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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Seventh periodic report submitted by the Russian Federation under article 19 of the Convention pursuant to the simplified reporting procedure, due in 2022*

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* The present document is being issued without formal editing.

Replies to the list of issues (CAT/C/RUS/QPR/7)

Reply to the issues raised in paragraph 1 of the list of issues

1. The investigative bodies of the Russian Federation pay special attention to the protection of the constitutional rights of citizens to life, liberty and security of person and to the observance of the rights of participants in criminal proceedings.

2. Every report of torture and ill-treatment received is promptly looked into, in accordance with the procedure provided for in articles 144 and 145 of the Code of Criminal Procedure of the Russian Federation, a criminal case is opened if there are sufficient grounds, and a full and independent investigation is conducted.

3. Information on the progress and results of investigations is provided by the media and by authorized officials of the local procurator's offices and the Investigative Committee of the Russian Federation, provided that this is not at variance with the law on the disclosure of information on preliminary investigations.

4. The investigative bodies of the Committee have made organizational arrangements to improve the effectiveness of efforts to prevent torture and ill-treatment. Attention is focused on the following: making objective assessments of bodily harm detected in suspects and persons accused of a crime; adopting a balanced approach to preventive measures against suspects and accused persons (taking into account health, social status and other factors); preventing the ill-treatment of suspects and accused persons; looking into each case of abuse or improper exercise of authority by law enforcement officers; and taking additional measures to thoroughly examine the allegations of persons who have suffered as a result of crimes, including by conducting the necessary investigative actions with the participation of these persons or their representatives. Officials conducting preliminary investigations are reminded of the need to implement the safeguards against torture and other ill-treatment.

5. Officers of the investigative bodies are constantly studying methods of investigating certain types of crime, including those related to the improper exercise and abuse of authority, and tactics for interrogating persons suspected and accused of committing this category of crime.

6. Regarding the situation of human rights defenders and journalists, it should be noted that Russia provides for criminal liability (Criminal Code of the Russian Federation, art. 144) for obstructing the legitimate professional activities of journalists by forcing them to disseminate or refrain from disseminating information. The criminal penalties for such actions are increased if they are committed by a person in his or her official capacity or with the use or threat of violence against the journalist or his or her family, or damage to or destruction of property.

7. As a guarantee of the exercise by lawyers of their rights, a special procedure is provided for in criminal procedural law for initiating criminal proceedings against them, bringing formal charges against them and conducting searches and seizures in residential and office buildings used by them to practise law (Code of Criminal Procedure, chap. 52).

8. Regarding the case of Sergei Magnitsky, we would like to inform you that the Central Investigation Department of the Investigative Committee conducted a criminal investigation into his death in custody.

9. It was found that the cause of his death was related to the negligence of Dr. Litvinovaya, the attending physician, and Mr. Kratov, deputy director of detention facility No. IZ-77/2 of the Federal Penal Service in Moscow in charge of medical services. The proceedings against Dr. Litvinovaya were terminated, as the statute of limitations for criminal prosecution had expired. The Tver District Court of Moscow acquitted Mr. Kratov for lack of evidence.

10. A criminal investigation was conducted into the involvement in Mr. Magnitsky's death of the officials of the Federal Penal Service and of the Ministry of Internal Affairs of the Russian Federation, supervising procurators and judges who were mentioned by the aggrieved party, her representatives and human rights activists in their representations, but

the claims that they had committed unlawful acts against Mr. Magnitsky were not corroborated, and the criminal case was consequently dropped for lack of evidence of an offence.

11. Regarding the case of Evgeny Makarov, it should be noted that the Central Investigation Department of the Investigative Committee is continuing to investigate the facts of the criminal case brought on 20 July 2018 involving the improper exercise of authority against convicted prisoners by officials from correctional colony No. 1 of the department of the Federal Penal Service for Yaroslavl Province (Criminal Code, art. 286 (3) (a)).

12. The six criminal cases brought involving unlawful actions by officials from the correctional colony in Yaroslavl Province were dealt with in a single set of proceedings. Five convicted persons held in this correctional colony, including Mr. Makarov, were recognized as victims in the criminal case.

13. In November 2020, 11 officials of the correctional colony were prosecuted, convicted and given various prison sentences without probation (between 3 years and 3 years and 4 months).

14. Eighteen officers of the penal system involved in the incident were dismissed.

15. Mr. Makarov was released from prison on 2 October 2018 after serving his criminal sentence. In July 2022, he died of pneumonia.

16. Regarding the alleged threats against Mr. Makarov's lawyer, Irina Biryukova, we would like to inform you that, on 23 July 2018, the Investigative Department for Yaroslavl Province carried out a check following media reports (*Novaya gazeta*) about alleged threats against her by unidentified persons in connection with her professional activities.

17. On 26 October 2018, a State protection order was issued for Ms. Biryukova and her daughter.

18. Following the check on the crime report, a decision was taken not to institute criminal proceedings on the grounds set out in article 24 (1) (1) of the Code of Criminal Procedure, i.e. in connection with the absence of elements of a crime as provided for under article 119 of the Criminal Code (Threat of murder or infliction of grievous bodily harm).

Reply to the issues raised in paragraph 2 of the list of issues

19. The prohibition of torture, violence or other cruel or degrading treatment or punishment is established in article 21 (2) of the Constitution. Similar provisions are contained in sectoral legislation, in particular, article 7 (2) of the Criminal Code and article 9 (2) of the Code of Criminal Procedure.

20. Under the Criminal Code, "torture" is not an individual offence, as provided in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Criminal liability for acts of torture is incurred under several articles of the Special Section of the Criminal Code (in particular, arts. 117, 286 and 302).

21. According to statistical reports of the Judicial Division of the Supreme Court of the Russian Federation, in 2021, 442 persons were convicted of aggravated cruel treatment, including torture (Criminal Code, art. 117 (2)) (366 persons in 2020 and 499 in 2019), and 575 persons holding public office were convicted of improper exercise of authority under aggravating circumstances (Criminal Code, art. 286 (3)) (503 persons in 2020 and 626 in 2019); between 2019 and 2021, there were no convictions for coercion to testify involving the use of violence, bullying or torture (Criminal Code, art. 302 (2).

22. In addition, there are continued developments in criminal legislation aimed at combating torture and other cruel or degrading treatment. Federal Act No. 307-FZ of 17 July 2022 amending the Criminal Code establishes increased penalties for crimes committed by officials with the use of torture, namely in the improper exercise of authority (Criminal Code, art. 286 (4) and (5)) and coercion to testify (Criminal Code, art. 302 (3) and (4)). Such acts are punished by a term of 4 to 12 years, with forfeiture of the right to hold certain posts or engage in certain activities for up to 10 years (Criminal Code, arts. 286 (4) and 302 (3)).

23. Improper exercise of authority or coercion to testify, committed with the use of torture, that results in the victim's death by negligence or causes serious harm to his or her health is punished by deprivation of liberty for a term of up to 15 years with forfeiture of the right to hold certain posts or engage in certain activities for up to 10 years (Criminal Code, arts. 286 (5) and 302 (4)).

24. In addition, article 302 of the Criminal Code expands the range of persons to whom the offence applies: along with the investigator or person carrying out the initial inquiry, any law enforcement officer is to be held liable for coercion to testify.

25. These acts are classified as especially serious offences, for which, in accordance with article 78 (1) (d) of the Criminal Code, the statute of limitations is 15 years from the date when the offence occurred.

26. In addition, despite the high degree of danger that the offences pose to the public, there are not sufficient grounds for their inclusion in the list of offences to which statutes of limitations do not apply.

27. Furthermore, Federal Act No. 307-FZ has introduced explanatory notes to article 286 of the Criminal Code in which a detailed definition of torture is provided.

28. The term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or her or a third person information or a confession, punishing him or her for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind. Physical or mental suffering that arises as a result of lawful actions of an official or another person or is inevitably associated with such actions represents an exception.

29. This definition reproduces the notion of "torture" contained in article 1 (1) of the Convention.

Reply to the issues raised in paragraph 3 of the list of issues

30. Russian legislation provides for the necessary guarantees of the rights of persons in custody held on suspicion of or charged with an offence.

31. First, the Code of Criminal Procedure guarantees a person suspected of a crime the right to have a defence counsel participate in a criminal case from the moment that efforts to gather incriminating evidence begin (art. 49). The suspect or accused person has the right to meet with defence counsel in private and confidentially, including before the initial questioning, without restriction as to the number and duration of such meetings. A lawyer is granted a meeting with a suspect or accused person before the start of criminal proceedings in order to obtain the person's consent to the lawyer's participation in the proceedings.

32. As soon as possible, but no later than three hours after being brought before the body of inquiry or the investigator, the suspect is entitled to one telephone call in Russian in the presence of the person conducting the inquiry or the investigator in order to notify immediate family members, relatives or close friends of his or her detention and whereabouts, and such calls are logged in the record of arrest. It is possible to keep the fact of detention secret in the interests of the preliminary inquiry by means of a non-disclosure order issued by the investigator or person conducting the initial inquiry, with the authorization of the procurator. This rule does not apply to juvenile suspects, whose close relatives must be notified of their detention in all cases.

33. Secondly, the right of suspects and accused persons placed in a detention facility, police cell or remand centre to appropriate medical care is guaranteed.

34. The rights of suspects and accused persons who are held in police custody during the preliminary investigation, including the right to medical care, are provided for in Federal Act No. 103-FZ of 15 July 1995 on the Custody of Suspects and Accused Persons and the internal regulations for temporary holding facilities of the internal affairs agencies for the detention

of suspects and accused persons, approved by Ministry of Internal Affairs Order No. 950 of 22 November 2005.

35. When suspects and accused persons are held in or released or transferred from such facilities, they undergo mandatory medical examinations to assess their state of health and determine whether they have any bodily injuries. In a number of cases, including at the request of a suspect or accused person, a medical examination is performed by staff members of other medical institutions. A complaint may be lodged with the procurator's office or the court if a request for such an examination is refused. In the event that bodily harm is detected, an inquiry is conducted in accordance with articles 144 and 145 of the Code of Criminal Procedure, and the results of the inquiry are used to decide whether or not to institute criminal proceedings.

36. In accordance with paragraph 15 of the Instruction on the procedure for the performance of duties and implementation of rights by police in the duty stations of the local agencies of the Ministry of Internal Affairs upon bringing persons to the station – approved by order of the Ministry, No. 389 of 30 April 2012 – before placing the person in the detention facility, the officer on duty must question the person about any chronic illnesses or health complaints and enter the relevant information in the record of arrest.

37. If the person who has been brought in has visible wounds, bodily injuries or is in a condition requiring urgent medical intervention (in cases of accidents, injuries, poisoning and other conditions and illnesses that threaten life or health), or if the person makes a statement about a deterioration in health, self-inflicted bodily harm or attempted suicide on police station premises, after reporting the matter to the head of the local office of the Ministry of Internal Affairs, the duty officer must:

- Call the mobile emergency medical service, administer first aid and keep the person under constant observation until the service arrives. If the service cannot reach the person in a timely manner, the duty officer is obliged to take him or her to the nearest medical facility.
- Ascertain the reasons for and circumstances surrounding the person's wounds or bodily harm and reflect this in the record of arrest.

38. In accordance with paragraph 16 of the Instruction, in the event that information is received concerning the infliction of wounds or bodily harm as a result of violent actions, a statement from the person concerned is to be provided and, if this is not possible, a reasoned report is to be drawn up and logged in the register of reports of criminal and administrative offences and incidents.

39. Paragraph 14 of the procedure for organizing the provision of medical care to persons remanded in custody or serving a sentence of deprivation of liberty, approved by Ministry of Justice Order No. 285 of 28 December 2017, and section XII of the internal regulations for pretrial detention centres of the penal system, approved by Ministry of Justice Order No. 110 of 4 July 2022, provide for the following.

40. When a person in custody or a convicted person complains of bodily harm, injuries or poisoning, or when a medical professional or other employee of the penal system discovers visible signs of bodily harm, injuries or poisoning after the necessary medical care is provided, a medical professional is to draw up a medical examination report on the bodily harm, injuries or poisoning. Evidence of bodily harm, injuries or poisoning is to be recorded in the register of bodily harm, injuries and poisonings, the register of patients receiving medical care in outpatient settings and the patient's medical records. If additional examinations and consultations with medical specialists are required to determine the occurrence of bodily harm, injury or poisoning, these examinations and consultations are to be ordered by a medical professional.

41. The administration of penal institutions is to ensure the proper storage of photos and video materials, if any, that attest to the suspect's or accused person's bodily harm, (domestic or occupational) injuries or poisoning until the investigative measures are completed and a decision is taken by the body conducting the initial inquiries or investigation in accordance with articles 144 and 145 of the Code of Criminal Procedure.

42. Thirdly, suspects and accused persons are guaranteed the right to appeal, including court appeals, against any unlawful acts or omissions and decisions of government officials that restrict or violate their rights and freedoms.

43. Under article 21 of Federal Act No. 103-FZ, proposals, statements and complaints addressed to the procurator's office, the courts or other public authorities that are entitled to monitor places of detention of suspects and accused persons, to the Commissioner for Human Rights of the Russian Federation, the Commissioner for Children's Rights in the Office of the President, the Commissioner for the Protection of Entrepreneurs' Rights, the Commissioners for Human Rights in the constituent entities of the Russian Federation and the Commissioners for the Protection of Entrepreneurs' Rights in the constituent entities, and also in accordance with the treaties of international bodies for the protection of human rights and freedoms to which the Russian Federation is a party, are not subject to censorship and are to be sent to the bodies concerned in a sealed envelope no later than the working day following the submission of the proposal, statement or complaint.

44. Suspects and accused persons are entitled to free legal aid. Pursuant to article 47 (4) (8) of the Code of Criminal Procedure, accused persons have the right to be assisted by counsel, including free of charge. Under article 50 (5) of the Code of Criminal Procedure, if a lawyer participates in a preliminary investigation or court proceedings ordered by the person conducting the initial inquiry, investigator or court, his or her labour costs are reimbursed from the federal budget.

45. In addition to the traditional forms of monitoring compliance with the rights of detainees, involving round-the-clock departmental and procuratorial checks on compliance with the law in places of detention and administrative detention, the internal affairs agencies also use audiovisual means of objective monitoring and supervision.

46. Their use in police cells and special detention facilities is an integral component of the mechanism that provides for detention conditions and procedures and observance of the rights and safety of prisoners (prevention of unlawful acts, suicide attempts, self-harm, etc.). The number of suicides among suspects and accused persons in temporary holding facilities fell from 87 cases in 2009 to 18 in 2021 as a result of the work of the internal affairs agencies. Between 2016 and 2021, there were no more than two cases of suicide per year among persons sentenced to administrative detention in special detention centres.

47. The information obtained from video surveillance must be retained for at least 30 days and, like other matter produced in the course of the work of special police institutions, is confidential and may not be disseminated, on pain of punishment under the laws of the Russian Federation.

48. Similar measures to organize and improve the effectiveness of video surveillance systems are being taken in penal institutions. In order to ensure the supervision of suspects and accused and convicted persons, 170,270 video cameras are in operation in penal institutions (158,845 the previous year). The practice of mandatory use of video recorders by the staff on duty during day shifts in penal institutions has been introduced. Officers who fail to use the body cameras issued to them while on duty are subject to disciplinary sanctions and, if there are no recordings in the event of the use of physical force or restraints on suspects, accused persons and convicted prisoners (other than in cases of force majeure), the matter of the dismissal of the officers in question from the penal institution is considered.

49. In addition, currently, a federal bill is being prepared aimed at amending the Penalties Enforcement Code and Federal Act No. 103-FZ, providing for the introduction of a new provision in article 34 on the admissibility of using such recording devices.

Reply to the issues raised in paragraph 4 of the list of issues

50. Article 19 of the Constitution guarantees equality of human and civil rights and freedoms regardless of sex, with men and women having equal rights and freedoms and equal opportunities for their realization.

51. Despite the absence of separate provisions aimed at combating gender-based violence, the Russian Federation has established criminal, administrative or civil liability for any violence, including domestic violence.

52. The following criminal offences are punished under the Criminal Code: intentional infliction of grievous bodily harm (art. 111); murder committed in the heat of passion (art. 107), causing death by negligence (art. 109); intentional infliction of moderate bodily harm (art. 112); intentional infliction of minor bodily harm (art. 115); battery (art. 116); battery by a person who has previously incurred an administrative penalty; (art. 1161); cruel treatment (art. 117); threat of murder or grievous bodily harm (art. 119); and others. Depending on the circumstances, acts of domestic violence may be classified as rape (art. 131), sexual assault (art. 132) or sexual coercion (art. 133). The commission of any offence against a woman known to the perpetrator to be pregnant, against another defenceless or helpless person or a person dependent on the perpetrator, or the commission of a crime involving particular cruelty, sadism, bullying or torture of the victim, are considered to be aggravating circumstances that carry heavier penalties (art. 63 (1) (h) and (i)). A single occurrence of battery is subject to administrative penalties (Code of Administrative Offences, art. 6.1.1). Certain constituent parts of administrative offences have been introduced at the level of the constituent entities (for example, "domestic disturbances" and "family and domestic disturbances" are provided for by the laws of the Republic of Mordovia, Saratov Province, etc.).

53. As of the end of 2021, crimes against women had decreased, from 670,000 to 618,000 crimes, including violent crimes, from 72,000 to 68,000.

54. In order to ensure adequate criminal protection of the right to security of person and the right to protection of the dignity of the individual against violence, under Federal Act No. 203-FZ of 28 June 2022 amending article 1161 of the Criminal Code and article 20 of the Code of Criminal Procedure, a second paragraph has been added to article 116^1 of the Criminal Code making it an offence for a person who has already been convicted of a violent crime to commit battery or any other violent act that causes physical pain.

55. A federal bill aimed at amending the Code of Criminal Procedure is currently under consideration (involving changing the type of criminal procedure used for the prosecution of offences under article 115 (1), article 116^1 and article 128^1 (1) of the Criminal Code); it provides for the classification of such offences as criminal cases to be handled using a semi-public prosecution procedure. The bill is designed to eliminate the existing shortcomings of the criminal prosecution procedure in such cases, whereby pursuing charges in court, proving the defendant's guilt and allowing for the possibility of terminating a criminal case in the event of reconciliation between the parties fully depend on the victim's position and efforts. The proposed change in the procedure for criminal prosecution would mean that the main burden of proof would be placed on law enforcement agencies, which would ensure a more thorough investigation of the circumstances of the crimes during the preliminary investigation.

56. Liability under articles 116 and 116^1 of the Criminal Code is also established with a view to preventing more serious offences against the person. The legislative guarantees against physical assault are therefore fully preserved and sufficient. This is indirectly confirmed by the decreases of 13.2 per cent in the number of murders and attempted murders of women and of 1 per cent in the number of aggravated beatings in which women were recognized as victims in 2021.

57. These statistics suggest that, in general, there has been no significant increase in "domestic violence" since the entry into force of the provisions excluding battery committed against family members from criminal liability. Some 88,000 offences against women were committed by family members and relatives, representing 15 per cent of the total number of reported offences against women.

58. Criminal law provides for other means of protecting women against domestic violence. The Federal Act on State Protection of Victims, Witnesses and Other Participants in Criminal Proceedings provides for a range of measures to be carried out to ensure the safety of protected persons. Centres to assist women and children, which operate hotlines, have been established in the constituent entities.

59. Attention is paid to violations of the law when receiving, registering and examining reports of offences. In 2021, 1,825 criminal cases were brought following the annulment of unlawful, unjustified decisions not to initiate criminal proceedings under article 116 of the Criminal Code, and 377 under article 116^1. The number of case files on violations of civil rights and freedoms forwarded by procurators to authorized bodies for a decision on whether to bring a criminal prosecution was 8,700 in 2021, and more than 8,000 criminal cases were initiated as a result of their consideration.

60. Citizens who are victims of domestic violence have the right to access services and assistance, including social protection and health care, which is regulated by Federal Act No. 442-FZ of 28 December 2013 on the Principles of Social Services in the Russian Federation.

61. The following social service organizations provided social services to women victims of domestic violence in 2020:

- 241 social assistance centres for families and children
- 587 social rehabilitation centres for minors
- 68 children's shelters
- 361 special units for families and children in social service centres
- 947 integrated social service centres
- 14 women's crisis centres
- 71 women's crisis units and 57 hostels for women with children in social service organizations for families and children

62. For example, 1,845 women and children were offered shelter in the Women's and Children's Crisis Centre of the Department of Labour and Social Protection in Moscow between 2014 and 2020. During this period, 52,860 citizens came to the centre in person for psychological assistance and 29,258 sought help over the phone.

63. The services most in demand include: psychological counselling, psychological diagnosis and therapy, assistance and counselling on employment, completion of paperwork and social support measures as well as provision of material assistance.

64. The executive authorities of the constituent entities provide all types of support to non-profit organizations involved in providing social assistance to women victims of domestic violence.

65. We also draw attention to the fact that the recommendations of international human rights bodies are taken into account in the work of the State authorities. In particular, the texts of the European Court of Human Rights judgment of 9 July 2019 in the case of *Volodina v. Russia* and the Views of the Committee on the Elimination of Discrimination against Women of 25 February 2019 in the case of *S.T. v. Russian Federation*, which dealt with domestic violence, have been brought to the attention of judges and staff of the Supreme Court, sent to the lower courts for information purposes and consideration for their work in practice, and included in the surveys of the practice of international bodies for the protection of human rights and fundamental freedoms, Nos. 1 and 6 of 2020, for wide use in the activities of public authorities.

Reply to the issues raised in paragraph 5 of the list of issues

66. In the Russian Federation, trafficking in persons is considered a complex phenomenon concerning not only the commission of any form of transaction in relation to a person, but also various forms of exploitation of a person and his or her servitude.

67. Offences related to trafficking in persons include the unlawful acts provided for in articles 120, 127^1, 127^2, 240, 240^1, 241, 242, 242^1 and 242^2 of the Criminal Code.

68. An analysis of statistical information on the results of efforts to combat trafficking in persons in 2021 showed that no offences under article 120 of the Criminal Code (Forcible

removal of human organs and tissues for transplantation) had been identified in the Russian Federation.

69. Over the past year, 24 crimes (-36.8 per cent) were recorded under article 127 (1) of the Criminal Code (Trafficking in persons) and 23 people were prosecuted (-30.3 per cent).

70. Eight crimes (+60.0 per cent) were registered under article 127 (2) of the Criminal Code (Use of slave labour) in the past year, and eight people were prosecuted.

71. Systematic monitoring of the results of efforts to combat trafficking in persons shows that 99 per cent of cases involve forms of sexual exploitation. Young women in difficult situations or in need of social protection are often the victims of traffickers. In 2021, 162 criminal cases were initiated under article 240 of the Criminal Code (Recruitment into prostitution) (-30 per cent), and 126 perpetrators were identified (+41.6 per cent); under article 240^1 of the Criminal Code (Receipt of sexual services from a minor), 70 criminal cases were initiated and 8 perpetrators were identified; under article 241 of the Criminal Code (Organization of prostitution), 301 criminal cases were initiated (+14 per cent) and 486 perpetrators were identified; and under article 242 of the Criminal Code (Unlawful distribution and circulation of pornographic materials or objects) 1,664 criminal cases were initiated (+18.9 per cent) and 425 perpetrators were identified. Law enforcement agencies recorded offences under article 242^1 of the Criminal Code (Production and circulation of materials or objects with pornographic images of minors) on 620 occasions (+12.5 per cent) and under article 242^2 of the Criminal Code (Use of a minor for the purpose of producing pornographic materials and objects) on 401 occasions (+75.9 per cent).

72. At the initiative of the Office of the Procurator General, the 19th meeting of the Procurators General of the member States of the Shanghai Cooperation Organization was held in October 2021 to address issues related to combating trafficking in persons.

73. In November 2021, a representative of the Office of the Procurator General of the Russian Federation participated in the meeting of National Co-ordinators and Rapporteurs on Combating Trafficking in Human Beings organized by the Office of the Organization for Security and Cooperation in Europe Special Representative and Co-ordinator for Combating Trafficking in Human Beings, together with the Council of Europe (Strasbourg, 15–16 November 2021).

74. Measures to prevent various forms of violence against women and children are implemented under the framework of the National Strategy for Women for the period 2017–2022, approved under Government Order No. 410-r of 8 March 2017, as well as Federal Act No. 182-FZ of 23 June 2016 establishing a crime-prevention system in the Russian Federation.

75. Local social welfare centres for families and children, social rehabilitation centres for minors, shelters for children and adolescents, public psychological and educational assistance centres and emergency psychological assistance hotlines have been established to provide assistance and implement rehabilitation programmes in the Russian Federation. Minors in difficult situations who have been victims of violence are provided with free temporary accommodation in specialized social service establishments, mental health and educational counselling, social and legal protection, welfare and sociomedical support, and rehabilitation services. The State social services system is managed by the authorities of the constituent entities of the Russian Federation.

76. The concepts of “trafficking in children” and “child exploitation” were introduced into Russian legislation in Federal Act No. 58-FZ of 5 April 2013 amending certain legislative acts of the Russian Federation in order to prevent the sale of children, their exploitation, child prostitution and activities related to the production and circulation of materials or objects with pornographic images of minors; under this Act, State and local authorities, within the limits of their powers, were assigned responsibility for taking measures to combat child trafficking and exploitation and provide assistance to child victims and their families, and the general principles and grounds for the liability of individuals and legal entities for offences in this area were established.

77. Legal entities are also held liable for the administrative offence of creating conditions for the trafficking and/or exploitation of children (art. 6.19 of the Code of Administrative Offences).

78. One of the legal guarantees aimed at protecting the interests of children is found in article 156 of the Criminal Code, which establishes criminal liability for failure to meet child-rearing obligations and for cruel treatment of children. The criminalization of such acts ensures protection of the sexual integrity of children against all forms of sexual exploitation.

79. According to data from the Judicial Division of the Supreme Court, 16 people were convicted in each year of the period in question for offences related to trafficking in persons (Criminal Code, art. 127^1).[1] All of those people were given custodial sentences: in 2021, 10 people (5 in 2020 and 14 in 2019) were ordered to serve their sentences, while 6 people (11 in 2020 and 2 in 2019) were given suspended sentences.

80. The plenum of the Supreme Court adopted Resolution No. 58 of 24 December 2019, on judicial practice in cases of human abduction, illegal deprivation of liberty and trafficking in persons in order to ensure uniform application by the courts of the legislation on criminal liability for such offences.

81. Under current criminal procedural legislation, a victim of trafficking in persons acquires the status of victim in a criminal case and is granted a wide range of rights (Code of Criminal Procedure, art. 42) to assert his or her rights and legitimate interests, including the right to have the assistance of a representative (including a lawyer) and to file a civil claim in a criminal case for compensation for the harm caused by the offence. Moreover, under articles 131 and 132 of the Code of Criminal Procedure, the victim is entitled to compensation for procedural costs associated with participation in the case, including the amounts spent on costs associated with the participation of his or her representative in the criminal case.

82. With regard to international legal cooperation, the following international treaties with provisions on the prevention of trafficking in persons have been concluded since 2018:

(a) Treaty on Friendly Relations and Comprehensive Strategic Partnership between the Russian Federation and Mongolia, signed in Ulaanbaatar on 3 September 2019 and ratified by the Russian Federation under Federal Act No. 198-FZ of 13 July 2020. Article 7 of the Treaty provides that the Parties shall cooperate bilaterally and multilaterally to combat trafficking in persons;

(b) Strategic Partnership Treaty between the Russian Federation and Turkmenistan of 2 October 2017, ratified by the Russian Federation under Federal Act No. 152-FZ of 27 June 2018. Article 9 of the Treaty states that the Parties shall broaden and deepen their cooperation to combat trafficking in persons;

(c) Protocol amending the Agreement between the Government of the Russian Federation and the Government of the Hellenic Republic on Cooperation between the Ministry of Internal Affairs of the Russian Federation and the Ministry of Public Order of the Hellenic Republic to Combat Crime of 6 December 2001, signed in Moscow on 7 December 2018. The Protocol entered into force on 28 October 2020. Article 2 of the Protocol states that the competent authorities shall cooperate to prevent, detect, deter and solve crimes, primarily trafficking in persons and trafficking of human organs;

(d) Cooperation Agreement between the Ministry of Internal Affairs of the Russian Federation and the Ministry of the Interior of the Republic of Mozambique of 22 August 2019. In accordance with its article 14 (1), the Agreement entered into force on 22 August 2019. In accordance with article 2, the Parties shall cooperate to prevent, detect, deter and solve crimes, including those committed by an organized group or criminal association or organization, primarily trafficking in persons, especially women and children, as well as trafficking of human organs and tissues;

[1] Information is provided on the total number of people involved in criminal cases who were accused of committing offences under the category in question, when article 127^1 was the main provision concerned.

(e) Agreement between the Government of the Russian Federation and the Government of the Republic of El Salvador on Cooperation in Combating Crime, especially in its Organized Forms, of 24 May 2019. In accordance with article 1 of the Agreement, cooperation shall be carried out, inter alia, to combat criminal acts characterized as offences: trafficking in persons, especially women and persons under 18 years of age, forced prostitution, sexual exploitation of persons under 18 years of age and child pornography;

(f) Protocol on Cooperation in Combating Organized Crime in the Caspian Sea to the Agreement on Cooperation in the Field of Security in the Caspian Sea of 18 November 2010, signed in Aktau on 12 August 2018. Article 3 of the Protocol states that the Parties shall cooperate to combat the crimes of trafficking in persons, especially women and children, and the removal of human organs or tissues for transplantation, as well as irregular migration.

83. Since 2017, the Ministry of Internal Affairs of the Russian Federation has concluded 15 cooperation agreements with the competent agencies of foreign States, under which the parties cooperate to prevent, detect, deter and solve crimes, including those committed by an organized group or criminal association or organization under article 127.1 of the Criminal Code (Trafficking in persons).

Reply to the issues raised in paragraph 6 of the list of issues

84. The grounds and procedure for recognition as a refugee in the territory of the Russian Federation are defined in Federal Act No. 4528-I of 19 February 1993 on Refugees, which establishes guarantees for the protection of the rights and legitimate interests of refugees in the Russian Federation.

85. A refugee is understood as a person who is not a citizen of the Russian Federation and who has grounded, reasonable fears that he or she will be persecuted based on race, religion, citizenship, nationality, membership of a particular social group, or political opinions, and who is outside of his or her country of origin and cannot benefit from the protection of that country or does not want to benefit from such protection in the light of those fears; or, not having a certain nationality and being outside the country of his or her former habitual residence as a result of such events, is unable or, owing to such fear, unwilling to return to it.

86. As confirmation of refugee status, a person is issued a certificate valid for the period during which he or she is recognized as a refugee, but for no longer than three years (Refugees Act, art. 3, para. 2 (7); Regulation on the Processing, Issuance and Exchange of the Refugee Document, para. 3).

87. If a person outside the territory of the Russian Federation is refused refugee status, the federal internal affairs authority shall, within five working days of the date of the refusal decision, send the decision to the diplomatic mission or consular office at the place of submission of the application, which shall, within three working days of the date of receipt of the decision, deliver or send to the person concerned a notification indicating the reasons for refusal and the procedure for appealing the decision (Refugees Act, art. 7).

88. In the event that refugee status is denied to a person in the Russian Federation, the local office of the federal internal affairs authorities shall, within three working days of the date of the decision, deliver or send to the person concerned, at the place of his or her residence, a notice indicating the reasons for refusal and the procedure for appealing the decision, with an explanation of the legal status of the person and members of his or her family.

89. Under article 12 of the Refugees Act, a foreign citizen or stateless person may be granted temporary asylum in addition to refugee status, provided that they: have grounds for the recognition of refugee status, but have submitted only a written statement requesting a temporary stay in the Russian Federation; or do not have grounds for the recognition of refugee status under the circumstances provided for in the Refugees Act, but cannot be expelled (deported) from the Russian Federation for humanitarian reasons.

90. The provisions of article 218 (1) of the Code of Administrative Court Procedure establish that a citizen who has been denied temporary asylum or refugee status has the right

to apply to a court to challenge a decision or action (inaction) of a public authority, other body or official, if he or she believes that his or her rights, freedoms or legitimate interests have been violated or obstacles to their enjoyment have been created.

91. In accordance with article 462 of the Code of Criminal Procedure, the Procurator General of the Russian Federation or his or her deputy shall take the decision to extradite from the Russian Federation a foreign citizen or stateless person who is accused of having committed a crime or has been convicted by a court of a foreign State; the deputy shall notify in writing the person in respect of whom the decision is taken and explain the right to appeal the decision before a court.

92. The decision on extradition shall take legal effect 10 days after notification of the person against whom it is taken. If the decision is appealed, it shall not be issued until the court decision becomes effective.

93. An extradition decision taken by the Procurator General of the Russian Federation or his or her deputy may be appealed before the supreme court of a republic, a territorial or provincial court, a court of a federal city, a court of an autonomous province or a court of an autonomous area at the location of the person in respect of whom the decision was taken, within 10 days of receipt of the notification (Code of Criminal Procedure, art. 463).

94. The system of granting refugee status or temporary asylum in the Russian Federation continues to undergo reform. Pursuant to the federal migration policy framework for the period 2019–2025, approved under Government Order No. 265-r of 22 February 2019, the Ministry of Internal Affairs has developed a federal bill on granting asylum in the Russian Federation. The bill is aimed at reforming the asylum system in order to ensure that the Russian Federation complies with its international obligations towards persons seeking protection in its territory, taking into account the provisions of the Convention relating to the Status of Refugees of 28 July 1951 and the Protocol relating to the Status of Refugees of 31 January 1967, to which the Russian Federation is a party.

95. An important innovation is the establishment in national legislation of four types of asylum: refugee status, temporary or political asylum and temporary protection, as well as the criteria for granting them, in accordance with international standards.

96. Other proposals include a new procedure for granting asylum, under which the decision to grant the applicant refugee status or temporary asylum will be made during consideration of an application for asylum; this will reduce the time taken to determine the applicant's legal status by more than three months. Standards had been drafted on the confidentiality of information about asylum-seekers and persons granted asylum in the Russian Federation. There were also proposals to spell out in legislation the authority of the internal affairs authority to approve the mechanism for extending asylum, both in terms of the renewal of refugee status and the extension of temporary asylum, in order to confirm the existence of circumstances justifying the granting of asylum or its loss/forfeiture.

97. A separate regulation is envisaged for cases of mass exodus of foreign nationals in the event of internal political conflict in their country of citizenship; a new institution of "temporary protection" (one of the types of asylum) – an emergency preliminary means of providing protection for foreign nationals in the event of their mass arrival in the Russian Federation – is introduced to that end. In addition, the bill preserves the right of persons who have received temporary protection to receive another type of asylum in accordance with the established procedure.

98. The bill also provides for a standard that entitles a family member of a person granted asylum in the Russian Federation who arrived separately to apply for and be granted asylum at the same place of residence as their other family members. With regard to members of the same family arriving simultaneously in the Russian Federation, decisions are taken with due regard for preserving the integrity of the family, both in respect of minors and persons over the age of 18 years.

99. The bill, further, provides grounds for rejection of a request for asylum, including in order to prevent the institution of asylum being used as an alternative to the regularization of foreigners in the Russian Federation in accordance with the standard procedure; it will be possible in cases of: an unsubstantiated application; unreliable information, including

regarding the circumstances of arrival and the identity of the asylum-seeker; the existence of an application on which no decision has been made, or of a court decision on a refusal to grant asylum in the Russian Federation that has become enforceable; and abuse of the right to asylum when the individual concerned has opportunities to use other migration systems to regularize his or her legal situation in the Russian Federation in accordance with national legislation.

Reply to the issues raised in paragraph 7 of the list of issues

100. When considering requests for extradition from foreign States, the provisions of articles 10 and 12 of the Refugees Act are taken into account; these concern guarantees of the rights of persons applying for refugee status, those with refugee status, those who have lost or been deprived of such status and those applying for temporary asylum. Such persons may not be returned against their will to their country of nationality if the circumstances that gave rise to their application to the receiving State for protection persist.

101. Extradition may be refused on the grounds of article 464 (1) (2) of the Code of Criminal Procedure. The grounds for refusal include where a person whose extradition has been requested by a foreign State has been granted asylum in the Russian Federation.

102. In accordance with articles 10 and 12 of the Refugees Act, the decisions and actions (or omissions) of federal executive authorities, of the executive authorities of the constituent entities of the Russian Federation and of local authorities and officials may be challenged with a higher authority or in the courts in accordance with the provision of article 218 (1) of the Code of Administrative Court Procedure.

103. In its ruling of 14 June 2012 (as amended on 3 March 2015) on the consideration by the courts of issues relating to the extradition of persons for criminal prosecution or the enforcement of a sentence, as well as the transfer of persons to serve a sentence, the plenum of the Supreme Court of the Russian Federation highlighted that courts must bear in mind that, in accordance with article 7 of the International Covenant on Civil and Political Rights and article 3 of the Convention, a person may not be extradited if there are substantial grounds for believing that he or she could be subjected not only to torture but also to cruel, inhuman or degrading treatment or punishment in the requesting State (ruling, para. 12).

104. Paragraph 13 of the ruling states that extradition may be refused under certain circumstances, including circumstances related to age and physical condition, if evidence indicates that it would pose a danger to the person’s life or health (Code of Criminal Procedure, art. 9).

105. Paragraph 14 of the ruling specifies that, when considering an appeal against an extradition decision, the procuratorial authorities are responsible for ensuring in the course of reviewing an appeal against a decision to extradite a person that there are no substantial grounds for believing that the person could face the death penalty, torture, inhuman or degrading treatment or punishment or persecution based on race, religion, nationality, ethnic origin, membership of a particular social group or political views.

106. In order to effectively protect rights and freedoms, including the right to appeal against an extradition decision, under article 46 of the Constitution and article 462 (6) of the Code of Criminal Procedure, taking into account article 13 of the Convention for the Protection of Human Rights and Fundamental Freedoms, a person must be notified of the decision taken and simultaneously served with a copy of the decision. If a person has no or insufficient command of the Russian language, the said documents shall, in accordance with article 18 (3) of the Code of Criminal Procedure, be translated into the person’s native language or a language that he or she speaks (ruling, para. 24).

107. Courts are also reminded that the conditions and grounds for refusing extradition are laid out not only in the Code of Criminal Procedure and other laws, but also in international treaties to which the Russian Federation is a party. If a request for the extradition of a person who has been granted refugee status or temporary asylum is received by the Russian Federation from a State which is the country of nationality or habitual residence of the person or any other State in whose territory the circumstances that served as a basis for the awarding

of temporary asylum or refugee status occurred, the request may not be agreed to (ruling, para. 10).

108. Specific examples of judicial practice are set out in a review, approved by the Presidium of the Supreme Court on 8 December 2021, of the application by the courts when considering criminal cases of the generally recognized principles and rules of international law and international treaties to which the Russian Federation is a party.

109. For example, by a decision of Krasnoyarsk Territory Court of 15 May 2019, the decision of the Deputy Procurator General of the Russian Federation to extradite S. for criminal liability for fraud under article 177 (3) (b) of the Criminal Code of the Republic of Kazakhstan was upheld. The Judicial Chamber for Criminal Cases of the Supreme Court of the Russian Federation rejected the appeal by S. against the court's ruling, noting that S.'s arguments about the possibility of torture and ill-treatment in Kazakhstan had been considered by the court of first instance, which had found them to be baseless because they were unsubstantiated. Justifying its position that there was no threat that torture or other inadmissible treatment would be used against S. in Kazakhstan, the Judicial Chamber referred as evidence in the case to, along with other documents examined, rulings of the European Court of Human Rights, the views and other documents of the United Nations Human Rights Committee and decisions of the United Nations Committee against Torture (Decision No. 53-AGTU19-12 of the Judicial Chamber for Criminal Cases of the Supreme Court of 24 July 2019).

110. There have been court decisions under which the courts have not ordered the forcible transfer of a person to his or her country of nationality because of the risk that he or she would be subjected to torture or other ill-treatment. In the decision of Matveevo-Kurgan District Court, Rostov province, of 8 February 2020 in case No. 5-74/2020, the Court, ruling on administrative punishment of an individual in connection with the violation of immigration rules in the Russian Federation and finding him guilty of committing the offence, did not impose punishment in the form of administrative deportation on this basis, in accordance with various international instruments. The same conclusions were reached by the Almetyevsk City Court, Republic of Tatarstan, in its decision of 24 November 2017 in case No. 5-1227/17, and by the Supreme Court of the Republic of Tatarstan in its decision of 28 March 2022 in case No. 5-5552/2022 and No. 7-884/2022.

111. There is also a practice of successful judicial challenges by foreign nationals against refusals to grant or to extend temporary asylum owing to the risk of applicants being subjected to torture in their country of nationality. In particular, in its Decision No. 88A-19532/2020 of 23 December 2020, the Eighth Court of Cassation of General Jurisdiction declared unlawful the refusal to extend the claimant's term of temporary asylum; and in its Decision No. 88a-11807/2022 of 8 June 2022, the same Court upheld the rulings of the lower courts declaring unlawful a refusal to grant temporary asylum in the Russian Federation.

112. In implementing international legal cooperation in the field of extradition, the competent authorities of the Russian Federation take into account whether the requesting party is a party to the Convention and, in this regard, whether it has reciprocal international obligations to ensure that the requirements of the Convention are fulfilled. The offences referred to in article 4 of the Convention are considered extraditable under the legislation of the Russian Federation. Criminal liability for the act of torture or complicity in torture is provided for in the Criminal Code. The Office of the Procurator General of the Russian Federation takes decisions on the extradition of persons for the commission of such offences in accordance with the requirements of articles 5 and 8 of the Convention, in compliance with the *aut dedere aut judicare* principle of international law.

Reply to the issues raised in paragraph 8 of the list of issues

113. The Russian Federation has developed and actively implements monitoring mechanisms under which Russian diplomatic officials ensure observance of the rights and legitimate interests of persons who have been extradited from the Russian Federation to

foreign detention facilities either on remand or to serve their sentences, including with regard to compliance with the guarantees given by foreign States in the relevant extradition requests.

114. In order to harmonize this activity, methodological recommendations have been developed for the procedure whereby Russian diplomatic officials visit persons extradited from the Russian Federation to monitor observance of their rights and compliance with the guarantees given by the competent authorities of foreign States in connection with their extradition to detention facilities either on remand or to serve their sentences.

115. The mechanism of this type between the Russian Federation and Kyrgyzstan has been positively assessed by international bodies, in particular, in the decision of the Grand Chamber of the European Court of Justice of 29 April 2022 in the case of *Khasanov and Rakhmanov v. Russia* (complaints No. 28492/15 and No. 49975/15). The Court found no violation in the actions of the Russian authorities in relation to the extradition to Kyrgyzstan of two ethnic Uzbeks wanted in their country of nationality on suspicion of having committed ordinary offences, owing to the alleged risk of torture or other ill-treatment on the grounds of ethnicity. Among other matters, information on the work of the monitoring mechanism in Kyrgyzstan was assessed during the case, and no violations of the rights of the extradited persons were found.

Reply to the issues raised in paragraph 9 of the list of issues

116. Since 2018, a number of international treaties on the extradition or transfer of sentenced persons and legal assistance in criminal matters have been concluded and ratified; these contain provisions aimed at combating “torture”.

117. The contracting States undertake to extradite, at each other’s request, persons for criminal prosecution or the enforcement of a sentence. The term “extraditable offences” refers to acts that, in accordance with the laws of the contracting States, are criminalized and punishable by imprisonment for a term of not less than 1 year or a more severe penalty. Under its international obligations, the Russian Federation is prohibited from extraditing persons to countries where they may be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

118. Two bilateral international extradition treaties have been signed and subsequently ratified by the Russian Federation since 2018:

(a) Extradition Treaty between the Russian Federation and the Republic of Ecuador (signed in Moscow on 7 August 2019, ratified in Federal Act No. 358-FZ of 9 November 2020, entered into force on 13 August 2021);

(b) Extradition Treaty between the Russian Federation and the Republic of Zimbabwe (signed in Moscow on 15 January 2019, ratified in Federal Act No. 76-FZ of 1 April 2020, not in force in accordance with article 19 (1) of the Treaty).

119. In addition, five bilateral international treaties on legal assistance in criminal matters have been signed and subsequently ratified since 2018:

(a) Protocol amending the Treaty between the Russian Federation and the Islamic Republic of Iran on Legal Assistance and Legal Relations in Civil and Criminal Matters of 5 March 1996 (signed in Moscow on 28 March 2017, ratified in Federal Act No. 4-FZ on 5 February 2018, not in force in accordance with article 13 of the Treaty);

(b) Treaty between the Russian Federation and the Republic of Indonesia on Mutual Legal Assistance in Criminal Matters (signed in Moscow on 13 December 2019, ratified in Federal Act No. 356-FZ of 9 November 2020, entered into force on 18 December 2021);

(c) Treaty between the Russian Federation and the Kingdom of Cambodia on Mutual Legal Assistance in Criminal Matters (signed in Phnom Penh on 26 September 2019, ratified in Federal Act No. 167-FZ of 8 June 2020, entered into force on 11 March 2021);

(d) Treaty between the Russian Federation and the Republic of Namibia on Mutual Legal Assistance in Criminal Matters (signed in Windhoek on 8 October 2018, ratified in

Federal Act No. 362-FZ of 12 November 2019, not in force in accordance with article 23 (2) of the Treaty);

(e) Treaty between the Russian Federation and the Federal Republic of Nigeria on Mutual Legal Assistance in Criminal Matters (signed in Moscow on 26 November 2018, ratified in Federal Act No. 74-FZ of 1 April 2020, not in force in accordance with article 22 (1) of the Treaty).

120. Moreover, two international bilateral treaties on the transfer of persons sentenced to imprisonment were signed and subsequently ratified during the period under review:

(a) Treaty between the Russian Federation and the Republic of Namibia on the Transfer of Persons Sentenced to Imprisonment (signed in Moscow on 17 June 2019, ratified by Federal Act No. 465-FZ of 27 December 2019, not in force in accordance with article 21 (2) of the Treaty);

(b) Treaty between the Russian Federation and the United Arab Emirates on the Transfer of Persons Sentenced to Imprisonment (signed in Moscow on 26 June 2019, ratified by Federal Act No. 464-FZ of 28 December 2019, not in force in accordance with article 18 (1) of the Treaty).

121. In addition, as of 2018, a number of treaties on the extradition or transfer of sentenced persons and legal assistance signed in previous years have been ratified. Specifically, the following federal laws have been enacted:

(a) Federal Act No. 125-FZ of 4 June 2018 ratifying the extradition treaty between the Russian Federation and the Kingdom of Cambodia;

(b) Federal Act No. 274-FZ of 3 August 2018 ratifying the extradition treaty between the Russian Federation and the Republic of the Philippines;

(c) Federal Act No. 276-FZ of 3 August 2018 ratifying the Treaty between the Russian Federation and the Republic of the Philippines on Mutual Legal Assistance in Criminal Matters;

(d) Federal Act No. 343-FZ of 2 October 2018 ratifying the Treaty between the Russian Federation and the People’s Democratic Republic of Algeria on Mutual Legal Assistance in Criminal Matters;

(e) Federal Act No. 7-FZ of 5 February 2018 ratifying the Treaty between the Russian Federation and the Islamic Republic of Iran on the Transfer of Persons Sentenced to Imprisonment;

(f) Federal Act No. 128-FZ of 4 June 2018 ratifying the Treaty between the Russian Federation and the Republic of Cuba on the Transfer for the Enforcement of Sentences of Persons Sentenced to Imprisonment;

(g) Federal Act No. 344-FZ of 2 October 2018 ratifying the Treaty between the Russian Federation and the Lao People’s Democratic Republic on the Transfer of Persons Sentenced to Imprisonment;

(h) Federal Act No. 15-FZ of 6 March 2019 ratifying the Treaty between the Russian Federation and the Democratic People’s Republic of Korea on the Transfer of Persons Sentenced to Imprisonment.

122. Regarding compliance with the international obligations of the Russian Federation, in 2021, 571 foreign nationals in custody were extradited from the Russian Federation (445 in 2020) for criminal prosecution in foreign countries or the enforcement of a sentence, and 156 persons were received from abroad (154 in 2020).

Reply to the issues raised in paragraph 10 of the list of issues

123. The educational programmes for staff of the law enforcement agencies include disciplines and/or topics related to international legal standards on the treatment of prisoners; the practices of inter-State bodies on the protection of human rights and freedoms; and the

requirements of international acts on the legal basis and procedure for the use of physical force, special means of control and firearms.

124. With regard to the procuratorial authorities, a specific course was held at the University of the Procurator's Office of the Russian Federation in the 2021/22 academic year, with lectures on topics such as "Criminal liability of staff of correctional facilities for offences against the interests of the State service", "Interaction between the procuratorial authorities and the commissioners for human rights in the constituent entities of the Russian Federation, public monitoring commissions and other public associations for the protection of the rights of convicted prisoners" and "Procuratorial oversight of the legality of the use of physical force and special means of control and ensuring the personal safety of prisoners sentenced to deprivation of liberty". During the sessions, procurators studied the provisions of the Convention and the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), and issues surrounding the detection and investigation of violence against prisoners were addressed in a specially developed programme.

125. Particular attention is paid to providing staff with training on the protection of human rights in places of detention. On this subject, students study the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Universal Declaration of Human Rights and other international treaties to which the Russian Federation is a party that concern the observance of human rights, as well as familiarizing themselves with the specificities of the legal status, conditions and procedures for the detention of suspects and accused and convicted persons in penal institutions.

126. With regard to the penal system, it should be noted that paragraph 1.21 of the action plan for the implementation of the policy framework for the development of the penal correction system of the Russian Federation for the period to 2030 provides for the introduction of changes to the educational programmes of the Federal Penal Service in order to develop students' professional competencies with the aim of preventing the use of unauthorized coercive methods or inhuman, cruel, degrading and humiliating treatment and the unlawful use of physical force and special means of control by staff of the penal correction system. The Federal Penal Service is currently working on amendments to its relevant educational programmes.

127. With regard to internal affairs bodies, in accordance with Ministry of Internal Affairs Order No. 275 of 5 May 2018 approving the procedure for the organization of training for officials to be appointed to duties in the internal affairs bodies of the Russian Federation, all units of the internal affairs agencies regularly conduct in-service professional training sessions for staff, during which, in particular, issues related to compliance with the rule of law in official activities are studied.

128. As far as the investigating agencies are concerned, the educational programmes of the educational institutions of the Investigative Committee, which address the prevention and effective suppression of ill-treatment of persons vulnerable to the State law enforcement system, include the following: the core professional educational programme for higher education and the specialized programme on legal support of national security (specialty 40.05.01), as well as a number of additional educational programmes. In these educational programmes, students are introduced to the provisions of the Convention and learn about non-coercive methods of criminal investigation.

129. Information on the Istanbul Protocol has been brought to the attention of judges and staff of the Supreme Court and lower courts.

Reply to the issues raised in paragraph 11 of the list of issues

130. The conduct of interrogations is regulated by the provisions of the Code of Criminal Procedure. Under article 187 of the Code, interrogation may not last more than four hours without a break; the interrogation may resume after a rest and meal break of at least one hour. The total duration of interrogation may not exceed eight hours per day. If there are relevant

medical grounds, the duration of the interrogation is determined on the basis of the doctor's findings.

131. Federal Act No. 501-FZ of 30 December 2021 amending the Code of Criminal Procedure has supplemented the Code with provisions under which an investigator has the right to interrogate, confront or identify an individual through the use of the videoconferencing systems of the State bodies conducting a preliminary investigation, if technically possible, except in cases where there is a possibility of the disclosure of State or other secrets protected by federal law or data about the person in respect of whom the investigation is being conducted.

132. Persons attending an open court hearing have the right to make audio recordings and take written records. Taking photographs, video recording and/or filming and broadcasting of public hearings by radio or television or on the Internet is allowed with the permission of the presiding judge (Code of Criminal Procedure, art. 241).

133. If possible, courts should record legal proceedings using audio and/or video recording or other technical means. Any such recordings (held on, for example, an audio storage device) shall be included in the case file (Code of Criminal Procedure, art. 259).

134. Under the interrelated provisions of article 164 (6) and (8) and article 166 (2) and (5) of the Code of Criminal Procedure, the decision to use video recording when conducting investigations during pretrial proceedings falls within the competence of the investigator.

135. In accordance with chapter 15 of the Code of Criminal Procedure, participants in criminal proceedings have the right to petition the investigator regarding the use of video recording during investigations (Code of Criminal Procedure, art. 119 (1)).

Reply to the issues raised in paragraph 12 of the list of issues

136. The policy framework for the development of the penal correction system up to 2030 has been approved with the objective of reforming the system.

137. As of 1 July 2022, the penal correction system included 659 correctional institutions with an overall capacity of 549,387 places and an actual population of 351,689 convicted persons; and 203 pretrial detention facilities and 72 facilities functioning as pretrial detention facilities, with an overall capacity of 118,495 places and an actual population of 114,419 persons. The average living space per person in a cell is 4.14 m^2.

138. As part of the construction and renovation of penal facilities and in accordance with the federal targeted programme for the development of the penal correction system for the period 2018–2030, approved in Government Decision No. 420 of 6 April 2018, the construction and renovation are planned of 13 pretrial detention facilities with 17,988 places, 9 custodial blocks in pretrial detention facilities with 2,175 places, combined facilities with 1,000 places for accused persons and suspects, 13 dormitories in correctional institutions with 3,359 places and combined facilities with 2,000 places for convicted persons, in addition to the construction of a correctional centre with 200 places, a medical facility with 215 beds and 6 units with 703 beds in secure hospitals and medical facilities.

139. To guarantee appropriate detention conditions for suspects and accused and convicted persons, in 2021, renovation work was carried out at 794 facilities, including 469 correctional colonies, 207 pretrial detention facilities, 17 young offenders' institutions, 101 secure medical facilities and a hospital.

140. Renovations are planned for 356 units in 156 pretrial detention facilities in 2022. The renovation of 186 custodial blocks in 142 facilities of the penal correction system is specifically intended to ensure appropriate conditions for the detainees.

141. As of 31 December 2021, 54.3 per cent of pretrial detention facilities and facilities functioning as pretrial detention facilities were equipped with input and extraction ventilation systems (compared with 53.4 per cent the preceding year).

142. Taking into account the considerable period of time required for the construction and renovation of facilities, the Federal Penal Service is working to reduce the number of detainees.

143. Special holding centres are being established within correctional institutions in order to reduce transit traffic through pretrial detention facilities.

144. The administrations of detention facilities have engaged with the courts to ensure the prompt delivery of judicial decisions so that convicted persons can be transferred to the facilities where they are to serve their sentences. Courts are kept notified of cases of defendants who have been detained for lengthy periods.

145. The local agencies of the Federal Penal Service are taking measures to consolidate individual territorial units from which prisoners on remand are transferred.

146. In implementation of the action plans ("road maps") aimed at improving the accessibility indicator of Federal Penal Service facilities for persons with disabilities, between 2019 and 2021, measures were taken to create a barrier-free environment for persons with reduced mobility, and in particular to install ergonomic toilet facilities.

147. Increased use is being made of non-custodial preventive measures. Over the past year, the number of suspects or accused persons recorded in respect of whom the court selected preventive measures in the form of house arrest, prohibition of certain activities or bail increased by almost 12 per cent to 34,000 people (compared with 30,300 the preceding year).

148. Sentences of forced labour are being handed down increasingly frequently. All local agencies of the Federal Penal Service have now set up specialized institutions for this type of punishment. A total of 77 such institutions were established in 2021 (compared with 35 in 2020) with an overall capacity of 7,647 convicted persons sentenced to forced labour (compared with 2,100 in 2020). As of 22 July 2022, there are 227 institutions for serving sentences of forced labour, with a capacity of 20,844 convicted persons.

149. Federal Penal Service Order No. 1162 of 20 December 2021 approving the fleet of vehicles for local agencies and institutions under the direct control of the Federal Penal Service provides for 1,686 special prisoner transport vehicles; current availability is 100.3 per cent, or 1,691 vehicles. All special vehicles manufactured since 2012 are equipped with air conditioning, and those manufactured since 2015 also have a bio-toilet. Convicted persons with reduced mobility are transported in special vehicles equipped with lifting mechanisms and wheelchair restraint devices.

150. The special vehicles are manufactured in accordance with the requirements of the Customs Union Technical Regulation on the safety of wheeled vehicles (TR TS 018/2011), and are subject to the requirements for buses (with regard to lighting, heating, ventilation and distance between seats). The compliance with the Regulation of the motor vehicles of facilities of the penal correction system is confirmed by vehicle type approvals issued by the certification bodies of the Russian Federation.

151. As part of the response to the pilot judgment of the European Court of Human Rights in the case of *Tomov and Others v. Russian Federation*, in 2021, the Federal Penal Service completed the development and production of three prototypes of AZ-Type special vehicles on the chassis of the KAMAZ-43502, the GAZon NEXT and the GAZel NEXT. With the prototypes, the layout of the motor vehicles' detainee compartments is adjusted, increasing the area of a single-person cell to at least 0.6 m^2 and reducing the number of seats in common cells, based on a standard area per detainee of least 0.5 m^2.

152. The technical specifications for the prototype special vehicles take into account the European Court recommendations, namely the availability of a toilet cubicle regardless of the number of seats, the installation of handrails in the cells to ensure safe transportation and the equipping of single-person cells with barred doors, which will improve ventilation and the observation of escorted persons.

153. The AZ-Type special vehicles with the new detainee compartment layout using the GAZon NEXT chassis went into production in 2022. Planned procurement is for 29 vehicles of this model in 2022.

154. In order to increase the area per person in the cells of AZ-Type special vehicles and to ensure proper hygiene conditions for convicted persons during their transportation, a letter was sent to local agencies of the Federal Penal Service on 19 February 2021 regarding the need to reduce the number of detainees transported in the common cells of special vehicles to 80 per cent of standard capacity, and to 50 per cent of standard capacity for distances of over 200 km or at an ambient air temperature above 25°C. With the standard capacity of common cells in special vehicles reduced by 50 per cent, the area per escorted person is not less than 0.5 m^2. The letter also communicated requirements concerning the need to ensure the uninterrupted operation of the environmental control system (ventilation, air conditioning and heating) installed in special vehicles during periods when these are parked at exchange points (penal facilities, railway stations and airports).

155. The Ministry of Internal Affairs has implemented a number of other measures since 2018, including the modernization of special vehicles for transporting groups of detainees. As of the first half of 2022, four new models of special vehicles meeting the necessary requirements have been provided to internal affairs agencies. Similar work to improve transportation conditions for escorted persons is being carried out with regard to modifications to the design of special train carriages.

156. Twenty-six units of a new model of special carriage have been in operation since 2015. In addition to self-contained toilet units, an air conditioning system has been fitted in the personnel areas and in the corridor for prisoners, making it possible to maintain the necessary microclimate in the cells holding convicted persons; lighting and video surveillance systems have been improved; and water and air disinfection systems have been installed, permitting a significant reduction in the risk of transmission of infectious diseases. Twelve such special carriages have already been put into operation in 2022, and a further 12 are planned for before the end of the year.

157. Since 2018, the standard capacity of the large cells of special carriages has been reduced from 12 to 10 persons, and of that of the small cells from 6 to 4 persons.

158. The Federal Penal Service has also developed a draft procedure for escorting convicted prisoners and persons held on remand in penal institutions on planned routes in special penal correction system transportation units. The draft procedure includes provisions concerning the detention regime and rules of conduct for escorted persons; how they are held in vehicles, taking into account technical specifications; and hygiene conditions and provision of medical care during transfers.

159. The draft procedure also changes the approach to the transportation of women and persons with disabilities. For distances of up to 500 km, convicts and persons with disabilities held on remand who have reduced mobility, women who are more than six months pregnant and women with children under the age of 3 are transported in separate special motor vehicles. For distances of over 500 km, they are transported by air. They are transported in special rail carriages only if transfer by road or air is impossible.

160. Ministry of Justice Order No. 110 of 4 July 2022 approving the internal regulations of pretrial detention facilities in the penal correction system, of correctional institutions and of correctional centres in the penal correction system came into force on 17 July 2022. It is intended to strengthen guarantees of respect for human rights and improve detention conditions in penal correction facilities in respect of, in particular:

(a) Hygiene and communal living conditions: for instance, women with small children and persons with category I or category II disabilities to have the possibility of taking a shower every day;

(b) Privacy in toilet facilities;

(c) Searches and inspections of suspects and accused and convicted persons to be conducted without the need for them to remove their clothes, using special technical devices; the installation of screens in rooms where searches are conducted and mandatory participation of medical personnel in searches of certain categories of persons who are ill or have disabilities;

(d) The list of items that prisoners are allowed to have with them is being expanded: e-books and dietary supplements have been added to the list.

161. In 2021, 930,196 citizens, including 4,255 minors and 66 women, were held in temporary detention centres for suspects and accused persons in facilities of the local internal affairs agencies.

162. A framework for the development of primary health care in the Ministry of Internal Affairs system for the period 2019–2024 was approved under Ministry of Internal Affairs Order No. 615 of 24 September 2018. It provides for 393 medical (paramedic) health posts and 9 outpatient clinics to serve the local internal affairs agencies.

Reply to the issues raised in paragraph 13 of the list of issues

163. In order to improve the conditions for women in pretrial detention facilities of the penal correction system, Federal Act No. 520-FZ of 27 December 2019 amending the Federal Act on the Custody of Suspects and Accused Persons was adopted, providing for women with children under the age of 3 and pregnant women to be detained separately from other suspects and accused persons, as well as a standard living space in cells of no less than 4 m^2 per accompanying child under the age of 3.

164. Work is currently in progress to amend the legislation to increase the age limit for children placed in the children's home of a correctional facility or pretrial detention facilities of the penal correction system, and to clarify the grounds for conditional release or commutation of the part of the sentence that has not been served to a lesser form of punishment in respect of women convicted of committing less serious offences who have children in the children's home of a correctional facility.

165. In addition, the framework proposes addressing the following issues: ensuring the possibility of a daily shower for pregnant women and women with small children; developing uniform minimum requirements for the equipment in children's homes, including for group, sports and cultural activities and for sports facilities and grounds; allowing women in detention who are suspects or accused persons to make unscheduled telephone calls, on a paying basis, to their children under 14 years of age; expanding the range of cases in which pregnant women or women with children under 14 years of age can be given a deferred sentence; improving the provision of medical care to children housed in penal correction system facilities together with their mothers.

166. If persons deprived of their liberty who are unable to move independently or who suffer from life-threatening diseases or conditions are held in an environment that does not take the demands of their health condition into account, and do not receive proper care from the facility's employees (including assistance with moving and with hygiene procedures), the situation may be indicative of a violation of detention conditions.

167. Pursuant to article 99 of the Penalties Enforcement Code, convicted persons who are excused from work due to illness, convicted pregnant women and convicted nursing mothers are provided with food free of charge during the period when they are not required to work. According to the amendments introduced under Federal Act No. 432-FZ of 21 December 2021, food, clothing, basic amenities and personal hygiene supplies are provided free of charge to convicted persons held in young offenders' institutions, convicted persons with category I or category II disabilities, convicts who are orphans or are deprived of parental care and are in general education, secondary vocational training for skilled manual or non-manual employment or are following publicly funded vocational training or part-time courses at institutes of higher education, and convicted persons who have lost both parents or their only parent while they were following basic or further vocational training programmes for manual or non-manual employment.

168. Standards of medical care are maintained in facilities in the penal correction system with the use of equipment for diagnosis and treatment and medicines. Where necessary, specialized medical care for convicted persons is provided at State and municipal health-care facilities. Telemedicine, which allows medical consultations to be conducted via videoconferencing, has been successfully introduced.

169. Measures are being taken to expand the medical staff of medical units of the Federal Penal Service. At the end of 2021, the medical units in the penal correction system had 110.4 doctors per 10,000 persons, which is twice as high as in the State and municipal health-care systems. Where necessary, medical assistance is also provided to detainees in State and municipal health-care provider facilities on a contractual basis.

170. In 2021, the number of deaths from illness remained at the same level as the previous year, at 1,917. At the same time, the number of deaths from tuberculosis in facilities of the penal correction system decreased by 32.4 per cent (from 34 to 23), and from HIV infection, by 18.7 per cent (from 491 to 399). Inquiries are conducted into every death.

171. In 2021, a 14.9 per cent decrease was recorded in the number of patients with active tuberculosis compared to 2020 (from 115,066 to 9,834 persons), and the number of patients diagnosed with tuberculosis for the first time in correctional facilities (not including those in open prisons) decreased by 18.1 per cent (from 1,433 to 1,173 persons).

172. At the end of 2021, 49,893 persons with HIV infection were being held in penal facilities, which is 5 per cent lower than in the preceding year (52,531). A total of 46,082 persons, or 92.4 per cent of persons in this category, were receiving antiretroviral therapy (compared with 47,051, or 89.6 per cent, the preceding year).

173. The number of persons with disabilities detained in penal facilities increased to 17,820 (compared with 17,600 the preceding year). In 2021, 2,451 persons with disabilities required assistive devices and 2,325 people, or 94.8 per cent of that number, were provided with them.

174. Efforts are constantly being made to improve the provision of medical care for women. There are 166 gynaecological clinics and 45 examination rooms in medical units of the Federal Penal Service, and 294 obstetric and gynaecological beds in 8 of those units, of which 84 are 24-hour beds and 210 are day-patient beds. In order to improve the quality of the screening and early detection of cancer in women, mammography units have been centralized in 14 local Federal Penal Service facilities.

175. Children housed in the children's homes are covered by compulsory health insurance; they are registered with the nearest State and municipal paediatric medical facilities, which ensures that they receive preventive medical examinations, the necessary laboratory and other specialized tests, and outpatient follow-up care. Primary health care is provided by paediatricians in children's homes.

176. In order to prevent the emergence and spread of new coronavirus disease (COVID-19) infections in penal facilities, a set of public health, preventive, therapeutic and diagnostic measures has been introduced: an operations centre is functioning and the epidemiological situation has been monitored on a daily basis since the beginning of the pandemic. A Federal Penal Service COVID-19 hotline has been set up for penal facilities to ensure that information is received promptly.

177. As of 19 July 2022, 14,260 new COVID-19 cases had been recorded, of which 14,182 recovered; this is 4.1 times lower than the average incidence rate for the Russian Federation. If the epidemiological situation worsens, restrictive measures (quarantine) are introduced in the constituent entities of the Russian Federation and/or facilities of the penal correction system.

178. In order to reduce the risk of the occurrence and spread of new COVID-19 infections, a series of public health and preventive measures has been introduced at penal facilities:

(a) A 14-day rotation for staff at individual institutions of the penal correction system, during which period they may not leave the facility;

(b) Designation of a separate institution (pretrial detention facility) solely to receive newly admitted suspects and accused and convicted persons;

(c) Restricted admission to pretrial detention facilities from internal affairs temporary detention centres of persons who are ill or suspected of having contracted COVID-19 with symptoms of respiratory infections that do not exclude COVID-19, including elevated body temperature, as well as of contact persons with respect to COVID-19;

(d) Extension of stay in a quarantine unit of persons entering penal facilities to at least 14 days from the moment of arrival;

(e) Non-contact thermometer screening of penal correction system employees and all persons visiting facilities and agencies in the penal correction system, with mandatory exclusion from such facilities, whether for visits or work, of persons with fever and signs of acute respiratory diseases;

(f) Strengthened disinfection measures at penal correction system facilities and of vehicles in use, and a weekly public health day with routine disinfection and terminal cleaning, using disinfectants, of all spaces at all facilities;

(g) Use of personal protective equipment (hygienic facemasks for respiratory protection) by suspects, accused and convicted persons and employees in penal correction system facilities and observance of social distancing of at least 1.5 m in areas of mass gathering in such places.

179. Laboratory tests for the detection of new COVID-19 infections were available in 49 laboratories of health-care providers of the penal correction system.

180. Vaccination measures have been introduced in order to prevent the spread of COVID-19 and to establish herd immunity to the disease among suspects, accused and convicted persons and employees in penal facilities.

181. With regard to the access of children born in prison and their mothers to educational programmes, under article 80 (1) of Federal Law No. 273 of 29 December 2012, the Education Act, the necessary conditions are provided for detainees in penal correctional system facilities to receive general education through general education institutions, set up by the executive authorities of the constituent entities of the Russian Federation, attached to the correctional facilities. The prison administrations ensure that minors who are suspects or accused persons held in detention are provided with the necessary conditions so that they can follow general education at primary, basic and secondary levels through self-study, in addition to providing them with assistance in doing so (art. 80 (2)). Persons under the age of 30 years sentenced to deprivation of liberty receive general education at primary, basic and secondary levels in the general education institutions, set up by the executive authorities of the constituent entities of the Russian Federation, attached to the correctional facilities. Persons over the age of 30 years and persons with category I or category II disabilities sentenced to deprivation of liberty receive general education at basic or secondary levels at their request (art. 80 (4)).

182. In correctional institutions where convicted women with children are serving their sentences, children's homes may be organized to provide the conditions necessary for the normal life and development of the children. Women convicts may place their children under the age of 3 in the children's homes of the correctional institutions and be with them in their free time, outside of working hours, without restriction. They may be allowed to live together with their children (Penalties Enforcement Code, art. 100).

Reply to the issues raised in paragraph 14 of the list of issues

183. The legislation of the Russian Federation provides for various grounds for solitary confinement, primarily in respect of men convicted of particularly serious offences, particularly dangerous repeat offences and those sentenced to life imprisonment.

184. Under article 74 of the Penalties Enforcement Code, these categories of convicted detainees serve their sentences in special-regime correctional colonies and prisons for persons sentenced to a minimum of 5 years' deprivation of liberty for the commission of particularly serious crimes and particularly dangerous repeat offences and persistent violators of established procedure for serving sentences who have been transferred from correctional colonies.

185. Article 115 (1) (d) of the Penalties Enforcement Code provides for the transfer of convicted men held in special-regime correctional colonies and prisons who have persistently

violated the established procedure for serving sentences to confinement in individual cells for up to 6 months, as a disciplinary measure.

186. Under article 131 of the Code, convicted prisoners may, where necessary, and on a reasoned decision of the prison director and with the agreement of the procurator, be held in individual cells.

187. In accordance with article 127 of the Code, prisoners sentenced to life imprisonment may, on their own request and in other necessary cases by order of the director of the penal colony, be held in individual cells if there is a threat to their personal safety.

188. The specific conditions and grounds for holding suspects or accused persons in individual cells and punishment cells are set out in articles 32 and 40 of Federal Act No. 103-FZ. Suspects and accused persons are kept in individual cells. There is no provision in Russian legislation for solitary confinement to be ordered by the court as a punishment.

189. Suspects and accused persons may be held in individual cells for more than one day on the basis of a reasoned decision taken by the director of the detention centre and authorized by the procurator. There is no requirement for authorization from the procurator to place suspects and accused persons in individual cells in the following cases:

(a) Where there is no other way of ensuring compliance with the requirement of separate placement stipulated in article 33 of Federal Act No. 103-FZ;

(b) To protect the life and health of the suspect or accused person, or of other suspects or accused persons;

(c) Where the suspect or accused person has requested in writing to be held in solitary confinement;

(d) Where suspects and accused persons are placed in individual cells at night, if they are held in communal cells during the day (Federal Act No. 103-FZ, art. 32).

190. The procedure for judicial proceedings related to administrative cases contesting decisions, actions or lack of action on the part of public authorities, local government or other bodies or organizations vested with State or other public authority, officials, State and municipal employees is laid out in chapter 22 of the Code of Administrative Procedure.

191. There is positive practice of appeals being submitted against decisions taken by the administration of places of detention in respect of placement in individual cells (ruling in cassation of the Civil Chamber of the Supreme Court of 20 November 2020 on compensation for moral harm for being placed in an individual cell).

Reply to the issues raised in paragraph 15 of the list of issues

192. The Federal Penal Service regularly takes measures to guarantee law and order and to prevent and suppress unlawful acts in penal institutions. The development and implementation of measures to ensure personal safety, to prevent the spread of a criminal subculture and to strengthen law and order remain a priority.

193. As at 1 July 2022, 678 crimes committed by suspects, accused persons or convicted prisoners had been recorded in penal institutions, including 27 crimes of special consideration (2 cases of organizing riots, 7 murders, 12 cases of intentional infliction of serious harm to health; 6 cases of intentional infliction of serious harm to health resulting in the death of the victim).

194. Under article 13 of the Penalties Enforcement Code, convicted persons have the right to personal security. In the event of a threat, a convicted person may apply to any official of the institution, who is obliged to take immediate measures on the basis of a statement (written or oral) by the person concerned or reliable information received, including information actively sought from other sources, to ensure the person’s safety.

195. On receipt of such an application or on his or her own initiative, the director of the penal institution moves the convicted person to a safe place for a period not exceeding 90 days or takes other measures (such as detention and isolation of persons at the origin of the

threat, etc.). In emergency cases, this can be done by the on-call officer for a period of up to 24 hours (until the director of the institution arrives).

196. A person found guilty in accordance with the established procedure of violence to the life or health of a convicted person may be subject to criminal or disciplinary measures. If it is not possible to completely eliminate a threat to a convicted person, that person may be transferred to another penal institution of the same type with his or her consent and by decision of the Federal Penal Service.

197. Where the convicted person concerned is a party to criminal proceedings, the head of the institution or body implementing the punishment may adopt security measures on the basis of a reasoned decision of the court, the prosecutor, the investigating body, the person conducting the initial inquiry or the investigator.

198. Similar measures are provided for under article 17 (2) of Federal Act No. 103-FZ in respect of suspects and accused persons. Their right to personal safety is guaranteed, with the right to appeal to the staff of the detention facilities, who are obliged to take immediate action (by, for example, moving the suspect or accused person to a different cell or into solitary confinement). The transfer is carried out with the written authorization of the director of the detention facility or his or her deputy.

199. The institutions and bodies of the penal correction system also deal with complaints from convicted persons and remand prisoners. If a complaint containing information on crimes committed is received, the material is forwarded to the investigating agencies within the time limit established in law for consideration and the adoption of a procedural decision on the initiation of criminal proceedings.

200. The figures for citizens' complaints received by the institutions and bodies of the penal correction system are as follows: concerning the illegal use of physical force and special means: 1,044 complaints in 2019; 898 in 2020; and 1,040 in 2021; concerning transfer for reasons of personal safety: 4,108 in 2019, 3,493 in 2020, and 3,573 in 2021.

201. At the end of 2021, the number of deaths in penal institutions had decreased by 0.7 per cent (from 2,400 to 2,383), of whom 1,917 had died from illnesses, 4 from injuries at work, 250 as a result of suicide and 212 from other causes.

202. Every death in a penal institution is looked into by the competent authorities, including the investigating agencies and the procurator's office.

203. According to the Ministry of Internal Affairs, 24 suicides, 35 deaths and 318 cases of self-harm were recorded in holding facilities.

204. In the first half of 2022, 143 cases of suicide of suspects, accused persons or convicted prisoners were recorded in the detention system, of which 83 occurred in correctional institutions and 60 in pretrial detention centres. Every case of suicide is investigated by the Federal Penal Service and preventive measures are developed based on the results.

205. A suicide prevention system for suspects, accused persons and convicted prisoners has been created in the penal correction system, with the following provided to the local agencies of the Federal Penal Service:

(a) An algorithm for entering information about any negative emotional state of suspects, accused persons and convicted prisoners into their records;

(b) A compilation of mental health programmes aimed at preventing violations of the rule of law in the use of physical force and special means;

(c) A compilation of case studies in suicide prevention when working with suspects, accused persons and convicted prisoners;

(d) Guidance on suicide prevention in suspects, accused persons and convicted prisoners held in pretrial detention facilities, whereby the local office of the Federal Penal Service is given special oversight over any pretrial detention facility in which there have been repeated cases of suicides of suspects, accused persons or convicted prisoners within a twelve-month period;

(e) A compilation entitled “Prevention of suicidal behaviour among inmates using bibliotherapy”;

(f) An indicative list of issues to be considered when investigating suicides of suspects, accused persons and convicted prisoners;

(g) Suggested additional measures to prevent suicide among suspects, accused persons and convicted prisoners.

206. A model plan for suicide prevention in suspects, accused persons and convicted prisoners has been developed and introduced in the work of the local agencies of the Federal Penal Service.

207. To promote the adoption of coordinated decisions, on 9 December 2021, the Federal Penal Service adopted Order No. 299-r approving the regulations of a working group on suicide prevention in suspects, accused persons and convicted prisoners. Working groups have been set up under the Service’s local offices to coordinate activities aimed at preventing suicidal behaviour of suspects, accused persons and convicted prisoners.

Reply to the issues raised in paragraph 16 of the list of issues

208. At national level, there is an independent national mechanism for the prevention of human rights violations in places of deprivation of liberty. The constituent entities of the Russian Federation have public oversight commissions.

209. The legal basis for the commissions’ work lies in Federal Act No. 76 of 10 June 2008, on public oversight of respect for human rights in places of forced detention and on assistance to persons held in places of forced detention.

210. The commissions exercise public oversight over respect for the rights and freedoms of persons in places of deprivation of liberty, inform the public about the results of their work and promote cooperation between public associations and the administrations of places of detention in safeguarding the legal rights and freedoms of, and ensuring decent conditions of detention for, persons held in places of detention. Public associations and non-profit organizations working on social issues provide assistance to persons in places of forced detention.

211. Commission members made 3,000 visits to penal institutions in 2021 (2,400 in 2020) and, for 1,600 of those visits (1,200 in 2020), the delegations included the assistant director for the observance of human rights in the penal system of the local Federal Penal Service office.

212. In total, in 2021, members of the public oversight commissions and commissioners for human rights in the constituent entities of the Russian Federation made 1,423 visits to places of detention of the internal affairs agencies (192 more than in 2020), including: 1,068 (+142) inspections of detention facilities, 238 (+46) inspections of special reception centres, and 115 (+6) of centres for the detention of foreign citizens and stateless persons subject to forced administrative expulsion from the Russian Federation, deportation or readmission. There were also 219 (+65) monitoring visits to temporary detention centres for juvenile offenders, including 7 (+5) by federal and regional human rights commissioners, 65 (+28) by children’s rights commissioners, 28 (+9) by public oversight commissions and 116 (+22) by public human rights organizations.

213. Public oversight commission members conducted a total of 7,700 individual interviews with suspects, accused persons and convicted detainees (6,400 the previous year) and considered 2,200 written complaints from convicted prisoners and remand detainees (1,900 the previous year).

214. As a result of the visits, commission members received 1,900 comments, suggestions and complaints (1,600 the previous year).

215. The directors of local offices of the Federal Penal Service held a total of 356 working meetings with the chairs of the public oversight commissions of the constituent entities of the Russian Federation to discuss issues related to collaboration (317 the previous year).

216. Matters related to the composition of public oversight commissions, the suspension and termination of their activities, the appointment and termination of the mandates of their members, assistance to the commissions in the form of methodological materials, documents and materials related to their activities, as well as training seminars to improve their activities fall under the competence of the Civic Chamber of the Russian Federation. Any decision to appoint a member to a public oversight commission or to reject a proposed candidate is made by the Council of the Civic Chamber.

217. The above procedure regarding the composition of the commissions ensures the independence of their members from federal and regional government bodies and allows them to effectively exercise their mandate to protect human rights.

218. Article 19.32 of the Code of Administrative Offences makes it an administrative offence for public officials to obstruct the activities of commission members in exercising public oversight of respect for human rights in places of forced detention.

219. Thus, there is a system of public oversight in the Russian Federation, the main purpose of which is to prevent human rights violations in penal institutions. The procedure for the composition of the oversight bodies that make up the system and their wide range of powers ensures their independence and impartiality, and prevents anyone involved in public oversight being subject to the influence of officials.

220. Since 2018, a number of federal laws have been adopted to improve the regulations governing public oversight of respect for human rights in places of forced detention.

221. Federal Act No. 203-FZ of 19 July 2018, amending article 181 of the Federal Act on the detention of suspects and accused persons and the Federal Act on public oversight of human rights in places of forced detention and on assistance to persons held in places of forced detention, introduced amendments related to the exercise by members of public oversight commissions of the right to use film, photography and videotape to record violations of the rights of suspects and accused persons. Thus, the Civic Chamber and the Commissioners for Human Rights of constituent entities of the Russian Federation were granted the right to submit recommendations on the composition of a public oversight commission to the Council of the Civic Chamber. The procedure was clearly defined for visits by members of public oversight commissions to places of forced detention and medical organizations providing inpatient psychiatric care.

222. Bill No. 99435-8 to amend the Federal Act on public oversight of human rights in places of forced detention and on assistance to persons in places of forced detention, which was adopted on first reading on 25 May 2022, is currently under review. The bill expands the list of entities entitled to participate in public oversight and clarifies the requirements for organizations entitled to nominate candidates for the public oversight commissions, the definition of places of forced detention (it is proposed to include institutions in the penal correction system that administer criminal sentences in the form of forced labour) and the definition of persons in places of forced detention. A new approach has been adopted to the reimbursement of expenses for commission members related to the implementation of their mandate. Under the bill, they will be reimbursed not only by the organization that nominated the candidate, but also by the Civic Chamber of the constituent entity in which the commission is constituted. The provision entitling public authorities to provide financial support to the oversight commissions is deleted. The procedure for the composition of public oversight commissions is clarified, increasing the time limits for the nomination of candidates and for the appointment of members. The procedure for an appointment to replace a member who has withdrawn from the commission before the end of his or her mandate is explained in greater detail. It is proposed in the bill that the ban on membership of a public oversight commission should be extended to cover individuals who have functions at municipal level (and not only persons holding elected positions in local government). It is further proposed that the Council of the Civic Chamber be given the right to decide to terminate the mandate of a member of a public oversight commission for non-performance of duties or gross violation of the Code of Ethics.

Reply to the issues raised in paragraph 17 of the list of issues

223. In order to better guarantee protection of the rights of foreign nationals and stateless persons held in special institutions of the Ministry of Internal Affairs or its local offices (temporary detention centres for foreign nationals), the Government of the Russian Federation issued Order No. 1366 of 17 August 2021, amending the regulations governing the detention or stay in such special institutions of foreign nationals and stateless persons subject to administrative expulsion in the form of forced removal from the Russian Federation, deportation or readmission.

224. Pursuant to Order No. 1,306, the following additional points are introduced into the rules:

(a) Medical care for persons in special institutions, including the keeping of medical records;

(b) Nutrition for such persons, including enhanced nutrition for pregnant women, nursing mothers, persons with category I or category II disabilities and medical patients during their stay in a special institution, nutritional standards for minors who are foreign nationals or stateless, as well as the replacement of certain foodstuffs by others.

225. Offering persons held in the temporary detention centres the right to acquire basic necessities.

226. Where individuals are held unlawfully at a temporary detention centre, they have the right to judicial appeal and to compensation for moral harm. In its ruling No. 88-17350/2020 of 26 November 2020, the Seventh General Court of Cassation upheld the position of the court of first instance and the court of appeal, that the applicant, who had been unlawfully held in a temporary detention centre, should be compensated for moral harm in the amount of 60,000 roubles.

Reply to the issues raised in paragraph 18 of the list of issues

227. Under article 21 of the Criminal Code, persons who commit a socially dangerous act while in a state of mental incompetence, meaning that they are unable to recognize the actual nature and social danger posed by their actions or omissions or to control them owing to a chronic or temporary mental disorder, dementia or other mental illness, cannot be held criminally liable. Where a person has committed a socially dangerous act as defined in criminal law while in a state of mental incompetence, the court may impose compulsory medical measures, including compulsory treatment by a psychiatrist on an outpatient or an inpatient basis.

228. In 2021, compulsory medical measures were ordered in the cases of 7,642 persons in connection with the commission of socially dangerous acts with evidence of various crimes (7,061 persons in 2020; 7,866 persons in 2019). Any such participant in a criminal case is guaranteed the possibility of appealing against a decision either to admit him or her to a hospital or to extend his or her detention in a hospital until he or she recovers from the illness, with a panel of doctors reviewing the case once every six months.

229. In addition to a legal representative and a lawyer, the person in respect of whom proceedings concerning the application of a compulsory medical measure are being conducted shall be granted the right to participate in court in person, if his or her mental condition makes it possible to do so (Code of Criminal Procedure, art. 441 (1)).

Reply to the issues raised in paragraph 19 of the list of issues

230. See reply to paragraphs 1 and 20 of the list of issues

Reply to the issues raised in paragraph 20 of the list of issues

231. With regard to the investigation into the incident involving Mr. Yevgeny Makarov, details are provided in the reply to paragraph 1 of the list of issues.

232. In respect of the allegations of torture and sexual violence against Mr. Igor Salikov in May 2018, it was established that, by verdict of the Vyborg Garrison Military Court, former Federal Security Service officer I. Kirsanov was found guilty of committing sexual violence against Mr. Salikov during a search of his home and was sentenced to 4 years' imprisonment in a general regime colony.

233. With regard to the case of Mr. Salman Tepsurkayev, on 27 November 2020, the Gelendzhik investigative department of Krasnodar Territory Investigative Committee brought a criminal case under article 126 (2) (a) of the Criminal Code for the abduction of Mr. Tepsurkayev by a group of individuals by prior conspiracy.

234. It was established that, on 6 September 2020, unknown persons forced Mr. Tepsurkayev into a vehicle in Gelendzhik, Krasnodar Territory, and took him to an undisclosed location. Sometime later, Mr. Tepsurkayev called by telephone and said that he had left with his brothers and asked for the information to be passed on to the police officers who arrived at the scene. Prior to these events, he had made no complaints of any threats to his life and health.

235. Subsequently, on 7 September 2020, a video clip was published on a social network in which Mr. Tepsurkayev subjected himself to acts of a sexual nature.

236. According to the results of the preliminary investigation, due to the presence on the territory of the Chechen Republic of a significant number of witnesses in the criminal case and persons possibly involved in Mr. Tepsurkayev's abduction, as well as the positioning of his cell phone in Grozny, on 28 May 2021, responsibility for further investigation was transferred to the Investigative Department of the Investigative Committee for the Chechen Republic.

237. Verification and other procedural measures have been carried out, particularly an examination of the "YouTube" video hosting site, in the course of which publications of video clips with the participation of Mr. Tepsurkayev were found, in which he states that his life is not threatened and he subjected himself to such punishment because he had insulted the honour and dignity of women.

238. The whereabouts of Mr. Tepsurkayev and the persons who abducted him have not been established at present. The investigation into the criminal case continues, and its progress and results are being monitored.

239. On 10 April 2020, the investigation department of the Irkutsk Region Investigative Committee brought a criminal case for disorder in the activities of the Irkutsk Region Federal Penal Service correctional institution FKU IK-15, in Angarsk, involving violence endangering the life and health of the institution's staff, the organization of riots accompanied by violence, arson, destruction of property, use of objects that posed a danger to others and armed resistance to officials on the territory of the institution.

240. It has been established that, during the riots, the convicts caused bodily injuries to two employees of the correctional institution. As a result of the rioting and arson, almost all structures in the industrial zone were destroyed; the riots were brought to an end on 11 April 2020 by special unit staff using physical force and special means.

241. Nineteen convicted prisoners were charged with offences under articles 212 and 312 (3) of the Criminal Code. The requirements of article 217 of the Code of Criminal Procedure are currently being implemented in respect of the case.

242. After the riots in the Irkutsk Region Federal Penal Service institutions, numerous cases of violence against persons in custody were recorded. Thirteen criminal cases were brought in 2020 and 2021 against 54 persons for violent acts of a sexual nature committed in 2020, as well as abuse of authority by the staff of the institutions.

243. The defendants included 33 convicted prisoners and 11 Federal Penal Service officials. Six criminal cases have been sent to court for consideration on the merits, with an approved indictment, with charges against 15 convicted prisoners and 8 prison staff; the courts have not yet handed down any judgments. In the remaining criminal cases, there are ongoing investigative and operational measures to establish the circumstances of the incidents and the guilty individuals, and to verify the victims' allegations that they were subjected to violence to force them to testify in the cases related to the riots in correctional institution IK-15.

Replies to the issues raised in paragraph 21 of the list of issues

244. According to statistical reports of the Judicial Division of the Supreme Court of the Russian Federation, in 2021, 442 persons were convicted of aggravated cruel treatment, including torture (Criminal Code, art. 117 (2)) (366 persons in 2020 and 499 in 2019), and 575 persons holding public office were convicted of improper exercise of authority under aggravating circumstances (Criminal Code, art. 286 (3)) (503 persons in 2020 and 626 in 2019); between 2019 and 2021, there were no convictions for coercion to testify involving the use of violence, bullying or torture (Criminal Code, art. 302 (2)).

Reply to the issues raised in paragraph 22 of the list of issues

245. Pursuant to complaint No. 97-pr, registered on 18 April 2017 and submitted by the *Novaya Gazeta* publishing house, an independent non-profit organization, concerning mass kidnappings, detentions, torture and killings of residents of the Chechen Republic of non-traditional sexual orientation, reporting the abduction and killing of 29 persons falling under this category by unknown officials of Chechen Republic law enforcement agencies in December 2016 and January 2017, a procedural investigation was carried out in the Central Investigation Department for the North Caucasus Federal Area of the Investigative Committee.

246. During the procedural investigation into the report of criminal offences under articles 105 (2) (a), (g) and (k), 119 (2), 282 (2) (a), (b) and (c), 286 (3) (a) and 126 (3) (a) of the Criminal Code, it was established that the aforementioned persons had not been detained by officials of the internal affairs agencies of the Chechen Republic between December 2016 and March 2017.

247. When questioned, the *Novaya Gazeta* journalists E.V. Milashina, E.G. Kostyuchenko and I.Y. Gordienko gave statements indicating that the abducted persons had been transported to and illegally detained at the former premises of the Argun Office of the Ministry of Internal Affairs and the premises of the Grozny Department of the Ministry of Internal Affairs, the Terek Special Rapid Response Unit, the A. Kadyrov police patrol service and the Ministry of Internal Affairs base in Tsotsin-Yurt. However, inspections of the premises and grounds of those facilities revealed no sign of the presence of the above-mentioned persons.

248. In the course of the investigation, the journalists gave statements about their publications concerning unlawful acts committed against residents of the Chechen Republic of non-traditional sexual orientation and also provided a list of 24 persons allegedly killed for their homosexuality. Subsequently, an article was published containing the names of 27 persons, including the 24 previously indicated by the journalists as homosexuals, who, according to the authors, had been arrested on suspicion of extremist and terrorist activities and killed in the Chechen Republic during the night of 25–26 January 2017.

249. In reality, the investigation covered 31 reports of unrelated incidents that had allegedly occurred at different times between December 2016 and February 2017 in various districts of the Chechen Republic, connected only by the article published by journalists in the media.

250. Moreover, the investigating agency established that three of the persons were at their places of residence and stated that no illegal acts had been perpetrated against them, one had left the Chechen Republic to find work and another was remanded in custody during the investigation of a criminal case. Two of the persons had died of natural causes, on 21 February and 8 March 2017 respectively.

251. Another two persons were killed on 20 December 2016 during an attack on police officers. Regarding this incident, on 18 December 2017, the Chechen Republic investigation department of the Investigative Committee decided to terminate the criminal case against those persons under articles 166, 208, 222, 226 and 317 of the Criminal Code, pursuant to article 24 (1) (4) of the Code of Criminal Procedure.

252. The law enforcement agencies of the Chechen Republic have initiated criminal proceedings for offences under articles 208 (2) and 205.1 (1) of the Criminal Code against 22 of the persons named in the *Novaya Gazeta* list, including Mr. M.M. Seriev. They are wanted as persons suspected or accused of participating in an illegal armed group in the Syrian Arab Republic and of facilitating terrorist activities.

253. Reports that all the aforementioned citizens were of non-traditional sexual orientation were not confirmed by the investigation. According to statements made by their relatives, they were not homosexuals and were not persecuted for that reason.

254. Following the procedural investigation carried out by the North Caucasus Federal Area Central Investigation Department of the Investigative Committee, on 9 February 2018, it was decided, in accordance with article 24 (1) (1) of the Code of Criminal Procedure, not to initiate criminal proceedings because no criminal offence had been committed.

255. The Department also carried out a procedural investigation following a statement registered on 21 September 2017, in which Mr. M.G. Lapunov reported that an offence under article 286 (3) of the Criminal Code had been committed against him.

256. During the investigation, Mr. Lapunov provided explanations regarding his report that Ministry of Internal Affairs officials in the Chechen Republic had perpetrated unlawful acts against him owing to his non-traditional sexual orientation and a diagram was drawn up showing a building of a Chechen Republic office of the Ministry of Internal Affairs, where he had allegedly been detained and beaten.

257. The premises of the Criminal Investigation Department for the Chechen Republic of the Ministry of Internal Affairs were searched on the basis of the description and diagram provided by Mr. Lapunov. No detained persons or signs that persons had been present in the basements were found.

258. A search of all the district offices of the Ministry of Internal Affairs in Grozny revealed no evidence of the unlawful detention of citizens.

259. Mr. Lapunov's employers, neighbours, acquaintances and other persons whom he reported as having information about unlawful conduct by officials of the Ministry of Internal Affairs in the Chechen Republic were located and questioned. However, these persons stated that they had no information about the apprehension, beating and detention of Mr. Lapunov, that he had told them nothing of his detention and that they had not seen him with any bodily injuries.

260. The identity and whereabouts of the Republic of Ingushetia resident who, according to Mr. Lapunov, had been held in the basement with him and was allegedly subsequently killed by law enforcement officials of the Chechen Republic owing to his non-traditional sexual orientation was also established. From the statements of this person, who denies being a homosexual, it was established that law enforcement officials did not use physical violence against him and that he had not been detained in the Ministry of Internal Affairs unit indicated by Mr. Lapunov, whom he did not know.

261. Mr. Lapunov underwent forensic medical and psychophysiological examinations, which did not reveal any traumatic bodily injuries indicating that he had been beaten in the circumstances he had described. He is unable to provide details of his detention by police officers or the use against him of physical or psychological violence.

262. On 21 March 2018, since the content of Mr. Lapunov's statement had not been confirmed, it was decided, in accordance with article 24 (1) (1) of the Code of Criminal Procedure, not to initiate criminal proceedings because no criminal offence had been committed.

Reply to the issues raised in paragraph 23 of the list of issues

263. The Russian Federation categorically rejects the proposition that Crimea is "occupied" or "annexed". The Republic of Crimea and the city state of Sevastopol became part of the Russian Federation as a result of a referendum carried out in full compliance with international law. Through this referendum, the people of Crimea exercised their right to self-determination, enshrined in fundamental instruments such as the Charter of the United Nations and common article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

264. The Constitution, Russian legislation and regulations and international treaties to which the Russian Federation is a party, including human rights treaties, are fully effective in the Republic of Crimea and Sevastopol, as constituent entities of the Russian Federation.

265. Persons living in the Republic of Crimea and Sevastopol enjoy all the human rights and freedoms guaranteed by the Constitution, Russian legislation and regulations and international treaties to which the Russian Federation is a party, on an equal footing and without discrimination. All credible and noteworthy reports of possible violations of human rights standards are verified by the competent Russian authorities.

266. In addition, any persons who consider themselves to be the victims of such violations have every opportunity to protect their rights under the national legal system, including through the courts. There are no differences between the way the law enforcement and judicial authorities operate in the Republic of Crimea and Sevastopol and in the other constituent entities of the Russian Federation.

267. Russia is committed to fulfilling its international obligations throughout the Russian Federation, including in the Republic of Crimea and Sevastopol. Russia is open to dialogue about human rights in Crimea with the United Nations and other international organizations as part of procedures applicable to the observance by the Russian Federation of its human rights obligations in the territory of Russia. Russia is prepared to host missions by such organizations in Crimea if they are conducted under the mandate of the organization in question in accordance with procedures applicable to visits to the territory of the Russian Federation.

Reply to the issues raised in paragraph 24 of the list of issues

268. In December 2021, through the Permanent Mission of the Russian Federation to the United Nations Office and other international organizations in Geneva, the Ministry of Foreign Affairs received a joint enquiry from special procedures of the Human Rights Council concerning the extrajudicial killing of a citizen of the Syrian Arab Republic, Mr. Mohammed Al-Abdullah, also known as Mohammed Elismail. The reference number of the enquiry, dated 13 December 2021, was AL RUS 14/2021. In February 2022, based on information received from the Judicial Division of the Supreme Court, the Office of the Procurator General and the Investigative Committee, the Ministry of Foreign Affairs submitted the following information in response to the enquiry.

269. On 18 March 2021, the Central Investigation Department of the Investigative Committee received a criminal complaint from Abdullah Elismail regarding the suspected murder by Russian citizens of his brother Mohammed Elismail in the Syrian Arab Republic in 2017. However, the investigating agency did not find any grounds for conducting an investigation under articles 144 and 145 of the Code of Criminal Procedure as there were no circumstances indicating that a criminal offence had been committed.

270. The Department's position appears to be sufficiently substantiated, given that the communication and annexed documents submitted by Abdullah Elismail did not contain credible information to indicate that Muhammed Elismail had died or that citizens of the Russian Federation had been involved in unlawful acts. Moreover, the authenticity of the related video recording was not confirmed.

271. It was further established that the alleged criminal offence could have been committed outside the Russian Federation. No reports that it was being investigated by the competent authorities of the Syrian Arab Republic or related requests for the necessary legal assistance were received.

272. In view of the above, on 18 January 2022, Basmanny District Court in Moscow dismissed a complaint filed by the lawyer P.I. Zaikin, acting on behalf of Abdullah Elismail, concerning the failure of Investigative Committee officials to conduct a procedural investigation.

273. The legislation of the Russian Federation does not provide for the establishment of private military and security companies. Accordingly, the unified State register of legal entities maintained by the Federal Tax Service cannot, by definition, list organizations with a profile similar to that of the Wagner Group.

274. Furthermore, the fact that certain citizens of the Russian Federation may operate abroad under private contracts with non-State entities, including foreign entities, is not a reason for equating their activities with the official policy of the Russian authorities. If such persons commit offences against the interests protected by the Criminal Code while outside the Russian Federation, they are liable under the Code unless a court in another State has handed down a decision on the relevant conduct (Criminal Code, art. 12). Mercenarism is a criminal offence under Russian legislation (Code of Criminal Procedure, art. 359).

275. There is currently no information concerning criminal prosecution in the Russian Federation of personnel from private military and security companies for unlawful acts committed abroad.

276. According to the Investigative Committee, the national investigative agencies have never received any report of a Russian-speaking man who filmed the torture and killing of a prisoner in the Syrian Arab Republic, allegedly identified as a member of the Wagner Group – a private military organization of the Russian Federation – and supposedly an internal affairs official from the Stavropol region. No procedural investigations into such circumstances have been conducted and no criminal cases have been investigated.

Reply to the issues raised in paragraph 25 of the list of issues

277. The compensatory legal remedies available to detained persons whose conditions of detention constitute violations, including because they were tortured, include the right to receive monetary compensation.

278. Persons who believe that the conditions of their remand in custody or detention in a correctional facility constitute violations are entitled, in accordance with the procedures set out in the Code of Administrative Procedure, to file an administrative application in court challenging those conditions or the decisions, actions or omissions of a State authority or official and requesting compensation for the violation, to be paid by the Treasury (Federal Act No. 103-FZ, art. 171, Penalties Enforcement Code, art. 12.1).

279. Examples can be provided of persons deprived of their liberty successfully claiming moral damages in court for violations concerning their detention conditions, including for torture and other ill-treatment. On 20 April 2022, in its cassational ruling No. 88a-7067/2022, the Third Court of Cassation of General Jurisdiction upheld the decisions of the first- and second-instance courts finding violations concerning the complainant’s detention conditions, namely her beating by a staff member in a correctional facility, and ordering the payment of 10,000 roubles in moral damages. In its cassational ruling No. 88-2950/2022 of 21 February 2022, the same Court upheld the decisions of the first- and second-instance courts to award the complainant 30,000 roubles in moral damages for his torture with an electroshock weapon, which had been established in a court verdict. In its ruling No. 88-2667/2021 of 24 February 2021, the Seventh Court of Cassation of General Jurisdiction upheld the decisions of the first- and second-instance courts to award the complainant 150,000 roubles in moral damages for serious bodily harm inflicted on him by correctional facility staff.

Reply to the issues raised in paragraph 26 of the list of issues

280. In accordance with article 75 of the Code of Criminal Procedure, evidence obtained in violation of the requirements of the Code is inadmissible, meaning that it has no legal force and may not serve the basis of an indictment or be used as proof.

281. Pursuant to article 9 of the Code of Criminal Procedure, actions and decisions that humiliate participants in criminal proceedings and treatment that is degrading or endangers participants' life or health are prohibited during criminal proceedings. Participants in criminal proceedings may not be subjected to violence, torture or other cruel or degrading treatment.

282. It is prohibited by law to use as evidence statements obtained using any unlawful investigative methods, including moral or psychological pressure, especially torture. In view of the rules and standards of evidence in Russian criminal proceedings, the so-called "fruit of the poisonous tree" doctrine, applicable when evidence obtained using inadmissible evidence is itself fully or partially inadmissible, is well established with regard to evidence in criminal cases.

283. The plenum of the Supreme Court has clarified that, when the courts consider motions by the parties to find evidence inadmissible in accordance with article 75 (2) (3) of the Code of Criminal Procedure, they must ascertain exactly how criminal procedural law was violated; evidence is considered inadmissible if, inter alia, substantial violations of the established procedure for its collection and preservation occurred or evidence collection and preservation was carried out by an improper person or body or as a result of actions not in line with procedural standards (Decision No. 51 of 19 December 2017 on the application of legislation during the consideration of criminal cases by first-instance courts (general court procedures), para. 13).

Reply to the issues raised in paragraph 27 of the list of issues

284. Regarding legal remedies to protect human rights defenders and journalists against unlawful threats, acts of violence and killings, see the reply to the issues raised in paragraph 1 of the list of issues.

285. In relation to paragraphs 28, 29, 46 and 47 (b) of the concluding observations on the sixth periodic report, please note the following.

286. Regarding the investigation into the killing of *Novaya Gazeta* columnist Ms. Anna Politkovskaya, the Central Department of the Investigative Committee is continuing its investigation into the separate criminal case opened against the unidentified organizers and instigators of the murder (Criminal Code, art. 105 (2) (b)). Mr. D.Y. Pavlyuchenkov, Mr. I.R. Makhmudov, Mr. D.R. Makhmudov, Mr. R.R. Makhmudov, Mr. S.G. Khadzhikurbanov and Mr. L.A. Gaitukaev, established as perpetrators in the criminal case, were sentenced by Moscow City Court to various terms of imprisonment.

287. The North Caucasus Federal Area Central Investigation Department of the Investigative Committee conducted an investigation under the criminal case initiated for the abduction and murder of Ms. N.K. Estemirova, an employee of the Memorial human rights centre.

288. Following the significant investigative work carried out as part of the case, it was established that Mr. A.A. Bashaev had been involved in the criminal offences committed against Ms. Estemirova. On 3 October 2010, Mr. Bashaev was charged with offences under articles 105 (c) and (g), 126 (2) (a), (c) and (d), 208 (2) and 222 (2) of the Criminal Code. His guilt of the offences with which he was charged is confirmed by the investigation reports, witness statements and forensic assessments.

289. On 3 October 2010, an international wanted notice was issued for Mr. Bashaev and a court order for his remand in custody as a preventive measure was handed down in his absence.

290. On 15 November 2017, the pretrial investigation was suspended because Mr. Bashaev could not be located.

291. In relation to the Oyub Titiyev case, the criminal case was referred to the Chechen Republic investigative department by the procuratorial authorities on 2 August 2018.

292. Following investigation, it was established that, on 9 January 2018, internal affairs officials stopped a car being driven by Mr. Titiyev for a document check. When the car was searched, a plastic bag containing a substance of plant origin was found under the right-hand passenger seat and seized. According to the test form, the bag contained 206.9 g of cannabis (marijuana).

293. On 18 March 2018, a court found Mr. Titiyev guilty of committing a criminal offence under article 228 (2) of the Criminal Code and sentenced him to 4 years' deprivation of liberty in an open prison.

294. A procedural investigation was carried out into Mr. Titiyev's report of unlawful acts by police officers, who, he alleged, had planted narcotics in his car. Following this investigation, on 22 March 2018, it was decided not to initiate criminal proceedings against the officers of the Kurchaloy District office of the Ministry of Internal Affairs in the Chechen Republic, on the grounds set out in article 24 (1) (2) of the Code of Criminal Procedure, as the acts did not constitute a criminal offence.

295. Regarding the alleged incidents of reprisals against persons who cooperate with United Nations human rights mechanisms, Russia upholds the principle of cooperation for the promotion and protection of human rights, including cooperation of all stakeholders at the international level with the United Nations and its subsidiary bodies and entities. Russia opposes any reprisals against persons cooperating with United Nations entities or experts.

296. To resolve disputes over access of any persons to United Nations entities or alleged reprisals against such persons, the Secretary-General of the United Nations has placed the Assistant Secretary-General for Human Rights and Head of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in New York in charge of clarifying such incidents in cooperation with the State in question.

297. The Russian Federation carefully considers and responds to OHCHR queries on human rights, received as part of preparation for the relevant annual report of the Secretary-General, on alleged incidents of reprisals against persons cooperating with the United Nations human rights mechanisms.

Reply to the issues raised in paragraph 28 of the list of issues

298. Under the Constitution, motherhood, childhood and the family are protected by the State (art. 38 (1)).

299. In fulfilment of the State's constitutional obligation to protect the rights of minors, Federal Act No. 124-FZ of 24 July 1998 on Fundamental Guarantees for the Rights of the Child in the Russian Federation establishes fundamental guarantees of children's rights and legitimate interests, including by obliging public authorities to take measures to protect children from information, propaganda and activism that is prejudicial to their health and moral and spiritual development (art. 14 (1)).

300. Federal Act No. 436-FZ of 29 December 2010 on the Protection of Children from Information Detrimental to Their Health and Development regulates relations with regard to the protection of children from information detrimental to their health or development, including when such information is contained in media products.

301. Article 5 of the Federal Act stipulates that such information includes information relating to sexual relations, whose dissemination among children is either prohibited, as is the case, for example, for the promotion of non-traditional sexual relations (para. 2), or restricted for children in specific age groups (para. 3), based on traditional ideas of public order and morals and considering their level of mental development, and proposes monitoring by teachers and parents.

302. In its decision No. 24-P of 23 September 2014, the Constitutional Court indicated that family, motherhood and childhood, in their traditional and ancestral sense, are values that ensure the continuous succession of generations and allow for the preservation and development of the multi-ethnic population of the Russian Federation and, accordingly, require special protection from the State. Based on traditional understandings of these values and given the particular ethnic and religious make-up of Russian society, its sociocultural and other historical characteristics, the Russian Federation has the right to resolve specific issues of legal regulation in areas concerning sexual and related interpersonal relations, while accepting the need to consider the requirements of the Constitution and international legal instruments as regards both individual autonomy and the freedom to impart information.

303. Since one of the purposes of the family is childbearing and child-rearing, the legislative approach to resolving issues concerning family relations in the Russian Federation is based on the conception of marriage as the union of a man and a woman.

304. Given that neither the Constitution nor the international legal obligations of the Russian Federation oblige the State to enable the promotion, support or recognition of same-sex unions, the regulation of freedom of speech and the freedom to impart information established by the federal legislature does not involve facilitating the creation and fostering of a society in which alternatives to the generally recognized interpretations of the institution of the family and related social and legal institutions are considered equally valid.

305. The Constitution allows the federal legislature to use all available means within its discretionary powers, guided by general principles of legal responsibility, which are of universal validity and inherently fundamental to the constitutional order. With regard to the protection of children's rights and legitimate interests, one such means is the prohibition under administrative law of the promotion among minors of non-traditional sexual relations, which was introduced to help prevent the potential negative impact on their development of external informational influence.

306. In accordance with article 6.21 (1) of the Code of Administrative Offences, the administrative offence of promotion among minors of non-traditional sexual relations is defined as the dissemination of information aimed at producing among minors non-traditional sexual attitudes, an attraction to non-traditional sexual relations and a perverted notion of the social equality of traditional and non-traditional sexual relations or the imposition of information about non-traditional sexual relations that evokes interest in such relations, if such actions do not constitute an offence punishable under criminal law.

307. The legal position of the Constitutional Court is that the current legislation does not in itself constitute discrimination, as it is intended to protect children from the destructive impact of the promotion of non-traditional sexual relations and to oblige the public authorities to take measures to protect children from information, propaganda and activism that is prejudicial to their health and moral and spiritual development.

308. Based on the Convention on the Rights of the Child, approved by the General Assembly on 20 November 1989, under which children's health and morals are a paramount goal, the Russian legislature prioritized the protection of children's health and rights over the free expression of opinions about same-sex relations.

Reply to the issues raised in paragraph 29 of the list of issues

309. Protection of the lives and health of military personnel is a priority for the Office of the Chief Military Procurator and the district and garrison-level military procurators' offices.

310. In order to more effectively combat violence in the armed forces and prevent deaths and injuries among military personnel, Order No. 66 of the Deputy Procurator General of the Russian Federation and Chief Military Procurator on monitoring the application of the law to ensure safe conditions of military service was issued on 29 May 2012. The order sets forth a package of system-wide measures aimed at preventing violent crime and other unlawful activities, such as hazing, in the Armed Forces of the Russian Federation and among other troops, military formations and agencies.

311. Pursuant to the order, procurators review compliance by commanding officers with the legislation on ensuring safe conditions of military service, independently of any investigation of criminal cases or preliminary inquiries into the death or injury of military personnel. The reliability of records of deaths and injuries among military personnel and the timeliness and impartiality of the corresponding investigations are evaluated. Procurators act in response to violations of the law and steps are taken to restore the legal rights and defend the legitimate interests of military personnel and members of their families and ensure that appropriate action is taken against officials directly responsible for injury to military personnel and against high-ranking officials who fail to take effective measures to ensure safe conditions of military service.

312. Bearing in mind the importance of preventing and combating violent crime among military personnel, an interdepartmental working group on combating humiliating treatment, assault and other violent offences in the armed forces, established in 2000, assesses the state of law and order in the military, develops measures to combat violent crime among military personnel and reviews the effectiveness of the action taken by commanding officers to prevent such offences. The members of the group conduct scheduled inspections of the military units, formations, institutions and garrisons that are the least satisfactory in terms of military discipline and law and order. Military procurators conduct legal training classes where military personnel are informed of the implications under criminal law of crimes committed in military service. Joint standing task forces with similar mandates have been set up in the offices of military procurators at the district level.

313. Military procurators provide procedural oversight of the military investigative bodies of the Investigative Committee of the Russian Federation and of military commanders conducting initial inquiries. All reports of violent crime, including cases involving the death of conscripts, result in the initiation of criminal proceedings.

314. In accordance with article 73 (2) of the Code of Criminal Procedure, when investigating offences, military investigative bodies also seek to establish the circumstances that enabled such offences to take place. Upon completion of the preliminary investigation and on the basis of the investigators' submissions, it is considered whether to take disciplinary action against military officials who allowed humiliating treatment or assaults to be committed or hold them financially liable.

315. Focused efforts to improve law and order and military discipline in the armed forces are ongoing. The measures taken have resulted in a steady decline in the number of breaches of the military service regulations governing relations between personnel of equal rank.

316. With a view to more effective crime prevention, the Ministry of Defence has transmitted 32 regulatory documents to the armed forces. Its inspection teams have conducted 16 joint visits with military procuratorial agencies and 61 independent visits to military units and formations with an unsatisfactory level of law and order. In 2021, more than 15,000 actions were conducted across the Armed Forces of the Russian Federation to promote cohesion among military personnel and combat humiliating treatment.

317. By 2022, the measures taken had led to a reduction of 12.3 per cent in the number of victims of humiliating treatment and assaults, a reduction of 6 per cent in convictions for breaches of the military service regulations on interpersonal relations and a reduction of 26.8 per cent in convictions for improper exercise of authority involving the use of violence against subordinates. Lawful and reasoned verdicts have been handed down in all criminal cases falling under this category and civil claims have been successful.

318. In accordance with article 51 of the Federal Act on Military Duty and Military Service, all military personnel who commit violent crimes and are sentenced to term of imprisonment are discharged from service when the judgment becomes enforceable. Those who enlist voluntarily face discharge when they are sentenced to terms of imprisonment, including suspended sentences, for any intentional offence. The law as it currently stands does not provide for the discharge from military service of persons who incur other penalties. In the majority of cases, the high command decides whether to dismiss the officers who have committed such offences. Moreover, with a view to raising the standard of recruits, persons with unexpunged or outstanding convictions are excluded from conscription to military service (Federal Act on Military Duty and Military Service, art. 23 (2) (b)).

319. Military personnel who are victims of crime receive medical and psychological care free of charge in military health-care facilities and are compensated for material and moral damage as provided for in criminal and civil procedural legislation, with the costs either recovered from the perpetrator or paid by the Treasury.

320. The work of military procuratorial agencies to combat unlawful acts of violence is conducted transparently. The results of investigations into crimes that have achieved particular notoriety are covered in the media and published on the official website of the Office of the Chief Military Procurator. This website also hosts the Office's Internet help desk, where complaints of unlawful acts can be submitted online. Telephone helplines, counselling centres, regular inspections of military units and continuous interactions with voluntary organizations, including associations of the parents of military personnel, have helped rebuild confidence in the law enforcement agencies and minimize the number of such offences that go unreported.

Reply to the issues raised in paragraph 30 of the list of issues

321. In accordance with article 65 of the Family Code, parents may not harm their children's physical and mental health or moral development while exercising their parental authority. Child-rearing methods must not include negligent, cruel, brutal or degrading treatment, humiliation or exploitation.

322. Russian criminal legislation also prohibits corporal punishment, including of children. Acts which cause bodily injuries may be classified under various articles of the Criminal Code, including articles 111 (Intentional infliction of grievous bodily harm), 112 (Intentional infliction of moderate bodily harm), 115 (Intentional infliction of minor bodily harm), 116 (Battery), 116^1 (Battery by a person who has previously incurred an administrative penalty or who has a criminal record) and 117 (Cruel treatment). Criminal offences committed against children are subject to harsher penalties. If the acts were committed against a minor, this is considered as an aggravating factor.

323. The Criminal Code includes a separate chapter 20 on offences against the family and minors, which contains offences targeted against the social relations that facilitate the physical, intellectual and moral development of children's personalities.

324. It is a criminal offence for persons over the age of 18, parents, teachers or other persons legally responsible for a minor's upbringing to entice the minor to commit an offence through promises, deceit, threats or other means, in conjunction with the use or threat of violence (Criminal Code, art. 150 (3)); for such persons to entice the minor to habitually consume alcohol or other intoxicating substances or to engage in vagrancy or begging, in conjunction with the use or threat of violence (Criminal Code, art. 151 (3)); and for parents or other persons legally responsible for a minor's upbringing, teachers or other education workers or the employees of health-care institutions, social services organizations or other organizations responsible for supervising minors to fail to fulfil, or to improperly fulfil, the obligations of raising a minor, if such conduct is accompanied by ill-treatment of the minor in question (Criminal Code, art. 156).

325. On 6 March 2022, Federal Act No. 38-FZ was adopted, amending the Criminal Code and article 280 of the Code of Criminal Procedure to establish the criminal offence of concealing a serious offence against a minor without prior conspiracy and expand the list of aggravating factors in sentencing for offences committed against minors.

326. The commission of any criminal offence against a child, another defenceless or helpless person or a person dependent on the perpetrator and the commission of a criminal offence against a minor by a parent or other person responsible for the upkeep, upbringing, education or protection of the rights and legitimate interests of the minor, by a person living with the minor, by a teacher or other education worker or employee of a health-care institution, social services organization or other organization responsible for supervising minors or by another person working in the field of education, childcare or child development or in organizations dealing with children's leisure and health, medical care, social protection or social services or in the field of child and youth sports, culture or art with participation by

minors are considered to be aggravating circumstances that carry heavier penalties (Criminal Code, art.63 (1) (h) and (i)).

Reply to the issues raised in paragraph 31 of the list of issues

327. Pursuant to Ministry of Health Order No. 850n of 23 October 2017 approving the form and procedures for health-care institutions to issue a sex change certificate, sex change certificates are issued to citizens by health-care institutions and other medical institutions licensed to perform psychiatry and provide psychiatric services, based on a determination of sex reassignment. Referral for sex reassignment determination is made by a psychiatrist on the basis of medical observation with a diagnosis of transsexualism.

328. According to the tenth revision of the International Statistical Classification of Diseases and Related Health Problems (version 2.21 of 7 September 2022), transsexualism is categorized as a disorder of adult personality and behaviour.

329. Determination of sex reassignment is carried out by a committee of doctors from the heath-care institution. The committee carries out the determination only upon application and not on the initiative of the health-care institution.

Reply to the issues raised in paragraph 32 of the list of issues

330. Pursuant to article 20 (2) of the Constitution and article 59 (1) of the Criminal Code, the death penalty may be established under federal law as an exceptional punishment for especially serious offences against life.

331. The death penalty is provided for in article 44 of the Criminal Code but is not currently applied.

332. Non-application of the death penalty is based on Constitutional Court judgments, contained in decision No. 3-P of 2 February 1999, decision No. 8-P of 19 April 2010 and ruling No. 1344-O-R of 19 November 2009, according to which firm guarantees of the right not to be subjected to capital punishment have been established in the Russian Federation and a legitimate constitutional order has formed, under which an irreversible process is under way to abolish the death penalty, which is currently an exceptional punishment, provisional in nature ("until its abolition") and permissible only during a certain transitional period aimed at achieving the goal set out in article 20 (2) of the Constitution.

Reply to the issues raised in paragraph 33 of the list of issues

333. Pursuant to article 2 of Federal Act No. 35-FZ of 6 March 2006, the Counter-Terrorism Act, the fundamental principles of counter-terrorism in the Russian Federation include:

(a) Promotion and protection of basic human and civil rights and freedoms;

(b) Rule of law;

(c) Prioritization of the rights and legitimate interests of persons at risk of terrorism;

(d) Inevitability of punishment for engaging in terrorist activities;

(e) Prioritization of terrorism prevention measures;

(f) Inadmissibility of political concessions to terrorists;

(g) Minimization and/or elimination of the impact of terrorism;

(h) Commensurate nature of counter-terrorism measures with the scale of the terrorist threat.

334. Pursuant to article 22 of the Federal Act, it is lawful to take the life of persons committing acts of terrorism, injure them, damage their property or harm any other legally

protected individual, public or State interests while preventing an act of terrorism or taking other measures to combat terrorism prescribed or permitted by national legislation.

Reply to the issues raised in paragraph 34 of the list of issues

335. Regarding the measures taken to prevent the outbreak and spread of coronavirus disease (COVID-19) in penal correction institutions of the Federal Penal Service, detailed information was provided in the reply to the issues raised in paragraph 13 of the list of issues (paragraphs 178 to 182 of the present report).

336. As regards the measures taken in temporary holding facilities and other places of detention administered by the Ministry of Internal Affairs, a package of organizational and practical measures is being implemented to ensure continuous operation of special police facilities during the COVID-19 pandemic.

337. Local offices of the Ministry of Internal Affairs were given guidance on the organization of work while the spread of disease remained a risk and on additional measures to prevent its spread. As part of the measures implemented, an operating procedure was developed for use by the personnel of internal affairs authorities when placing suspects, accused persons, persons subject to administrative detention, foreign citizens, stateless persons and juvenile offenders in special police facilities while the risk of the spread of COVID-19 was ongoing, and decisions were made to allocate back-up special police facilities and specific high-security units to accommodate persons with acute respiratory symptoms or a diagnosis of COVID-19.

338. To enable the internal affairs authorities to more efficiently prevent breaches of national migration legislation, the local offices of the Ministry of Internal Affairs have been provided with guidance on the application of Presidential Decree No. 274 of 18 April 2020 on temporary measures to regularize the legal status of foreign nationals and stateless persons in the Russian Federation in connection with the risk of the further spread of COVID-19 and Presidential Decree No. 364 of 15 June 2021 on temporary measures to regularize the legal status of foreign nationals and stateless persons in the Russian Federation during the period of recovery from the impact of the spread of COVID-19.

339. The proportion of the prison population infected in 2021 did not exceed 0.1 per cent (19 persons, not including transferred persons).

340. The measures developed made it possible to avert serious outbreaks of disease in temporary holding facilities, special detention centres for persons subject to administrative detention and temporary detention centres for foreign nationals.