive character.”⁴⁴ The ACS’s procedure also lacks independence and impartiality as it is under the control of the Ministry of Defence”,⁴⁵ despite a 2009 HR Committee’s recommendation to rectify this.⁴⁶

Recommendations

- Fully respect, protect and fulfil the right to conscientious objection to military service by ensuring that it applies at all times including during mobilisation and applies to serving soldiers and reservists as well as conscripts and that the Alternative Civil Service is not punitive and discriminatory in terms of its nature, length, condition or cost, and accept claims of conscientious objection without enquiry or establish independent and impartial decision-making bodies to determine conscientious objection claims.

III. Violations linked to Russia’s use of weapons

Human rights violations and violations of International Humanitarian Law (IHL), including violations amounting to war crimes, in the context of Russia’s involvement in the conflict in Syria and its military invasion of Ukraine have been documented.

Examples can be found in Col on Syria’s reports,⁴⁷ such as two attacks conducted by Russian air forces, for which the Col concluded (2020 report) that “In both incidents, the Russian Air Force did not direct the attacks at a specific military objective, amounting to the war crime of launching

⁴⁴ UN Human Rights Committee ‘Consideration of reports submitted by States Parties under article 40 of the Covenant: Concluding observations of the Human Rights Committee, Russian Federation’ (24 November 2009) UN Doc CCPR/C/RUS/CO/6, paragraph 23.

⁴⁵ See also, UN Human Rights Council, forty-first session ‘Report of the Office of the High Commissioner on Human Rights’ (24 Mays 2019) UN Doc A/HRC/41/23, paragraph 44: “In the Russian Federation, conscientious objectors must apply to the draft board for alternative civilian service. The draft board, which by law is separate from the military commission, makes decisions regarding call-ups to military service and evaluates applications for alternative civilian service. The military commission organizes conscription, sends summons to draftees, and keeps a record of draftees. In practice, however, it has been reported that the draft board is dependent on the military commission and cannot take impartial decisions”.

⁴⁶ In 2009, the HR Committee also recommended that Russia “consider placing the assessment of applications for conscientious objector status entirely under the control of civilian authorities” UN Human Rights Committee ‘Consideration of reports submitted by States Parties under article 40 of the Covenant: Concluding observations of the Human Rights Committee, Russian Federation’ (24 November 2009) UN Doc CCPR/C/RUS/CO/6, paragraph 23. Note also that in 2013, the HRC reiterated a call upon states without a system to accept claims of conscientious objection as valid without inquiry “to establish independent and impartial decision-making bodies with the task of determining whether a conscientious objection to military service is genuinely held in a specific case, taking account of the requirement not to discriminate between conscientious objectors on the basis of the nature of their particular beliefs. UN Human Rights Council, ‘Resolution 24/17, Conscientious objection to military service’ (8 October 2013) UN Doc A/HRC/RES/24/17, paragraph 8.

⁴⁷ Independent International Commission of Inquiry on the Syrian Arab Republic

indiscriminate attacks in civilian areas.”⁴⁸

Reporting to the HRC in March 2023, the Col⁴⁹ on Ukraine stated that it “has concluded that Russian armed forces have carried out attacks with explosive weapons in populated areas with an apparent disregard for civilian harm and suffering. It has documented indiscriminate and disproportionate attacks, and a failure to take precautions, in violation of international humanitarian law.”⁵⁰

In November 2022, Action on Armed Violence (AOAV) published a new analysis “that, since 2012, when Russian armed forces used explosive weapons in towns and cities 98% of the resulting casualties were civilians. In just over a decade, it was also found that 84% of Russian explosive violence has targeted populated areas, especially urban residential areas.”⁵¹ Further information is available in the Annex.

Recommendations

- Immediately all cease attacks on civilians and civilian objects, in accordance with its obligations under IHL and implement the recommendations of the Col on Ukraine (see report A/HRC/52/62) in this regard;
- Stop using explosive weapons in populated areas and endorse the Political Declaration on the use of EWIPA;⁵²
- Stop using cluster munitions and ratify the Convention on Cluster Munitions;
- Fully collaborate in any investigation and relevant accountability mechanism regarding violations of international law related to the use of explosive weapons by Russia or committed

⁴⁸ A/HRC/43/57, 28 January 2020, paragraph 25. Available in UN OHCHR Press release, ‘UN Commission of Inquiry on Syria: Unprecedented levels of displacement and dire conditions for civilians in the Syrian Arab Republic’ (2 March 2020) available at: <<https://www.ohchr.org/en/press-releases/2020/03/un-commission-inquiry-syria-unprecedented-levels-displacement-and-dire?LangID=E&NewsID=25638>>.

⁴⁹ Independent International Commission of Inquiry on Ukraine

⁵⁰ UN Human Rights Council, fifty second session, ‘Report of the Independent International Commission of Inquiry on Ukraine’ (15 March 2023) UN Doc A/HRC/52/62 (Advance unedited version) page 1. Available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A_HRC_52_62_AUV_EN.pdf>.

⁵¹ Action on Armed Violence (AOAV), “98% of casualties from Russian use of explosive weapons in towns and cities civilians”, <<https://aoav.org.uk/2022/98-of-casualties-from-russian-use-of-explosive-weapon-in-towns-and-cities-civilians-research-of-a-decade-of-military-strikes-reveals/>>.

⁵² Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas.

with Russian weapons including in Syria and Ukraine;

- Take all necessary measures to provide justice, truth and reparations and guarantees of non-recurrence to victims and their families of violations linked to Russia's use of explosive weapons and violations facilitated by the use of weapons provided by Russia, with a view to providing remedy through a coherent framework that addresses both the direct and subsidiary impact of crimes committed with a special consideration for gendered harm and disproportionate impact on women and girls.⁵³
- Ratify the Rome Statute.

IV. Concerns relating to Russia's arms trade

Russia was the world's second-largest arms exporter in 2017–21, according to data from the Stockholm International Peace Research Institute (SIPRI). During that period, its top three recipients were India, China and Egypt.⁵⁴ In 2023, SIPRI reported that just under two thirds of Russian arms exports went to these three states in 2018–22. India was also the largest recipient of Russian arms in 2013–17, but exports to India decreased between the two periods. In contrast, exports to China and Egypt increased within the same time frame, and they became Russia's second and third largest recipients.⁵⁵ In 2017–21 both China and Egypt received air defence systems and combat aircraft from Russia. During the same period, Russia accounted for 41% of Egyptian arms imports.⁵⁶ The deep concerns relating to the human rights situation in these countries are well-known and have been brought to the attention of UN bodies, such as the HRC.⁵⁷

Arms exports are closely controlled by the government through a single state-controlled special exporter named Rosoboronexport, whose operations are overseen by, among others, the President

⁵³ For an illustration of the differential impacts of the use of explosive weapons in populated areas on women, see Reaching Critical Will, 'Women and explosive weapons', available at:

<<https://www.reachingcriticalwill.org/images/documents/Publications/WEW.pdf> >

⁵⁴ Pieter D. et al. 'Trends in International Arms Transfers, 2021' (SIPRI Fact sheet, March 2022) available at:

<https://www.sipri.org/sites/default/files/2022-03/fs_2203_at_2021.pdf>.

⁵⁵ Stockholm International Peace Research Institute, 'Surge in arms imports to Europe, while US dominance global arms trade increases' (13 March 2023) available at: <<https://www.sipri.org/media/press-release/2023/surge-arms-imports-europe-while-us-dominance-global-arms-trade-increases>>.

⁵⁶ Pieter D. et al. 'Trends in International Arms Transfers, 2021' (SIPRI Fact sheet, March 2022) available at: <https://www.sipri.org/sites/default/files/2022-03/fs_2203_at_2021.pdf>.

⁵⁷ See for example, Amnesty International, 'Human Rights Council must address human rights crises in Egypt, India and China' (12 March 2021) available at : <<https://www.amnesty.org/en/documents/ior40/3821/2021/en/>>.

and the government of the Russian Federation.⁵⁸

Rosoboronexport's "activities are aimed at the consolidation of Russia's military and political foothold in various regions across the globe, preservation of the country's position among global exporters of MG."⁵⁹

According to SIPRI, Russia supplied 71% of Syria's imports of major conventional weapons from 2008-2012.⁶⁰ Russia continued to provide weapons to the Syrian government even after the war started⁶¹ and opposed the imposition of an arms embargo on Syria. In 2018, HRW recalled that for years it had "called on Rosoboronexport to stop its arms dealings with the Syrian government and has also urged the international community to limit the company's opportunities for sales. Instead, Rosoboronexport is still cynically marketing weapons battleground tested in Syria at numerous fairs while civilians suffer from them in Syria."⁶²

In 2019, the FFM on Myanmar⁶³ reported that two Russian State-owned enterprises⁶⁴ sold fighter jets and provided servicing of helicopter gunships to the military junta in Myanmar (the "Tatmadaw").⁶⁵ The FFM concluded that Russia was among the states that "failed to refrain from transferring weapons although they expected or ought to have expected, based on the facts or their knowledge of past patterns of the Tatmadaw, that the weapons would be used in acts that violate

⁵⁸ More information on Rosoboronexport at: <<http://roe.ru/eng/rosoboronexport/status/>>.

⁵⁹ More information on Rosoboronexport strategy at: <<http://roe.ru/eng/rosoboronexport/strategy/>>.

⁶⁰ Paul Holtom et al. 'Trends in international arms transfers, 2012' (SIPRI Fact sheet, March 2013) available at: <<https://www.sipri.org/sites/default/files/files/FS/SIPRIFS1303.pdf>>.

⁶¹ Stockholm International Peace Research Institute, 'SIPRI Year Book 2013: Armaments, Disarmaments and International Security' (SIPRI, 2013) chapter 5.international arms transfers, available at: <<https://www.sipri.org/yearbook/2013/05>>; Reaching Critical Will, 'Bloodbath in Syria: Where from the Weapons?' (WILPF, 25 January 2016) available at: <<https://www.wilpf.org/bloodbath-in-syria-wherefrom-the-weapons/>>.

⁶² Lama Fakih, 'Russia Makes a Killing off its Military Support to Assad' (Human Rights Watch, 13 March 2018) available at: <<https://www.hrw.org/news/2018/03/13/russia-makes-killing-its-military-support-assad>>.

⁶³ Independent International Fact-Finding Mission on Myanmar.

⁶⁴ Irkutsk Corporation, United Aircraft Corporation (UAC) and Rostec, see UN Human Rights Council, forty-second session, 'The economic interests of the Myanmar military, Independent International Fact-Finding Mission on Myanmar' (5 August 2019) UN Doc A/HRC/42/CRP.3, page 108, available at: <<https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/economic-interests-myanmar-military>>.

⁶⁵ UN Human Rights Council, forty-second session, 'The economic interests of the Myanmar military, Independent International Fact-Finding Mission on Myanmar' (5 August 2019) UN Doc A/HRC/42/CRP.3, paragraphs 154, 155, 156, available at: <<https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/economic-interests-myanmar-military>>.

international human rights law and international humanitarian law.”⁶⁶ The FFM added that those states “provided arms and other related equipment in breach of their Common Article 1 obligations as a matter either of treaty law or of customary international humanitarian law.”⁶⁷ and “that these States knew, or were virtually certain, that the assistance would be used for unlawful purposes.”⁶⁸

In the context of arms transfers, Russia must abide by its obligations under IHRL, IHL, and general rules of State responsibility. Information on the legal framework applicable to those is provided in the Annex.

Recommendations

- Comply with its obligations to respect and ensure respect for the Geneva Conventions, including by refraining from providing arms, funding or other forms of support to governments or other actors when there are reasonable grounds to believe that they have committed violations of IHRL and/or IHL, including war crimes, or where there is an expectation that such support may be used to commit or enable further violations;
- Immediately stop all transfers of arms, ammunition, and other military equipment, as well as the provision of services related to such equipment to countries where there is a substantial risk that they will be used to violate international law, including IHRL and/or IHL;
- Ensure that the state-owned company Rosoboronexport adopt and fully apply a human rights policy, including through robust human rights due diligence policies and processes that ensure the company’s operations “are carried out in full compliance with rules of international law and provisions of the UN Charter,” as it claims they are;⁶⁹

⁶⁶ “168. The Mission similarly concludes that China, Democratic People’s Republic of Korea, Israel, Russia, and Ukraine failed to refrain from transferring weapons although they expected or ought to have expected, based on the facts or their knowledge of past patterns of the Tatmadaw, that the weapons would be used in acts that violate international human rights law and international humanitarian law.” UN Human Rights Council, forty-second session, ‘The economic interests of the Myanmar military, Independent International Fact-Finding Mission on Myanmar’ (5 August 2019) UN Doc A/HRC/42/CRP.3, paragraph 168, available at: <<https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/economic-interests-myanmar-military>>.

⁶⁷ UN Human Rights Council, forty-second session, ‘The economic interests of the Myanmar military, Independent International Fact-Finding Mission on Myanmar’ (5 August 2019) UN Doc A/HRC/42/CRP.3, paragraph 169, available at: <<https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/economic-interests-myanmar-military>>.

⁶⁸ UN Human Rights Council, forty-second session, ‘The economic interests of the Myanmar military, Independent International Fact-Finding Mission on Myanmar’ (5 August 2019) UN Doc A/HRC/42/CRP.3, paragraph 169, available at: <<https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/economic-interests-myanmar-military>>.

⁶⁹ More information on Rosoboronexport at: <<http://roe.ru/eng/rosoboronexport/status/>>.

- Sign, ratify, and fully implement the ATT.⁷⁰

⁷⁰ Arms Trade Treaty