



WILPF

WOMEN'S INTERNATIONAL
LEAGUE FOR PEACE & FREEDOM

Submission to the Universal Periodic Review of the Russian Federation

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I. Introduction

This submission for the fourth cycle of the Universal Periodic Review (UPR) of Russian Federation (hereinafter, Russia) illustrates human rights violations in the country relating to the repression of views opposing the war in Ukraine and severe restrictions to civil society space; the intersectional dimensions of repression; the use of new technology in repression; militarisation of education; forced recruitment and the targeting of ethnic minorities and Indigenous communities; and violations of the right to conscientious objection to military service.

The submission also recalls violations linked to Russia's use of explosive weapons in Syria and Ukraine, as documented by investigative mechanisms of the Human Rights Council (HRC) and human rights organisations. It also illustrates concerns relating to Russia's arms trade.

Note: Unless otherwise indicated, all hyperlinks in the footnotes were last accessed on 2 April 2023. Due to word count limits, some parts of the following text could not be included in the main text of the UPR submission sent to the Office of the High Commissioner for Human Rights (OHCHR).

II. Repression of anti-war sentiment

Even before its invasion of Ukraine in 2022, Russia was among the most restrictive countries in the world regarding media freedoms and civil society space more generally.

Freedom of expression, assembly, and association as well as repression of civil society space, including media, was a strong concern in Russia's last UPR in 2018, as illustrated by over 50 recommendations received on these issues, including regarding repressive laws such as the laws on so-called "foreign agents"¹ and "undesirable organisations"² used to crack down on dissent. Russia accepted to implement 24 of those recommendations, including to "Take effective and credible measures to

¹ Federal Law No. 255-FZ of July 14, 2022 "On Control over the Activities of Persons Under Foreign Influence", available in Russian language at: <<http://publication.pravo.gov.ru/Document/View/0001202207140018?index=37&rangeSize=1>>.

² Federal Law No. 129 on amending certain legislative acts of the Russian Federation [also known as law on undesirable foreign and international organisations] [Федеральный закон от 23.05.2015 No 129-ФЗ "О внесении изменений в отдельные законодательные акты Российской Федерации"] (23 May 2015) available in Russian language at: <<http://publication.pravo.gov.ru/Document/View/000120150523000>>.

protect and facilitate the exercise of the rights to freedom of peaceful assembly, freedom of opinion and expression, and freedom of association (Slovakia, recommendation 147.175).³

Rather than implementing those UPR recommendations, Russia has continued to severely curtail people's rights to freedom of expression, association and peaceful assembly, including through measures to respond to the COVID-19 pandemic. For example, Amnesty International reported, "On 31 March 2020, the Russian authorities passed amendments to the Criminal Code and to the Code of Administrative Offences that introduced criminal penalties for "public dissemination of knowingly false information" in the context of emergencies, and administrative penalties for media outlets that publish such information. The legislative changes also expand criminal sanctions for violating sanitary and epidemiological regulations".⁴

In September 2022, a Rapporteur appointed by the Organisation for Security and Co-operation in Europe (OSCE) reported, "A decade of reform legislation in Russia has completely changed the scope of action of Russian civil society, cutting it off from foreign and international partners, suppressing independent initiatives, stifling critical attitudes towards the authorities, silencing the media and suppressing political opposition. The repression has gradually intensified since 2012 – after mass protests in the context of parliamentary and presidential elections – and reached its peak with the new reform laws adopted after the beginning of the war in July 2022. Most of the new legal provisions are implemented immediately and have the effect of forcing non-governmental organisations, anti-corruption activists, journalists and other media actors, human rights defenders, lawyers and researchers to reduce or abandon their activities or to leave the country."⁵

According to Reporters without borders (RSF), "Since Russia invaded Ukraine in February 2022, almost all independent media have been banned, blocked and/or declared "foreign agents". All others are

³ UN Human Rights Council, thirty-ninth session, 'Report of the Working Group on the Universal periodic review of Russian Federation' (12 June 2018) UN Doc A/HRC/39/13. Recommendations 147.127; 147.159; 147.163; 147.171; 147.173; 147.179; 147.153; 147.154; 147.155; 147.162; 147.166; 147.167; 147.175; 147.176; 147.185; 147.97; 147.123; 147.169; 147.170; 147.182; 147.197; 147.128; 147.71; 147.177.

⁴ Amnesty International, 'Russian Federation: "Fake news" bill promoted by COVID 19 threatens freedom of expression" (3 April 2020) available at: <<https://www.amnesty.org/en/documents/eur46/2093/2020/en/>>.

⁵ Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, 351/2022, page 103, available at: <<https://www.osce.org/files/f/documents/7/5/526720.pdf>>; Human Rights Watch, Russia events of 2020, available at: <<https://www.hrw.org/world-report/2021/country-chapters/russia>>.

subject to military censorship.”⁶ In its World Press Freedom Index, RSF’s ranking of Russia was 155/180 for 2022, down from an already appalling 150/180 in 2021.⁷

a. Targeting of anti-war dissent

Russia’s war against Ukraine has marked the start of new relentless attacks against free speech at all levels of society. As noted by the UN Human Rights Council (HRC), there is “a clear connection between domestic repression and war abroad.”⁸

In March 2022, Amnesty International reported that “the Russian authorities have unleashed an unprecedented, nationwide crackdown on independent journalism, anti-war protests and dissenting voices in an attempt to stifle any criticism of its actions at home. This clampdown has decimated Russia’s already beleaguered civil society, following nearly a decade of legislative restrictions designed to quell dissenting voices and shrink civic space.”⁹

Authorities have further tightened their grip on civil society space through vague laws on so-called “foreign agents”, “undesirable organisations” and “extremism”. This crackdown culminated with the adoption of new provisions of the criminal code on the dissemination of “false news” about the Russian military in March 2022.¹⁰ These new provisions are used to punish any criticism of the war with prison terms for as long as 15 years.

A few days after the start of the war against Ukraine, the Russian media regulator ordered media to remove reports describing the invasion of Ukraine as an “assault”, “invasion” or a “war” with the risk

⁶ Reporters without Borders, Russia, available at <<https://rsf.org/en/country/russia>>.

⁷ Reporters without Borders, Russia, available at <<https://rsf.org/en/country/russia>>

⁸ UN Human Rights Council, fifty-first session, ‘Resolution adopted by the Human Rights Council on 7 October 2022’ UN Doc A/HRC/RES/51/25 (11 October 2022), preambular paragraph 6, available at: <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/520/25/PDF/G2252025.pdf?OpenElement>>.

⁹ Amnesty International, ‘Ukraine and Russia: Amnesty International’s key recommendations for EU Leaders’ (22 March 2022) available at: <<https://reliefweb.int/report/ukraine/ukraine-and-russia-amnesty-international-s-key-recommendations-eu-leaders>>.

¹⁰ OMCT, ‘Russia: Renewed crackdown on civil society amid invasion of Ukraine’, 4 March 2022, available at: <https://www.omct.org/en/resources/statements/russia-renewed-crackdown-on-civil-society-amid-invasion-of-ukraine>; Freedom House, Freedom in the world 2023 Russia, available at: <<https://freedomhouse.org/country/russia/freedom-world/2023>>.

of pecuniary sanctions or blockages in case of non-compliance.¹¹ In December 2022, the UN Human Rights Committee expressed concerns on these issues.¹²

The crackdown on civil society has severely escalated with increasing harassment, prosecutions on trumped-up charges, and even the forced dissolution of several NGOs.¹³ Anti-war activists and journalists that report on the war or question the official state narratives about the war are facing judicial harassment and threats, and so do the lawyers who represent them.¹⁴ Peaceful protests

¹¹ OMCT, 'Russia: Renewed crackdown on civil society amid invasion of Ukraine' (4 March 2022) available at: <<https://www.omct.org/en/resources/statements/russia-renewed-crackdown-on-civil-society-amid-invasion-of-ukraine>>.

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

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

¹⁴ In 2022, the Human Rights Committee expressed deep concern: "about the increase in reports of violence and harassment of journalists, such as Ivan Safronov, and notes reports that journalists writing about the war

against the war and forced mobilisation in the army have also been met with excessive use of force by the authorities. The Human Rights Committee has expressed deep concerns on this.”¹⁵

Recommendations

- Immediately release all persons detained in relation to participating in peaceful assemblies, including in anti-war protests, whose detention is incompatible with international human rights law;
- Refrain from any form of harassment or threats against protesters, including through the practice of preventative arrests, as well as the adoption of any further restriction and ensure the safe and full exercise of their right to freedom of expression;
- Repeal all legislation unduly restricting freedom of expression, including articles 207.3, 275.1, 280.3 and 284.2 of the Criminal Code, and refrain from adopting any further restrictions incompatible with international human rights law, including requirements that amount to de facto authorisation of an assembly;
- Effectively guarantee and protect the right to peaceful assembly including for anti-war protests, and take measures to prevent, investigate and eliminate all forms of excessive use of force by security forces in the context of public protests.

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

¹⁵ “The Committee is deeply concerned about numerous and consistent reports of restrictions of the freedom of assembly, including refusal by the authorities to authorize peaceful protests, in particular anti-war protests; the alleged arbitrary detention of hundreds of thousands of participants in peaceful protests; and the violent response of law enforcement officials to peaceful assemblies. It is further concerned about the implications Federal Law No. 260-FZ of 14 July 2022 may have on freedom of assembly, given the provisions that criminalize public calls for activities aimed against State security or at obstructing the exercise by public bodies or officials to ensure State security. It is concerned about reports that participation in assemblies is hampered by the use of preventive detention and by the use of facial recognition systems that are not regulated by law, including in regard to the procedure for storing and reviewing data relating to such systems (arts. 7, 9–10, 14, 17, 19 and 21).” UN Human Rights Committee ‘Concluding observations on the eighth periodic report of the Russian Federation’ (1 December 2022) UN Doc CCPR/C/RUS/CO/8, paragraph 32.

b. Intersectional dimensions of repression

As underlined by the HRC, women human rights defenders in Russia face specific gender-based threats and persons belonging to minorities and to groups who are discriminated against and marginalised are particularly at risk.¹⁶ There have been reports of threats and acts of sexual violence against activists or their relatives. A OSCE Rapporteur's report notes that sexualised police violence against female protesters is "more noticeable since February 2022".¹⁷ It also notes gender-based forms of persecution against men between the age of 18 and 27 who are subject to military service and who are under the threat of being drafted if expelled from university.¹⁸

Russia accepted UPR recommendation 147.97 LGBTI people.¹⁹ However, the repression of LGBTIQ+ persons has reached new heights since the start of the war, with several overly vague laws passed in 2022 outlawing spreading information about so-called "non-traditional sexual relations" and enforcing the closure of LGBTIQ+ NGOs.²⁰ Anti-war activists belonging to Indigenous Peoples and minority groups

¹⁶ UN Human Rights Council, fifty-first session, 'Resolution adopted by the Human Rights Council on 7 October 2022' UN Doc A/HRC/RES/51/25 (11 October 2022) preambular paragraphs 7-8, available at: <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/520/25/PDF/G2252025.pdf?OpenElement>>.

¹⁷ Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, 351/2022, page 114, available at: <<https://www.osce.org/files/f/documents/7/5/526720.pdf>>; See also, Russian Police are Torturing Anti-War Activists (20 October 2022) available at: <<https://www.hrw.org/news/2022/10/20/russian-police-are-torturing-anti-war-activists>>; Russia: Activist allegedly beaten and raped for reciting anti-war poem online (27 September 2022) available at: <<https://www.amnesty.org/en/latest/news/2022/09/russia-activist-allegedly-beaten-and-raped-for-reciting-anti-war-poem-online/>>.

¹⁸ Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, 351/2022 (September 2022), page 115, available at: <<https://www.osce.org/files/f/documents/7/5/526720.pdf>>.

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

²⁰ United Nations Office of the High Commissioner for Human Rights, Press releases, Special Procedures, 'Russia: UN expert alarmed at continued targeting of human rights defenders' (14 September 2022) available at: <<https://www.ohchr.org/en/press-releases/2022/09/russia-un-expert-alarmed-continued-targeting-human-rights-defenders>>; AlJazeera, 'As the Ukraine war rages, Russia doubles down on anti-LGBT laws' (31 October 2022) available at: <<https://www.aljazeera.com/news/2022/10/31/russia-introduces-more-anti-lgbt-laws-amid-war-losses>>; BBC, 'Russia: Putin's Kremlin targets LGBT in new crackdown' (23 January 2023)

are increasingly denouncing the disproportionate impacts of the war on them and are facing repression for it.²¹ Feminist activists are also targeted for their anti-war positions and activism on gender issues.²²

Recommendations

- Immediately cease any form of harassment and repression of media workers, human rights defenders, and anti-war activists, including LGBTQ+, Indigenous, ethnic minority, and feminist activists, and ensure the safe and full exercise of their rights to freedom of expression, association and assembly;
- Repeal any laws discriminating against LGBTQ+ persons, including the 2022 law on “non-traditional sexual relations.”²³

c. New technologies and repression

As reported by Human Rights Watch (HRW), Russian authorities have been using facial recognition software since 2017 across the country without it being regulated by law.²⁴ There are multiple reports

available at: <<https://www.bbc.com/news/world-europe-64345693>>; Open Democracy, Russia’s biggest LGBT+ group has been shut down. But we’re going nowhere (22 April 2022) available at: <<https://www.opendemocracy.net/en/5050/cf-sphere-russia-lgbtqi-shut-down/>>.

²¹ Al Jazeera, ‘Putin is using ethnic minorities to fight in Ukraine’: Activist’ (25 October 2022) available at: <<https://www.aljazeera.com/features/2022/10/25/russia-putin-is-using-ethnic-minorities-to-fight-in-ukraine>>; Resilience, ‘How Russians, Indigenous people and Belarusians are uniting to resist the war in Ukraine’, (28 February 2023) available at: <<https://www.resilience.org/stories/2023-02-28/how-russians-indigenous-people-and-belarusians-are-uniting-to-resist-the-war-in-ukraine/>>; Cultural Survival, ‘Anti-War Initiatives Led by Indigenous Peoples in Russia are Inherently Anti-Colonialist’ (23 September 2022) available at: <<https://www.culturalsurvival.org/news/anti-war-initiatives-led-indigenous-peoples-russia-are-inherently-anti-colonialist>>.

²² The International Association of Political Science Students, ‘Protest, Persecution, And Prison: Women’s Anti-War Resistance In Putin’s Russia’, 9 February 2023, available at: <https://iapss.org/protest-persecution-and-prison-womens-anti-war-resistance-in-putins-russia/?utm_source=rss&utm_medium=rss&utm_campaign=protest-persecution-and-prison-womens-anti-war-resistance-in-putins-russia>

²³ Federal Law of 29 June 2013, No 135-FZ, ‘On the introduction of amendments into article 5 of the Federal Law “On the protection of children from information liable to be injurious to their health and development” and individual legislative documents of the Russian Federation aimed at protecting children from information promoting the denial of traditional family values’; Amended by Federal Law No. 478-FZ of December 5, 2022 “On Amendments to the Federal Law “On Information, Information Technologies and Information Protection” and Certain Legislative Acts of the Russian Federation”, Available in Russian language at: <<http://publication.pravo.gov.ru/Document/View/0001202212050019?index=1&rangeSize=1>>.

of people planning on attending anti-war protests who have been preventively detained by the police.²⁵ Some reported having been included in a “list of potential protesters” due to their political activism and were detained before a major holiday or potential protest.²⁶ People who actually participated in protests as well as draftees escaping mobilisation have also been arrested after being identified through such technologies.²⁷ In 2022, the Human Rights Committee expressed concerns relating to this use of facial recognition systems and recommended that Russia cease its use.²⁸

The use of facial recognition technologies interferes with the ability of individuals to exercise their right to freedom of expression. The awareness of being watched and tracked might generate a “chilling effect”, leading people not to join protests or express their thoughts in the public space. This concern prompted the HRC to adopt a resolution in 2020 specifically condemning the use of facial recognition technology in the context of peaceful protests due to its chilling effect, and called on states to refrain from using facial recognition technology to monitor individuals involved in peaceful protests.²⁹ The UN Special Rapporteur on the Right to Privacy and the UN Special Rapporteur on Freedom of Association

²⁴ ‘Submission by Human Rights Watch on Russia to the Human Rights Committee, 134th Session’ (10 February 2022) available at: <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCS%2FRUS%2F47850&Lang=en>

²⁵ Reuters, ‘Facial recognition is helping Putin curb dissent with the aid of U.S. tech’, (28 March 2023) available at: <<https://www.reuters.com/investigates/special-report/ukraine-crisis-russia-detentions/>>

²⁶ Reuters, ‘Facial recognition is helping Putin curb dissent with the aid of U.S. tech’, (28 March 2023) available at: <<https://www.reuters.com/investigates/special-report/ukraine-crisis-russia-detentions/>>

²⁷ Reuters, ‘Facial recognition is helping Putin curb dissent with the aid of U.S. tech’, (28 March 2023) available at: <<https://www.reuters.com/investigates/special-report/ukraine-crisis-russia-detentions/>>; Human Rights Watch, ‘Russia Uses Facial Recognition to Hunt Down Draft Evaders’, 26 September 2022, available at: <<https://www.hrw.org/news/2022/10/26/russia-uses-facial-recognition-hunt-down-draft-evaders>>

²⁸ The Committee “is concerned about reports that participation in assemblies is hampered by the use of preventive detention and by the use of facial recognition systems that are not regulated by law, including in regard to the procedure for storing and reviewing data relating to such systems (arts. 7, 9–10, 14, 17, 19 and 21)” “In accordance with article 21 of the Covenant and in the light of the Committee’s general comment No. 37 (2020) on the right of peaceful assembly, the State party should: (...) (e) Refrain from the use of facial recognition systems and the practice of preventive detention to hamper participation in peaceful assemblies.” UN Human Rights Committee ‘Concluding observations on the eighth periodic report of the Russian Federation’ (1 December 2022) UN Doc CCPR/C/RUS/CO/8, paragraphs 32 and 33 e).

²⁹ UN Human Rights Council, ‘Resolution on the promotion and protection of human rights in the context of peaceful protests’ (2020) UN Doc A/HRC/44/20.

and Assembly have both criticised the use of facial recognition technology and other surveillance techniques during protests.³⁰

Recommendations

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

d. Militarising education

Authorities are also silencing any public opposition to the war. For example, it has been reported that criminal prosecutions under the law on spreading false information have targeted members of the public (who expressed anti-war views on social media or privately), more than journalists and activists.³¹ Even children and youth who oppose the war are at risk of persecution.³² In February 2023 the Committee on the Rights of the Child asked questions to Russia relevant to this issue.³³ The Human

³⁰ Biometric Update, 'UN privacy rapporteur criticizes accuracy and proportionality of Wales police use of facial recognition' (3 July 2018) available at: <<https://www.biometricupdate.com/201807/un-privacy-rapporteur-criticizes-accuracy-and-proportionality-of-wales-police-use-of-facial-recognition>>; UN Human Rights Council, forty-first session, 'Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association' (17 May 2019) UN Doc A/HRC/41/41, paragraph 57.

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

³² Al Jazeera, 'In Russia, children opposing the Ukraine war are being targeted' (8 March 2023), available at: <<https://www.aljazeera.com/news/2023/3/8/russian-crackdown-on-dissent-targets-children>>; Politico, 'In Russia, an anti-war drawing can cost you your daughter', 20 March 2023, available at: <<https://www.politico.eu/article/russia-anti-war-drawing-cost-your-daughter-yefremov-tula/>>

³³ "Please describe the measures taken: (...)

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

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

(d) To remove barriers for children's enjoyment of their right to freedom of association and assembly, and ensure that children are not punished for participating in any protests, including in anti-war protests." UN Committee on the Rights of the Child, 'List of issues in relation to the combined sixth and seventh periodic reports of the Russian Federation' (14 March 2023) UN Doc CRC/C/RUS/Q/6-7, paragraphs 4 b) and d),

Rights Committee has also expressed “its substantial concern about limitations on freedom of expression, in particular with respect to anti-war statements, including in educational institutions, as well as in public.”³⁴ It has been reported that since the start of the war, disinformation about the war, as well as militaristic, so-called “patriotic” lessons, have been rolled out in schools to children as young as 6 years old, and teachers who do not conform to official propaganda face sanctions including dismissals.³⁵

Recommendations

- Ensure children’s full enjoyment of freedom of expression and that no child is persecuted or prosecuted for expressing views including anti-war views, and remove barriers to children’s enjoyment of their right to freedom of association and assembly, and ensure that children are not punished for participating in any protests, including in anti-war protests;
- Immediately cease the use of mandatory so-called “patriotic education” classes and respect teachers’ right to freedom of expression and opinion, and children’s right to access to information.

III. Forced recruitment

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

Since 2014, Russia has occupied the territory of the Autonomous Republic of Crimea. According to article 51 of the IV Geneva Convention 1949, to which Russia is a State Party, “The Occupying Power

available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FRUS%2FQ%2F6-7&Lang=en.

³⁴ UN Human Rights Committee ‘Concluding observations on the eighth periodic report of the Russian Federation’ (1 December 2022) UN Doc CCPR/C/RUS/CO/8*, paragraph 28.

³⁵ DW, ‘Mandatory patriotism classes in Russian schools’ (11 September 2022) available at: <https://www.dw.com/en/mandatory-patriotism-classes-in-russian-schools/a-63687952>; Business Insider, ‘How Russia is molding the minds of schoolkids to support its brutal invasion of Ukraine’, 29 January 2023, available at: <https://www.businessinsider.com/russia-ukraine-invasion-propoganda-schoolkids-2023-1?r=US&IR=T>; The Guardian, ‘Russian parents and teachers urged to boycott ‘propaganda classes’, 1 September 2022, available at: <https://www.theguardian.com/world/2022/sep/01/russian-parents-and-teachers-urged-to-boycott-propaganda-classes>

may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted".³⁶

In December 2022 the Human Rights Committee expressed concern "about allegations of forced mobilization and conscription of thousands of Crimean inhabitants, many of whom are Indigenous people",³⁷ and recommended that Russia "Immediately end the practice of forced mobilization and conscription of Crimean residents."³⁸

Moreover, the Human Rights Committee expressed its concern "about reports of forced conscriptions for the war in Ukraine and violent suppression of peaceful protests against these conscriptions in the North Caucasus federal area."³⁹ In North Caucasus, Russian authorities have particular leverage regarding conscription as joining the military is well-remunerated and as this is a region with some of the lowest living standards and salaries.⁴⁰ There are reports of recruitment tactics using economic coercion, pressure and threats.⁴¹ For instance, men have been threatened by the police at their place

³⁶ According to article 51 of the IV Geneva Convention 1949, to which Russia is a State Party, "The Occupying Power may not compel protected persons to serve in its armed or auxiliary forces. No pressure or propaganda which aims at securing voluntary enlistment is permitted". Convention (IV) relative to the Protection of Civilian Persons in Time of War. (Geneva, 12 August 1949) Article 51. Available at: <<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-51>>.

³⁷ UN Human Rights Committee 'Concluding observations on the eighth periodic report of the Russian Federation' (1 December 2022) UN Doc CCPR/C/RUS/CO/8, paragraph 38.

³⁸ UN Human Rights Committee 'Concluding observations on the eighth periodic report of the Russian Federation' (1 December 2022) UN Doc CCPR/C/RUS/CO/8, paragraph 39 (e).

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

⁴⁰ Yekaterina Bezmenova, 'Russia's Shadow Mobilization Accelerates with new Ethnic Units from The North Caucasus' (RadioFreeEurope RadioLiberty, 26 June 2022) available at: <<https://www.rferl.org/a/russia-ukraine-war-north-caucasus-recruitment/31915842.html>>.

⁴¹ Niko Vorobyov, 'Russia's ethnic minorities lament the war in Ukraine' (Aljazeera, 2 August 2022) Available at: <<https://www.aljazeera.com/news/2022/8/2/racist-federation-russias-minorities-complain-of-racism>>; Meduza, 'Our entire society is built on threats' How Russia's military enlistment offices intimidate conscripts who seek alternative service' (25 July 2022) available at: <<https://meduza.io/en/feature/2022/07/25/our-entire-society-is-built-on-threats>>; Emily Calton O'Keeffe, 'Putin's Cannon Fodder: Ethnic Minorities Disproportionate Casualties In Russia's War' (The Organisation for World Peace, 4 September 2022) available at: <<https://theowp.org/putins-cannon-fodder-ethnic-minorities-disproportionate-casualties-in-russias-war/>>; Javier G. Cuesta and Maria R. Sahuquillo, 'Putin's conscription drive targets Russia's ethnic minorities' (El Pais, 7 October 2022) available at: <<https://english.elpais.com/international/2022-10-07/putins-conscription-drive-targets-russias-ethnic-minorities.html>>

of residence because they did not go to an appointment at a conscription office.⁴² There are also reports of inexperienced soldiers being sent to fight in Ukraine and recruitment of ethnic minorities to create units along ethnic lines.⁴³ According to the Free Buryatia Foundation, Buryats, Yakuts and Dagestanis minorities have been disproportionately conscripted in comparison to other peoples.⁴⁴ Independent Russian media outlets report that Dagestanis and Buryats face the highest casualties in the war in Ukraine.⁴⁵

Moreover, people who oppose conscription, including through public protests, face repression from the authorities. According to the European Bureau for Conscientious Objection (EBCO), its member organisation in Russia, Citizen.Army.Law – an organisation that carries out activities to protect the human rights and legal interests of conscripts and conscientious objectors, those in military or alternative civil service and members of their families – ⁴⁶ has been declared as a foreign agent by the authorities; and the work of NGO Soldiers’ Mothers⁴⁷ “is also under suppression.”⁴⁸

⁴² Novaya Gazeta Europe, ‘Police raid houses of Moscow residents forcing the to visit enlistment offices’ (3 June 2022) available at: <<https://novayagazeta.eu/articles/2022/06/03/police-raid-houses-of-moscow-residents-forcing-them-to-visit-enlistment-offices-news>>; Meduza, ‘Our entire society is built on threats’ How Russia’s military enlistment offices intimidate conscripts who seek alternative service’ (25 July 2022) available at: <<https://meduza.io/en/feature/2022/07/25/our-entire-society-is-built-on-threats>>.

⁴³ Yekaterina Bezmenova, ‘Russia’s Shadow Mobilization Accelerates with new Ethnic Units from The North Caucasus’ (RadioFreeEurope RadioLiberty, 26 June 2022) available at: <<https://www.rferl.org/a/russia-ukraine-war-north-caucasus-recruitment/31915842.html>>.

⁴⁴ Javier G. Cuesta and Maria R. Sahuquillo, ‘Putin’s conscription drive targets Russia’s ethnic minorities’ (El Pais, 7 October 2022) available at: <<https://english.elpais.com/international/2022-10-07/putins-conscription-drive-targets-russias-ethnic-minorities.html>>; Amy Mackinnon, ‘Russia is sending its ethnic minorities to the meat grinder’ (Foreign Policy, 23 September 2022) available at <<https://foreignpolicy.com/2022/09/23/russia-partial-military-mobilization-ethnic-minorities/>>; Niko Vorobyov, ‘Russia’s ethnic minorities lament the war in Ukraine’ (Aljazeera, 2 August 2022) Available at: <<https://www.aljazeera.com/news/2022/8/2/racist-federation-russias-minorities-complain-of-racism>>; See also: Cultural Survival, ‘Violations of indigenous peoples ‘rights in the republic of Sakha (yakutia) during partial military mobilisation’ (30 September 2022) available at: < <https://www.culturalsurvival.org/news/violations-indigenous-peoples-rights-republic-sakha-yakutia-during-partial-military>>.

⁴⁵ Emily Calton O’Keeffe, ‘Putin’s Cannon Fodder: Ethnic Minorities Disproportionate Casualties In Russia’s War’ (The Organisation for World Peace, 4 September 2022) available at: <<https://theowp.org/putins-cannon-fodder-ethnic-minorities-disproportionate-casualties-in-russias-war/>>; See also: < <https://www.globalsecurity.org/military/world/russia/personnel-nationalities.htm> >.

⁴⁶ More information on Citizen Army Law at: <<https://civicsolidarity.org/member/608/citizen-army-law>> .

⁴⁷ More information on Soldiers’ Mothers at :<<https://soldiersmothers.ru/en>>.

⁴⁸ European Bureau for Conscientious Objection, ‘Annual Report Conscientious Objection to Military Service in Europe 2021’ (21 March 2022) page 52. Available at: <<https://www.ohchr.org/sites/default/files/2022-05/EBCO-HRC50.pdf>>.

Recommendations

- Immediately cease forced conscription of Crimean residents and forced conscription of ethnic minorities and Indigenous peoples, including in the North Caucasus region;
- Ensure that the right to freedom of association is respected including by repealing any legislation that restricts NGOs activities such as, the ‘Foreign Agents’ law (Federal Law No. 255-FZ of July 14, 2022) and the law on “undesirable organisations” (Federal Law No. 129 of 25 May 2015).

a. Right to conscientious objection to military service

According to Amnesty International, “Despite constitutional guarantees regarding alternative service, requests to perform such service by individuals drafted for deployment in Ukraine were routinely refused by military commissariats and courts. The authorities claimed that in the absence of specific legislative provisions for alternative service at times of “partial mobilization”, these guarantees did not apply. Legislation introduced in November stipulated that those deployed on alternative civilian service during mobilization could be sent to serve as civilian personnel in the armed forces”.⁴⁹

Although Federal Law No 113 on Alternative Civil Service (ACS) (adopted in 2002, and in force since 2004) granted conscientious objectors the right to apply for an alternative to serving in the armed forces, it is designed to make ACS unattractive.⁵⁰ In 2009, the Human Rights Committee expressed concerns on the length of civilian service for conscientious objectors and the conditions for alternative services that are punitive in nature⁵¹ and recommended that Russia “recognize fully the right to

⁴⁹ Amnesty International Annual Report: The State of the World's Human Rights 2022/23, March 2023, page 311: <<https://www.amnesty.org/en/documents/pol10/5670/2023/en/>> .

⁵⁰ See European Bureau for Conscientious Objection, ‘Annual Report Conscientious Objection to Military Service in Europe 2021’ (21 March 2022) page 52-53. Available at: <<https://www.ohchr.org/sites/default/files/2022-05/EBCO-HRC50.pdf>>; Human Rights Group “Citizen.Army.Law”, ‘On the implementation of the right to conscientious objection to military service in Russia in 2004-2016’ (2016). Available at: <<https://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/Report%20Russia%202016.pdf>>.

⁵¹ “While welcoming the reduction, in 2008, of the prescribed length of civilian service for conscientious objectors from 42 months to 21 months, the Committee notes with concern that it is still 1.75 times longer than military service, and that the State party maintains the position that the discrimination suffered by conscientious objectors is due to such alternative service amounting to “preferential treatment” (para. 151, CCPR/C/RUS/6). The Committee notes with regret that the conditions for alternative service are punitive in nature, including the requirement to perform such services outside places of permanent residence, the receipt of low salaries, which are below the subsistence level for those who are assigned to work in social

conscientious objection, and ensure that the length and the nature of this alternative to military service do not have a punitive character.”⁵²

The ACS’s procedure also lacks independence and impartiality as it is under the control of the Ministry of Defence”,⁵³ despite a 2009 Human Rights Committee’s recommendation to rectify this.⁵⁴ In this regard, OHCHR reported in 2019 that “In the Russian Federation, conscientious objectors must apply to the draft board for alternative civilian service. The draft board, which by law is separate from the military commission, makes decisions regarding call-ups to military service and evaluates applications for alternative civilian service. The military commission organizes conscription, sends summons to draftees, and keeps a record of draftees. In practice, however, it has been reported that the draft board is dependent on the military commission and cannot take impartial decisions”.⁵⁵

organizations, and the restrictions in freedom of movement for the persons concerned. The Committee is also concerned that the assessment of applications, carried out by a draft panel for such service, is under the control of the Ministry of Defence. (arts. 18, 19, 21, 22 and 25)

The State party should recognize fully the right to conscientious objection, and ensure that the length and the nature of this alternative to military service do not have a punitive character. The State party should also consider placing the assessment of applications for conscientious objector status entirely under the control of civilian authorities.” UN Human Rights Committee ‘Consideration of reports submitted by States Parties under article 40 of the Covenant: Concluding observations of the Human Rights Committee, Russian Federation’ (24 November 2009) UN Doc CCPR/C/RUS/CO/6, paragraph 23.

⁵² UN Human Rights Committee ‘Consideration of reports submitted by States Parties under article 40 of the Covenant: Concluding observations of the Human Rights Committee, Russian Federation’ (24 November 2009) UN Doc CCPR/C/RUS/CO/6, paragraph 23.

⁵³ UN Human Rights Council, forty-first session ‘Report of the Office of the High Commissioner on Human Rights’ (24 Mays 2019) UN Doc A/HRC/41/23, paragraph 44.

⁵⁴ In 2009, the HR Committee also recommended that Russia “consider placing the assessment of applications for conscientious objector status entirely under the control of civilian authorities” UN Human Rights Committee ‘Consideration of reports submitted by States Parties under article 40 of the Covenant: Concluding observations of the Human Rights Committee, Russian Federation’ (24 November 2009) UN Doc CCPR/C/RUS/CO/6, paragraph 23. Note also that in 2013, the HRC reiterated a call upon states without a system to accept claims of conscientious objection as valid without inquiry “to establish independent and impartial decision-making bodies with the task of determining whether a conscientious objection to military service is genuinely held in a specific case, taking account of the requirement not to discriminate between conscientious objectors on the basis of the nature of their particular beliefs. UN Human Rights Council, ‘Resolution 24/17, Conscientious objection to military service’ (8 October 2013) UN Doc A/HRC/RES/24/17, paragraph 8.

⁵⁵ UN Human Rights Council, forty-first session ‘Report of the Office of the High Commissioner on Human Rights’ (24 Mays 2019) UN Doc A/HRC/41/23, paragraph 44.

Recommendations

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

IV. Violations linked to Russia's use of weapons

Human rights violations and violations of international humanitarian law (IHL), including violations amounting to war crimes, in the context of Russia's involvement in the conflict in Syria and its military invasion of Ukraine, have been documented.

Examples can be found in reports of the Independent International Commission of Inquiry on the Syrian Arab Republic (Col on Syria), such as two attacks conducted by Russian air forces, for which the Col on Syria concluded (2020 report) that "In both incidents, the Russian Air Force did not direct the attacks at a specific military objective, amounting to the war crime of launching indiscriminate attacks in civilian areas."⁵⁶

According to Airwars, a not-for-profit transparency watchdog⁵⁷, the Russian air force has carried out around 39,000 airstrikes in Syria since 2015.⁵⁸ A report by Syrian Network for Human Rights notes that the Syrian and Russian forces' use of various types of weapons against populated areas resulted in massive destruction of civilian infrastructure, and caused panic and terror among residents, forcibly displacing them.⁵⁹ HRW has also documented 46 air and ground attacks, including the use of cluster

⁵⁶ A/HRC/43/57, 28 January 2020, paragraph 25. Available in UN OHCHR Press release, 'UN Commission of Inquiry on Syria: Unprecedented levels of displacement and dire conditions for civilians in the Syrian Arab Republic' (2 March 2020) available at: <<https://www.ohchr.org/en/press-releases/2020/03/un-commission-inquiry-syria-unprecedented-levels-displacement-and-dire?LangID=E&NewsID=25638>>.

⁵⁷ More information on Airways at: <<https://airwars.org/about/team/>>.

⁵⁸ Human Rights Watch, 'World report 2022: Syria: Events in 2021' available at: <<https://www.hrw.org/world-report/2022/country-chapters/syria#006ac3>>.

⁵⁹ Syrian Network for Human Rights, 'The most notable types of weapons used by the Russian Syrian alliance on populated areas in Northwestern Syria' (19 August 2019) available at: <https://snhr.org/wp-content/pdf/english/The_most_important_types_of_weapons_used_by_the_Russian_Syrian_alliance_on_populated_areas_in_northwestern_Syria_en.pdf>.

munitions, that directly hit or damaged civilian objects and infrastructure in Idlib, northwest Syria, from April 2019 to March 2020.⁶⁰ The strikes, which killed at least 224 civilians and wounded 561, were only a fraction of the total attacks during that time in Idlib and surrounding areas by the Syrian-Russian alliance.

Reporting to the HRC in March 2023, the Independent International Commission of Inquiry on Ukraine (CoI on Ukraine) stated that it “has concluded that Russian armed forces have carried out attacks with explosive weapons in populated areas with an apparent disregard for civilian harm and suffering. It has documented indiscriminate and disproportionate attacks, and a failure to take precautions, in violation of international humanitarian law.”⁶¹ The CoI on Ukraine further recalled that “The use of explosive weapons with wide area effects in populated areas has been one of the main causes of civilian casualties. OHCHR estimated that 90.3 per cent of civilian casualties have been caused by explosive weapons.”⁶² On 13 February 2023, OHCHR reported that “from 24 February 2022, when the Russian Federation’s armed attack against Ukraine started, to 12 February 2023, the Office of the UN High Commissioner for Human Rights (OHCHR) recorded 18,955 civilian casualties in the country: 7,199 killed and 11,756 injured”.⁶³ OHCHR highlighted, “Most of the civilian casualties recorded were caused by the use of explosive weapons with wide area effects, including shelling from heavy artillery, multiple launch rocket systems, missiles and air strikes.”⁶⁴

In November 2022, Action on Armed Violence (AOAV) published a new analysis “that, since 2012, when Russian armed forces used explosive weapons in towns and cities 98% of the resulting casualties were

⁶⁰ Human Rights Watch, ‘Syria/Russia: Strategy targeted civilian infrastructure’ (15 October 2020) available at: <<https://www.hrw.org/news/2020/10/15/syria/russia-strategy-targeted-civilian-infrastructure>>.

⁶¹ UN Human Rights Council, fifty second session, ‘Report of the Independent International Commission of Inquiry on Ukraine’ (15 March 2023) UN Doc A/HRC/52/62 (Advance unedited version) page 1. Available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A_HRC_52_62_AUV_EN.pdf>.

⁶² UN Human Rights Council, fifty second session, ‘Report of the Independent International Commission of Inquiry on Ukraine’ (15 March 2023) UN Doc A/HRC/52/62 (Advance unedited version) paragraph 26. Available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A_HRC_52_62_AUV_EN.pdf>.

⁶³ Office of the High Commissioner for Human Rights ‘Ukraine: civilian casualty update 13 February 2023’ (13 February 2021) Available at: <<https://www.ohchr.org/en/news/2023/02/ukraine-civilian-casualty-update-13-february-2023>>.

⁶⁴ Office of the High Commissioner for Human Rights ‘Ukraine: civilian casualty update 13 February 2023’ (13 February 2021) Available at: <<https://www.ohchr.org/en/news/2023/02/ukraine-civilian-casualty-update-13-february-2023>>.

civilians. In just over a decade, it was also found that 84% of Russian explosive violence has targeted populated areas, especially urban residential areas.”⁶⁵

Recommendations

- Immediately cease all attacks on civilians and civilian objects, in accordance with its obligations under IHL and international human rights law and implement the recommendations of the Col on Ukraine (see report A/HRC/52/62) in this regard;
- Stop using explosive weapons in populated areas and endorse the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas (Political Declaration on the use of EWIPA)
- Stop using cluster munitions and ratify the Convention on Cluster Munitions;
- Fully collaborate in any investigation and relevant accountability mechanism regarding violations of international law related to the use of explosive weapons by Russia or committed with Russian weapons including in Syria and Ukraine;
- Take all necessary measures to provide justice, truth and reparations and guarantees of non-recurrence to victims and their families of violations linked to Russia’s use of explosive weapons and violations facilitated by the use of weapons provided by Russia, with a view to providing remedy through a coherent framework that addresses both the direct and subsidiary impact of crimes committed with special consideration for gendered harm and disproportionate impact on women and girls.⁶⁶
- Ratify the Rome Statute.

⁶⁵ Action on Armed Violence (AOAV), “98% of casualties from Russian use of explosive weapons in towns and cities civilians”, <<https://aoav.org.uk/2022/98-of-casualties-from-russian-use-of-explosive-weapon-in-towns-and-cities-civilians-research-of-a-decade-of-military-strikes-reveals/>>.

⁶⁶ For an illustration of the differential impacts of the use of explosive weapons in populated areas on women, see Reaching Critical Will, ‘Women and explosive weapons’, available at: <<https://www.reachingcriticalwill.org/images/documents/Publications/WEW.pdf> >

V. Concerns relating to Russia's arms trade

Russia was the world's second-largest arms exporter in 2017–21, according to data from the Stockholm International Peace Research Institute (SIPRI). During that period, its top three recipients were India, China and Egypt.⁶⁷ In 2023, SIPRI reported that just under two thirds of Russian arms exports went to these three states in 2018–22. India was also the largest recipient of Russian arms in 2013–17, but exports to India decreased between the two periods. In contrast, exports to China and Egypt increased within the same time frame, and they became Russia's second and third largest recipients.⁶⁸ In 2017–21 both China and Egypt received air defence systems and combat aircraft from Russia. During the same period, Russia accounted for 41% of Egyptian arms imports.⁶⁹ The deep concerns relating to the human rights situation in these countries are well-known and have been brought to the attention of UN bodies, such as the HRC.⁷⁰

Arms exports are closely controlled by the government through a single state-controlled special exporter named Rosoboronexport, established in 2000. According to its website, in 2011 Rosoboronexport was converted into an “open joint-stock-company (OJSC), keeping the functions of the only state-controlled intermediary in carrying out foreign trade operations with respect to the entire range of military goods.”⁷¹ Its operations are overseen by, among others, the President and the government of the Russian Federation.⁷²

According to its corporate strategy, Rosoboronexport's “activities are aimed at the consolidation of Russia's military and political foothold in various regions across the globe, preservation of the country's

⁶⁷ Pieter D. et al. 'Trends in International Arms Transfers, 2021' (SIPRI Fact sheet, March 2022) available at: <https://www.sipri.org/sites/default/files/2022-03/fs_2203_at_2021.pdf>.

⁶⁸ Stockholm International Peace Research Institute, 'Surge in arms imports to Europe, while US dominance global arms trade increases' (13 March 2023) available at: <<https://www.sipri.org/media/press-release/2023/surge-arms-imports-europe-while-us-dominance-global-arms-trade-increases>>.

⁶⁹ Pieter D. et al. 'Trends in International Arms Transfers, 2021' (SIPRI Fact sheet, March 2022) available at: <https://www.sipri.org/sites/default/files/2022-03/fs_2203_at_2021.pdf>.

⁷⁰ See for example, Amnesty International, 'Human Rights Council must address human rights crises in Egypt, India and China' (12 March 2021) available at: <<https://www.amnesty.org/en/documents/ior40/3821/2021/en/>>.

⁷¹ More information on Rosoboronexport history at: <<http://roe.ru/eng/rosoboronexport/history/>>.

⁷² More information on Rosoboronexport at: <<http://roe.ru/eng/rosoboronexport/status/>>.

position among global exporters of MG;” and it “uses targeted marketing efforts in order to expand its geography, enlarge its portfolio and increase export volumes of Russian military and double-purpose products.”⁷³

According to SIPRI, Russia supplied 71% of Syria’s imports of major conventional weapons from 2008-2012.⁷⁴ Russia continued to provide weapons to the Syrian government even after the war started and opposed the imposition of an arms embargo on Syria.⁷⁵

In 2012, Human Rights Watch (HRW) wrote an open “Letter to Rosoboronexport on Syrian Weapons Supplies”, urging the company “to halt all weapons deliveries to the government of President Bashar al-Assad in Syria. In view of the overwhelming evidence that the Syrian army is committing crimes against humanity, Rosoboronexport’s arms dealings with the Syrian government place the company at a high risk of complicity in such crimes in violation of international law.”⁷⁶ Six years later, HRW reported that “Russia’s state-owned arms company has reaped enormous profits from its support to Bashar al-Assad’s government, which is responsible for war crimes and crimes against humanity in Syria.”⁷⁷ HRW recalled that for years it had “called on Rosoboronexport to stop its arms dealings with the Syrian government and has also urged the international community to limit the company’s opportunities for sales. Instead, Rosoboronexport is still cynically marketing weapons battleground tested in Syria at numerous fairs while civilians suffer from them in Syria.”⁷⁸

⁷³ More information on Rosoboronexport strategy at: <<http://roe.ru/eng/rosoboronexport/strategy/>>.

⁷⁴ Paul Holtom et al. ‘Trends in international arms transfers, 2012’ (SIPRI Fact sheet, March 2013) available at: <<https://www.sipri.org/sites/default/files/files/FS/SIPRIFS1303.pdf>>.

⁷⁵ Stockholm International Peace Research Institute, ‘SIPRI Year Book 2013: Armaments, Disarmaments and International Security’ (SIPRI, 2013) chapter 5.international arms transfers, available at: <<https://www.sipri.org/yearbook/2013/05>>; see also Reaching Critical Will, ‘Bloodbath in Syria: Where from the Weapons?’ (WILPF, 25 January 2016) available at: <<https://www.wilpf.org/bloodbath-in-syria-wherefrom-the-weapons/>>.

⁷⁶ Letter to Rosoboronexport on Syrian Weapons Supplies’ (Human Rights Watch) <<https://www.hrw.org/news/2012/04/06/letter-rosoboronexport-syrian-weapons-supplies> >.

⁷⁷ Lama Fakih, ‘Russia Makes a Killing off its Military Support to Assad’ (Human Rights Watch, 13 March 2018) available at: <<https://www.hrw.org/news/2018/03/13/russia-makes-killing-its-military-support-assad>>.

⁷⁸ Lama Fakih, ‘Russia Makes a Killing off its Military Support to Assad’ (Human Rights Watch, 13 March 2018) available at: <<https://www.hrw.org/news/2018/03/13/russia-makes-killing-its-military-support-assad>>.

In 2019, the Independent International Fact-Finding Mission (FFM) on Myanmar reported that two Russian State-owned enterprises⁷⁹ sold fighter jets and provided servicing of helicopter gunships to the military junta in Myanmar (the “Tatmadaw”).⁸⁰ The FFM concluded that Russia was among the states that “failed to refrain from transferring weapons although they expected or ought to have expected, based on the facts or their knowledge of past patterns of the Tatmadaw, that the weapons would be used in acts that violate international human rights law and international humanitarian law.”⁸¹ The FFM added that those states “provided arms and other related equipment in breach of their Common Article 1 obligations as a matter either of treaty law or of customary international humanitarian law.”⁸² and “that these States knew, or were virtually certain, that the assistance would be used for unlawful purposes.”⁸³

Russia’s international law obligations regarding arms transfers

In the context of arms transfers, Russia must abide by its obligations under international law, including international human rights law, IHL, and general rules of State responsibility.

⁷⁹ Irkutsk Corporation, United Aircraft Corporation (UAC) and Rostec, see UN Human Rights Council, forty-second session, ‘The economic interests of the Myanmar military, Independent International Fact-Finding Mission on Myanmar’ (5 August 2019) UN Doc A/HRC/42/CRP.3, page 108, available at: <<https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/economic-interests-myanmar-military>>.

⁸⁰ UN Human Rights Council, forty-second session, ‘The economic interests of the Myanmar military, Independent International Fact-Finding Mission on Myanmar’ (5 August 2019) UN Doc A/HRC/42/CRP.3, paragraphs 154, 155, 156, available at: <<https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/economic-interests-myanmar-military>>.

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

⁸² UN Human Rights Council, forty-second session, ‘The economic interests of the Myanmar military, Independent International Fact-Finding Mission on Myanmar’ (5 August 2019) UN Doc A/HRC/42/CRP.3, paragraph 169, available at: <<https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/economic-interests-myanmar-military>>.

⁸³ UN Human Rights Council, forty-second session, ‘The economic interests of the Myanmar military, Independent International Fact-Finding Mission on Myanmar’ (5 August 2019) UN Doc A/HRC/42/CRP.3, paragraph 169, available at: <<https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/economic-interests-myanmar-military>>.

In reporting to the HRC, OHCHR has recalled that international law imposes due diligence obligations on states in relation to possible human rights violations and abuses arising from the transfer of arms. OHCHR has underlined that: “A State that transfers arms with knowledge that the arms will aid or assist another State in committing a serious violation of international human rights law may be held responsible for failing to exercise due diligence by taking the necessary preventive measures.”⁸⁴

As a party to several international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), Russia must take appropriate legislative and other measures to ensure that all activities taking place in whole or in part within its territory or under its jurisdiction, but having a direct and reasonably foreseeable impact on human rights including the right to life of individuals outside their territory, are consistent with its obligations under international human rights law, including with the right of victims to obtain an effective remedy.⁸⁵

Common Article 1 to the four Geneva Conventions, to which Russia is a party, places a standing obligation on States to “ensure respect” for the Conventions in all circumstances. The International Committee of the Red Cross (ICRC) has stressed that “even if a State is not party to the ATT [Arms Trade Treaty] or to any regional arms transfer instrument, it is nonetheless required to take into account respect for IHL in its arms transfer decisions by virtue of common Article 1 of the Geneva Conventions of 1949, which requires States to ‘respect and ensure respect’ for IHL. In the ICRC’s interpretation, applied to arms transfer decisions, the obligation to ensure respect for IHL requires a State to deny arms transfers where there is a substantial or clear risk that the weapons could be used to commit violations of IHL.”⁸⁶ The ICRC has underlined that Article 1 requires, *inter alia*, that States “refrain from transferring weapons if there is an expectation, based on facts or knowledge of past patterns, that the weapons would be used to violate the Conventions” and that “The obligation to respect and to ensure respect for the Conventions is not limited ... to armed conflict, but applies equally in peacetime.”⁸⁷

⁸⁴ UN Human Rights Council, fifty-first session, ‘Impact of arms transfers on human rights: Report of the Office of the United Nations High Commissioner for Human Rights’ (16 September 2022) UN Doc A/HRC/51/15, paragraph 17.

⁸⁵ Human Rights Committee, “General Comment n. 36,” paragraph 63, 30 October 2018, <<https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life>>.

⁸⁶ International Committee of the Red Cross, “Arms Transfer Decisions: Applying International Humanitarian Law and International Human Rights Law Criteria – a Practical Guide” (10 June 2020) available at: <<https://www.icrc.org/en/publication/0916-arms-transfer-decisions-applying-international-humanitarian-law-criteria>>.

⁸⁷ Jean-Marie Henckaerts, eds., *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded in Armies in the Field*, International Committee of the Red Cross

Under general rules of State responsibility and customary rules of international law a State is prohibited from aiding or assisting another State in the commission of an internationally wrongful act.⁸⁸ Aid or assistance may include not only the provision of material aid, such as weapons, but also logistical and technical assistance.⁸⁹

In 2016, Russia voted in favour of the HRC resolution on “Impact of arms transfers on human rights”, which “Urges all States to refrain from transferring arms when they assess, in accordance with applicable national procedures and international obligations and standards, that such arms are sufficiently likely to be used to commit or facilitate serious violations or abuses of international human rights law or international humanitarian law.”⁹⁰ A similar recommendation was included in HRC resolution 47/17 on the “Impact of arms transfers on human rights”, which was adopted without a vote in 2021 when Russia was also a HRC member.⁹¹

Recommendations

- Comply with its obligations to respect and ensure respect for the Geneva Conventions, including by refraining from providing arms, funding or other forms of support to governments

(15 December 2016) paragraph 162. The Arms Trade Treaty references this obligation when it lists its principle of “Respecting and ensuring respect for international humanitarian law in accordance with, inter alia, the Geneva Conventions of 1949”. See, The Arms Trade Treaty (<https://thearmstradetreaty.org/treaty-status.html?templateId=209883#https://thearmstradetreaty.org/treaty-status.html?templateId=209883#>), Principles.

⁸⁸ UN Human Rights Council, forty-second session, ‘The economic interests of the Myanmar military, Independent International Fact-Finding Mission on Myanmar’ (5 August 2019) UN Doc A/HRC/42/CRP.3, paragraph 36 available at: <<https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/economic-interests-myanmar-military>>.

⁸⁹ UN Human Rights Council, forty-second session, ‘The economic interests of the Myanmar military, Independent International Fact-Finding Mission on Myanmar’ (5 August 2019) UN Doc A/HRC/42/CRP.3, paragraph 36 available at: <<https://www.ohchr.org/en/hr-bodies/hrc/myanmar-ffm/economic-interests-myanmar-military>>.

⁹⁰ UN Human Rights Council, thirty second session, ‘Resolution adopted by the Human Rights Council on 1 July 2016’ (15 July 2016) UN Doc A/HRC/RES/32/12.

⁹¹ UN Human Rights Council, forty-seventh session, ‘Resolution adopted by the Human Rights Council on 13 July 2021’ (26 July 2021) UN Doc A/HRC/RES/47/17, paragraph 3: “Urges all States to refrain from transferring arms when they assess, in accordance with applicable domestic laws, regulations and procedures and international obligations and commitments, that there is a clear risk that such arms might be used to commit or facilitate serious violations or abuses of international human rights law or serious violations of international humanitarian law”.

or other actors that have committed violations of international human rights law and/or IHL, including war crimes, or where there is a risk that such arms, funding or support may be used to commit or enable further violations;

- Immediately stop all transfers of arms, ammunition, and other military equipment, as well as the provision of services related to such equipment to countries where there is a substantial risk that they will be used to violate international law, including international human rights law and/or IHL;
- Ensure that the state-owned company Rosoboronexport adopt and fully apply a human rights policy, including through robust human rights due diligence policies and processes that ensure the company's operations "are carried out in full compliance with rules of international law and provisions of the UN Charter," as it claims they are;⁹²
- Sign, ratify, and fully implement the Arms Trade Treaty (ATT).

⁹² More information on Rosoboronexport at: <<http://roe.ru/eng/rosoboronexport/status/>>.