



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

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## Committee against Torture

### Concluding observations on the sixth periodic report of the Russian Federation\*

1. The Committee against Torture considered the sixth periodic report of the Russian Federation (CAT/C/RUS/6) at its 1658th and 1661st meetings, held on 25 and 26 July 2018 (see CAT/C/SR.1658 and 1661), and adopted the present concluding observations at its 1676th and 1677th meetings, held on 8 August 2018.

#### A. Introduction

2. The Committee welcomes the submission of the sixth periodic report of the Russian Federation and the information contained therein.

3. The Committee appreciates having had an opportunity to engage in a constructive dialogue with the State party's delegation and the replies provided in response to the questions and concerns raised by the Committee.

#### B. Positive aspects

4. The Committee welcomes the accession to or ratification of the following international instruments by the State party:

(a) The Council of Europe Convention against Trafficking in Human Organs, on 24 September 2015;

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 24 September 2013;

(c) The Convention on the Rights of Persons with Disabilities, on 25 September 2012.

5. The Committee welcomes the State party's initiatives to revise its legislation in areas of relevance to the Convention, including its adoption of:

(a) Amendments to articles 43 and 96 of the Code of Criminal Procedure, which establish the investigators' obligation to respect the right of detained persons to notify a relative, in 2015;

(b) Amendments to Federal Act No. 260 of 13 July 2015, the Penal Enforcement Code, which aims to increase the monthly allowances paid to convicted persons;

\* Adopted by the Committee at its sixty-fourth session (23 July–10 August 2018).



(c) Federal Act No. 21 on the Code of Administrative Procedure, which aims to provide remedies for claims concerning conditions of detention in places of deprivation of liberty, on 8 March 2013.

6. The Committee also welcomes the initiatives of the State party to amend its policies, programmes and administrative measures to give effect to the Convention, which include:

(a) The adoption of a national strategy for women for the period 2017–2022, which aims to combat, inter alia, violence against women;

(b) The development of the road map for the development of the penitentiary system of the Russian Federation during the period 2015–2020;

(c) The adoption and implementation of the nationwide targeted programme for the development of the penal correction system for the period 2007–2016, which aims to increase the holding capacities in remand centres;

(d) The measures taken by the Ministry of Defence between 2013 and 2016 to improve compliance with the law and upholding lawful conduct and military discipline, including the orders on enhancing the effectiveness of procedural actions by the authorities of the armed forces responsible for conducting initial inquiries and preventing violent offences in interpersonal conduct between members of the armed forces;

(e) The appointment of human rights commissioners in all 85 constituent entities of the State party, as of 2016.

## C. Principal subjects of concern and recommendations

### Pending follow-up issues from the previous reporting cycle

7. In paragraph 28 of its previous concluding observations (CAT/C/RUS/CO/5), the Committee requested the Russian Federation to provide further information regarding areas of particular concern identified by the Committee in paragraph 11 on monitoring of places of detention; in paragraph 12 on intimidation, harassment and violent attacks on human rights defenders; and in paragraph 16 on hazing (“*dedovschchina*”) and ill-treatment within the armed forces. The Committee expresses its appreciation for the State party’s follow-up responses on these matters and the substantive information, provided on 25 October 2013 (CAT/C/RUS/CO/5/Add.1). However, in view of the information before the Committee, the Committee considers that the recommendations in paragraphs 11, 12 and 16 of its concluding observations have not been fully implemented (see paras. 22, 28 and 36 below).

### Definition and criminalization of torture

8. In the light of its previous recommendation (see CAT/C/RUS/CO/5, para. 7), the Committee regrets that the State party has not yet criminalized torture as an independent crime in the Criminal Code and that the definition of torture in the annotation to article 117 of the Code does not contain all the elements set out in article 1 of the Convention. The Committee is concerned at the information provided by the delegation that acts of torture or ill-treatment by public officials are usually prosecuted under article 286, abuse of authority, which does not reflect the grave nature of the crime of torture and does not allow the Committee to monitor the State party’s prosecution of cases of torture (arts. 1 and 2).

9. **The Committee once again urges the State party to criminalize torture as an independent crime. The State party should also ensure that its definition of torture fully conforms to article 1 of the Convention, that the penalties for torture in its laws reflect the grave nature of the crime, as set out in the Committee’s general comment No. 2 (2007) on the implementation of article 2, and that perpetrators are not charged solely with other crimes which carry lower maximum penalties and are subject to statutes of limitations.**

### **Fundamental legal safeguards**

10. While noting the procedural guarantees enshrined in the State party's domestic legislation, the Committee is concerned at consistent reports that, in practice, fundamental legal safeguards against torture for detained persons often do not apply from the very outset of the deprivation of liberty and sometimes are not respected at all. While noting the right to a legal counsel provided under the Code of Criminal Procedure and Federal Act No. 103 of 15 July 1995, the Committee regrets that legal counsels are reportedly often denied access to their clients in detention; free legal aid is not always available for indigent persons, particularly in remote regions; and judges usually do not reject confessions made without a lawyer present. While noting the delegation's replies that article 96 (4) of the Code of Criminal Procedure is applied only under exceptional circumstances, the Committee remains concerned that detainees may be deprived of their right to notify a relative. While noting the information provided by the State party on the reform of the prison medical services in 2015, it is concerned that police and prison doctors reportedly often failed or refused to conduct a proper and confidential examination of injuries sustained from torture or ill-treatment and that a prisoner's request to receive an independent medical examination was often rejected by the prison administration. The Committee is also concerned at the lack of information on the central register of detainees and rules governing the use of video surveillance in places of detention (arts. 2, 12, 13, 15 and 16).

**11. The State party should ensure, in law and in practice, that all detainees are afforded all fundamental legal safeguards from the outset of the deprivation of liberty, including the safeguards mentioned in paragraphs 13 and 14 of the Committee's general comment No. 2. In particular, it should ensure that:**

(a) **All detained persons are able, in practice, to have prompt access to a qualified independent lawyer or free legal aid, if necessary, especially during police interrogations; to notify a relative or other person of the detainee's choice of the reasons for and place of detention; and to challenge, at any time during the detention, the legality or necessity of the detention before a magistrate who can order the detainee's immediate release and to receive a decision without delay. The State party should regularly monitor the provision by law enforcement officials of these legal safeguards, penalize any failure to do so, and compile and submit data on cases in which officials have been subjected to disciplinary or other measures for failing to respect the safeguards;**

(b) **The right to request and receive a medical examination by an independent medical doctor is guaranteed from the outset of the deprivation of liberty; that medical examinations are conducted out of hearing and out of sight of police officers and prison staff, unless the doctor concerned explicitly requests otherwise; that the medical record is immediately brought to the attention of a prosecutor whenever the findings or allegations may indicate torture or ill-treatment; and that health-care professionals are not exposed to any form of undue pressure or reprisals when fulfilling their duty;**

(c) **All deprivations of liberty are recorded promptly in a comprehensive central detention register and that all detainees' family members and their lawyers have the right to access information in the register regarding that detainee;**

(d) **Video recordings of all interrogations are maintained and video surveillance installed in all areas of custody facilities where detainees may be present, except in cases where detainees' right to privacy or to confidential communication with their lawyer or a doctor may be violated. Such recordings should be kept in secure facilities, for example in prosecutors' offices, and made available to investigators, detainees and their lawyers.**

### **Torture and ill-treatment**

12. The Committee is deeply concerned at numerous reliable reports of the practice of torture and ill-treatment in the State party, including as a means to extract confessions, and at many recent reports documenting cases of torture, such as the deaths of Valery Pshenichny in 2018 and Ruslan Sayfutdinov in 2017. The Committee is also concerned at

reports that allegations of torture rarely resulted in criminal prosecutions and that, even when prosecuted, the perpetrators were charged with simple assault or abuse of authority. In the light of its previous recommendation (see CAT/C/RUS/CO/5, para. 6), the Committee regrets the absence of a public statement by the State party's high-level authorities reaffirming the absolute prohibition of torture (arts. 2, 4, 12 and 16).

**13. The Committee urges the State party to combat impunity in torture and ill-treatment cases, including by ensuring that high-level government officials publicly and unambiguously affirm that torture will not be tolerated and that anyone committing acts of torture or complicit in or acquiescent to torture, including those with command responsibility, will be criminally prosecuted for torture.**

#### **Investigation of acts of torture and ill-treatment**

14. While noting the delegation's replies that prosecutors are informed about each case of torture or ill-treatment of detainees within one day, with supporting documentation, the Committee remains concerned at consistent and numerous reports indicating the lack of prompt, impartial and effective investigation into allegations of torture or ill-treatment. It is further concerned about information that many such allegations are dismissed by investigators during the pre-investigative verification stage and thus do not lead to the opening of a formal criminal proceeding. The Committee also regrets the absence of disaggregated information on the number of complaints received alleging torture and ill-treatment by public officials, the number of complaints investigated and any prosecutions brought against the perpetrators. The Committee is also concerned about reports of insufficient human and financial resources provided to the subdivision of the Investigative Committee that investigates criminal acts by law enforcement officials and the subdivision's limited access to evidence of torture or ill-treatment located in detention facilities (arts. 2, 10, 11, 12, 13, 14, 15 and 16).

**15. The State party should:**

**(a) Promptly, effectively and impartially investigate all incidents and allegations of torture and ill-treatment, prosecute all those found to be responsible and report publicly on the outcome of such prosecutions;**

**(b) Refrain from dismissing complaints of torture and ill-treatment during the pre-investigative verification phase and ensure that investigators immediately open a formal and effective criminal investigation for all allegations of torture and ill-treatment, including in the case of Sergei Magnitsky;**

**(c) Strengthen the capacity of the subdivision of the Investigative Committee tasked with investigating crimes committed by law enforcement officials, including by ensuring unimpeded access to all places of detention as well as to evidence, and providing sufficient human and financial resources to enable the subdivision to effectively operate in all constituent entities of the State party;**

**(d) Collect and provide the Committee with disaggregated statistical data on the number of complaints received alleging torture and ill-treatment by law enforcement and other public officials, the number of complaints investigated by the State party and any prosecutions brought.**

#### **Case of Yevgeny Makarov**

16. The Committee notes the delegation's replies that, following the investigation into the recently released video showing the torture of Yevgeny Makarov by prison guards in Yaroslavl in 2017, 17 officials were dismissed, 7 imprisoned and 5 arrested, and that protection measures would be guaranteed to Mr. Makarov's lawyer, Irina Biryukova, who released the video and fled the country after receiving death threats. The Committee remains concerned, however, that in this case, video surveillance proved to be ineffective in preventing acts of torture, that the video recording was suppressed by officials for almost one year and that an investigation was undertaken only after the video recording was leaked to media and attracted wide attention (arts. 2, 10, 11, 12, 13, 14, 15 and 16).

17. **The State party should ensure that the case of Yevgeny Makarov is promptly, impartially and effectively investigated and that the perpetrators, including those with command responsibilities and those who suppressed the video recording, are prosecuted and, if found responsible, punished with appropriate penalties. The State party should also take all the necessary measures to protect Yevgeny Makarov and his lawyer, Irina Biryukova, against reprisals.**

#### **Excessive use of force**

18. The Committee is concerned at consistent reports on the excessive use of force by law enforcement officials during demonstrations. In particular, the Committee is concerned at information that hundreds of protesters were severely beaten and arrested during the anti-corruption demonstrations in Moscow and St. Petersburg on 12 June 2017; that when apprehending protesters police officers hid their identities by concealing their badges; and that protesters were denied access to lawyers and basic necessities while held in extremely overcrowded police cells (arts. 2, 12, 13 and 16).

19. **The State party should:**

(a) **Ensure that prompt, impartial and effective investigations are undertaken into all allegations relating to the excessive use of force by law enforcement officers and members of the armed forces, that the perpetrators are prosecuted and that the victims obtain redress, including adequate compensation;**

(b) **Provide professional training to law enforcement officials on the need to respect the principles of necessity and proportionality during police interventions, especially with respect to peaceful demonstrations; the absolute prohibition of torture and other State obligations under the Convention; and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

(c) **Strengthen its compliance with legislation that requires all law enforcement officers on duty to wear visible identification of their personal identity to ensure individual accountability and protection against acts of torture and ill-treatment.**

#### **Drug users**

20. Noting the lack of opioid substitution therapy in the State party, the Committee is concerned at consistent reports that law enforcement officials deliberately took advantage of the withdrawal syndrome displayed by drug users deprived of liberty to elicit coerced confessions and that the courts admitted such evidence. The Committee regrets that, despite recommendations made by several other treaty bodies, including the Human Rights Committee in 2015, the State party has reportedly not taken effective measures to address this issue (arts. 2, 11, 15 and 16).

21. **The Committee urges the State party to take all the measures necessary to effectively protect drug users deprived of liberty against the exploitation by the police of the pain and suffering associated with the withdrawal syndrome, including to extract confessions; to ensure that such confessions are not admitted by the courts; and to provide drug users in detention with adequate access to necessary medical treatment.**

#### **Monitoring of places of deprivation of liberty**

22. While noting the measures taken by the State party to strengthen the public oversight commissions, including Federal Act No. 203 of 19 July 2018 aiming to expand the rights of members of the commissions, the Committee is concerned at consistent reports that the continued underfunding of the commissions has led to a reduced number of visits carried out during the period under review. It is also concerned at information that the revised rules governing the membership of public oversight commissions have resulted in the appointment by the Council of the Public Chamber of a disproportionate number of members with law enforcement backgrounds and the exclusion of independent monitors, undermining the impartiality and independence of the commissions. The Committee notes

with concern consistent reports that the commissions were denied access to places of detention and were prohibited from taking photographic and video equipment with them. The Committee is also concerned that federal authorities are not legally obliged to respond to the recommendations made by the commissions and that few of their findings have resulted in a criminal proceeding (arts. 2, 12 and 13).

**23. The State party should:**

(a) **Ensure the effective and independent operation of the public oversight commissions, including by providing sufficient human and financial resources and guaranteeing that the membership of the commissions complies with requirements set out in the legislation, with a view to ensuring their independence and impartiality;**

(b) **Ensure that, in practice, members of the public oversight commissions have unimpeded access to all places of deprivation of liberty, including psychiatric institutions; that they can conduct confidential interviews with detained persons; and that any officials, including prison administration officials, who obstruct their work are subject to appropriate penalties;**

(c) **Take all the necessary measures to ensure that relevant authorities act promptly on the findings and recommendations made by the public oversight commissions;**

(d) **Consider allowing non-governmental organizations to regularly monitor all places of detention to complement the monitoring undertaken by the public oversight commissions.**

**Preventive mechanism**

24. While noting the delegation's replies concerning the possible duplication of the monitoring functions, the Committee expresses its concern that the State party has yet to take further preventive measures at the international and national levels by ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, thus establishing a national preventive mechanism. With respect to the State party's involvement in the regional preventive mechanism, the Committee appreciates the delegation's statement that the State party is cooperating closely with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and that the State party has not ruled out the possibility of requesting the publication of the European Committee's reports on its visits to the State party (arts. 2, 12 and 13).

**25. The Committee recommends that the State party ratify the Optional Protocol to the Convention and establish a national preventive mechanism in accordance with the Optional Protocol. The Committee also invites the State party to consider requesting the publication of the reports of the European Committee on the Prevention of Torture on its visits to the State party.**

**Independent complaint mechanism**

26. While noting the delegation's replies that detainees are given opportunities to submit their complaints of torture on a daily basis, the Committee remains concerned at consistent reports that, in practice, detained persons do not have adequate access to an effective, safe and independent complaint mechanism and that those alleging torture face reprisals and are often counter-charged with making false accusations, resulting in additional prison time (arts. 2, 12 and 13).

**27. The State party should ensure that all persons, particularly those deprived of their liberty, have adequate access to an independent complaint mechanism through which they can transmit confidential allegations of torture or ill-treatment to an independent investigative authority. It should take all the necessary measures to protect detainees alleging torture against reprisals, including countersuit.**

### **Human rights defenders and journalists**

28. The Committee is concerned at reported cases of harassment, abduction, arbitrary detention, torture, ill-treatment and killings of human rights defenders, lawyers, journalists and political opponents and the lack of effective investigation into such acts, including in the high-profile cases of the killing in 2006 of Anna Politkovskaya and the killing in 2009 of Natalia Estemirova. Recalling its letters sent to the State party on 17 and 28 May 2013 concerning an administrative case brought against the Memorial Centre and the Public Verdict Foundation, the Committee regrets that the prosecutor's office is reported to have referred to the submission in 2012 of alternative reports to the Committee by those organizations as a political activity and justified their registration as "foreign agents". In this regard, the Committee is concerned at consistent reports that the "foreign agent law" and the "undesirable foreign and international organizations law" are often used as a means of administrative harassment against human rights organizations, forcing them to reduce and eventually cease their activities (arts. 2, 11, 12, 13 and 16).

29. **The State party should, as a matter of urgency:**

(a) **Ensure that human rights organizations can conduct their work and activities freely in the State party;**

(b) **Take measures to protect human rights defenders, lawyers and journalists from harassment and attacks, investigate all reported instances of such acts, prosecute and punish the perpetrators and guarantee redress, including effective remedies and adequate compensation, to victims and their families;**

(c) **Ensure that human rights defenders, journalists and lawyers are not subjected to reprisals, including administrative harassment, for their communication with or provision of information to the United Nations treaty bodies, including the Committee, as previously recommended (see CAT/C/RUS/CO/5, para. 12 (b)).**

### **Violence against women**

30. While taking note of the explanation provided by the delegation, the Committee is concerned at the absence of a definition of domestic violence in the State party's legislation and the recent amendment to article 116 of the Code of Criminal Procedure which renders certain types of domestic violence an administrative, rather than a criminal, offence for first-time offenders, despite the substantial increase in the reported cases of domestic violence. It is also concerned at reports that police officers are often unwilling to register complaints of domestic violence and even discourage victims from submitting them, and that victims continue to be compelled to participate in reconciliation processes with the perpetrators. The Committee notes with concern that the conviction rate in rape cases is very low and that articles 75 and 76 of the Criminal Code may allow first-time perpetrators of rape or sexual assault to escape liability upon marriage or settlement with victims. The Committee is concerned that honour killings and bride kidnapping still persist in the northern Caucasus, particularly in Chechnya, Dagestan and Ingushetia, and that perpetrators are rarely brought to justice, providing an exculpatory legal basis for perpetrators to remain unpunished (arts. 2, 12, 13, 14 and 16).

31. **The State party should define domestic violence in its legislation in accordance with international standards and take measures to facilitate the prosecution of perpetrators of domestic violence under criminal law. It should also ensure that all allegations of violence against women, committed through acts or omissions by State agents and others who engage the State's responsibility under the Convention, are registered by police and promptly, impartially and effectively investigated and that perpetrators are prosecuted and, if found responsible, punished. The State party should also take the necessary protective measures to guarantee the safety of the victims.**

### **Attacks against lesbian, gay, bisexual, transgender and intersex persons**

32. The Committee is concerned at consistent reports that lesbian, gay, bisexual, transgender and intersex persons are subjected to violence because of their sexual

orientation or gender identity, including physical attacks and other ill-treatment. The Committee is also concerned at reports that the hate crimes against such persons have significantly increased since the introduction of the federal law prohibiting “propaganda of non-traditional sexual relations”. The Committee expresses its particular concern at reports that during the “anti-gay purge” in March 2017, the Chechen police and military officials and others arbitrarily detained and tortured with electric devices men presumed to be gay and encouraged their families to make them victims of honour killings. The Committee is concerned at reports that Chechen law enforcement officials themselves participated in the pre-investigation into these allegations and that, as stated by the delegation during the dialogue, no facts were established and thus no criminal proceeding was opened (arts. 12, 13, 14 and 16).

**33. The State party should:**

**(a) Ensure that those responsible for violent attacks and hate crimes against persons on the basis of their sexual orientation or gender identity, in particular with respect to the violent incident in Chechnya in March 2017, are charged, investigated, prosecuted and, if found responsible, punished;**

**(b) Repeal the law prohibiting “propaganda of non-traditional sexual relations” which promotes stigma and prejudice against lesbian, gay, bisexual, transgender and intersex persons;**

**(c) Provide training to law enforcement officials and the judiciary on detecting and combating hate-motivated crimes, including those motivated by sexual orientation or gender identity.**

**Anti-terrorism measures**

34. The Committee is concerned about consistent reports that provisions of the Criminal Code on combating terrorism are often used against civil activists, including anti-fascists; that members of the Federal Security Service routinely use torture to extract confessions from those accused of terrorist activities; and that no criminal prosecution has been brought with respect to allegations of torture, including those made by Igor Shishkin, the Azimov brothers and eight members of the group called “Network” (arts. 2, 11, 12 and 16).

**35. The State party should ensure that any counter-terrorism measures taken conform to the Convention’s prohibitions against torture and ill-treatment and that all allegations of torture and ill-treatment of those accused of involvement in terrorist acts, including the above-mentioned cases, are promptly, impartially and effectively investigated, and perpetrators are prosecuted and punished appropriately.**

**Hazing (“*dedovschchina*”) and torture and ill-treatment within the armed forces**

36. While welcoming the measures taken by the State party to prevent and combat hazing in the armed forces, including the establishment under the Office of the Chief Military Procurator of a working group on combating humiliating treatment, regular audits of military units carried out by military prosecutors’ offices and training provided to senior officers of the armed forces, the Committee remains concerned at reports that a small proportion of the reported cases of hazing have led to prosecutions (arts. 2 and 16).

**37. The Committee reiterates its previous recommendation (see CAT/C/RUS/CO/5, para. 16) that the State party should prevent and eliminate hazing and mistreatment of conscripts. The State party should ensure prompt, impartial and effective investigations into all allegations of abuse of conscripts in the army and into all deaths in this context; prosecute and punish those responsible with appropriate penalties; publicize the results of these investigations; and provide victims with redress, in accordance with the Committee’s general comment No. 3 (2012) on the implementation of article 14.**

**Conditions of detention**

38. While welcoming the State party’s initiatives to improve the conditions of detention, including the reform of the prison medical services in 2015, the Committee remains



concerned at continuing reports of overcrowding in certain facilities and harsh material conditions, including inadequate access to food, water, heating, ventilation, sanitation, hygiene and medical care. The Committee is concerned at reports of the equally poor conditions of detention for children who were born in prisons and the lack of access to adequate medical care and educational programmes for those children and mothers. The Committee is concerned at the discrepancy between the high number of deaths and charges brought against prison staff concerning these deaths and the low number of sanctions actually imposed. Noting that the high mortality rate is due to a high incidence of transmissible diseases, including tuberculosis and HIV/AIDS, among prisoners and the lack of adequate medical care, the Committee is also concerned at reports of inadequate access to HIV testing and specialized treatment, such as highly active antiretroviral therapy. Furthermore, it is concerned at reports of the particularly unbearable conditions in which detainees are transported to a different place of detention, including cases where detainees were reportedly transported in single-person van compartments measuring 0.3 m<sup>2</sup> (arts. 11 and 16).

**39. The State party should:**

(a) **Bring the conditions of detention into line with international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), by, inter alia, ensuring that detainees, in particular members of vulnerable groups such as children born in prisons, are provided with adequate material and hygienic conditions; adequate sewage systems and sanitary installations, including toilets and showers; heated cells; sufficient ventilation; an adequate quality and quantity of food, bedding, blankets and items for personal hygiene; health care; outdoor activities; and family visits;**

(b) **Reinforce its efforts to reduce the number of deaths in custody, including cases of suicide. It should investigate all incidents of such deaths and ensure independent forensic examinations; provide autopsy reports to the family members of the deceased and, if requested, permit family members to commission private autopsies; and prosecute those responsible for violations of the Convention resulting in such deaths and, if they are convicted, punish them accordingly and provide redress to relatives of victims;**

(c) **Combat the spread of infectious diseases and vigorously implement harm-reduction programmes in places of detention in order to reduce the number of deaths from tuberculosis and the incidence of HIV/AIDS, and provide specialized medical care to detainees suffering from those diseases.**

**Involuntary placement in psychiatric institutions**

40. The Committee is concerned at consistent reports that law enforcement uses involuntary placement in a psychiatric institution as a form of harassment and punishment of political opponents and activists, particularly those in Crimea, including the involuntary hospitalization in 2016 of Ilmi Umerov, the Mejlis Deputy Chair, and five Crimean Tatar men suspected of being terrorists. The Committee regrets that, in practice, courts reportedly do not always respect the law requiring patients' presence at the proceeding considering their involuntary hospitalization; that patients held in psychoneurological hospitals are prohibited by staff from filing complaints or accessing legal counsel; and that no effective monitoring mechanism exists for the situations in psychiatric institutions (arts. 11 and 16).

**41. The State party should:**

(a) **Take measures to put an end to the practice of involuntary placement in a psychiatric institution, particularly in Crimea;**

(b) **Ensure that all persons are guaranteed, in law and in practice, effective safeguards concerning their involuntary internment and psychiatric and medical treatment in psychiatric institutions;**

(c) **Establish an effective independent monitoring mechanism to review the situations of psychiatric institutions and allow the public oversight commissions and non-governmental organizations to conduct monitoring visits to these institutions.**

### **Non-refoulement**

42. The Committee is concerned at reports of extraditions and expulsions of foreign persons carried out by the State party to countries where they may be at risk of torture and other ill-treatment. The Committee is especially concerned about information that persons who may be in need of international protection, particularly those held in pre-removal detention centres, including torture victims, do not have adequate access to asylum procedures and that immigration authorities often fail to register and interview asylum seekers, thereby increasing their risk of refoulement. It regrets the absence of statistical information on extradition requests granted, appeals against such decisions and outcomes thereof (art. 3).

43. **The State party should:**

(a) **Comply with its obligations under article 3 of the Convention and ensure that the State party's procedures on extradition, expulsion and asylum provide protection against refoulement. The State party should also ensure that individuals under the State party's jurisdiction, including victims of torture, can access asylum procedures and receive individual assessment by the competent authorities and are guaranteed fair treatment at all stages of proceedings, including an opportunity for effective and impartial review by an independent decision mechanism on expulsion, return or extradition, with suspensive effect;**

(b) **Collect statistical data, disaggregated by country of origin, on the number of persons who have requested asylum or refugee status and the outcomes of those applications, as well as on the number of expulsions, deportations or extraditions that have taken place and the countries to which individuals were returned.**

### **Training**

44. While welcoming various educational programmes available to public officials in the State party, the Committee remains concerned that training on the provisions of the Convention, including on the absolute prohibition of torture, is not mandatory for all law enforcement officers, military personnel and judicial officials. The Committee is also concerned that training on the Istanbul Protocol is not provided to all medical professionals dealing with persons deprived of liberty (art. 10).

45. **The State party should:**

(a) **Ensure that training on the provisions of the Convention and on the absolute prohibition of torture is mandatory for law enforcement officials, prison staff, judges, prosecutors, court officials, lawyers and military personnel;**

(b) **Make the Istanbul Protocol an essential part of the training of all medical professionals and other public officials involved in work with detained persons;**

(c) **Introduce training programmes on non-coercive investigation techniques;**

(d) **Develop and implement specific methodologies to assess the effectiveness and impact of the training on preventing torture and ill-treatment.**

### **Northern Caucasus**

46. In the light of its previous recommendation (see CAT/C/RUS/CO/5, para. 13), the Committee regrets the lack of effective investigations undertaken into past and ongoing human rights violations, including torture, abductions, enforced disappearances and extrajudicial killings, perpetrated by public officials in the northern Caucasus, including the extrajudicial killings of 27 presumed jihadists in Grozny in 2017. The Committee is concerned that in Chechnya, only two cases of enforced disappearance were investigated between 2012 and 2015, whereas the European Court of Human Rights issued more than 100 judgments on such cases during the same period. The Committee is also concerned about reports of targeted attacks and reprisals against human rights defenders, journalists and lawyers who work on cases of human rights violations and the authorities'

unwillingness to hold perpetrators accountable. These reports include the cases of the attack against human rights defenders and journalists during a press tour in Chechnya in 2016 and the arrest and detention of Oyub Titiyev, the head of the human rights organization “Memorial”, on allegedly false drug charges in 2018 (arts. 2, 4, 11, 12 and 16).

47. **The State party should take all the necessary measures to:**

(a) **Promptly, impartially and effectively investigate all past and ongoing human rights violations, including abductions, arbitrary detentions, torture, enforced disappearances and extrajudicial killings, in the northern Caucasus, prosecute and punish the perpetrators and provide victims with redress;**

(b) **Ensure that victims of torture, their family members, their lawyers, journalists and human rights defenders are protected against retaliation by public officials and that claims of such retaliation, including the above-mentioned cases in Chechnya, are investigated with a view to bringing the perpetrators to justice.**

#### **Crimea and the City of Sevastopol**

48. Without prejudice to the legal status of Crimea under international law, and emphasizing the fundamental importance of the principle of territorial integrity of all States Members of the United Nations, the Committee notes that Crimea is under the effective control of the Russian Federation and that the Russian Federation has the obligation to implement the Convention in Crimea. The Committee expresses its concern about:

(a) Persistent reports of serious human rights violations, including abductions, arbitrary detentions, enforced disappearances, torture, ill-treatment and extrajudicial killings, particularly of Crimean Tatars, pro-Ukraine activists and affiliates of the Mejlis, by members of the Federal Security Service and the “Crimean self-defence” forces;

(b) Information that since 2014, torture has been routinely used by the authorities to obtain false confession for politically motivated prosecutions, including in the case of Oleg Sentsov, a Ukrainian filmmaker, who was allegedly tortured in Crimea;

(c) Reports that of 106 allegations of torture by public officials from February 2014 to June 2018, not a single case was effectively investigated;

(d) Deplorable conditions of detention, in particular inadequate access to medical care which resulted in numerous deaths in custody;

(e) Limited access to detention facilities by an independent monitoring mechanism, civil society and lawyers of detainees;

(f) Denial of access to Crimea by the international human rights monitoring mechanisms, particularly the human rights monitoring mission in Ukraine (arts. 2, 4, 11, 12 and 16).

49. **The State party should take immediate measures to put an end to the practice of torture in Crimea, including for the purpose of pressuring, punishing and/or extracting confessions from political opponents and activists such as Oleg Sentsov. The State party should promptly, impartially and effectively investigate all complaints of torture and other acts prohibited by the Convention, in particular such acts committed by members of the Federal Security Service and the “Crimean self-defence” forces. It should ensure the prosecution and punishment of the perpetrators and provide victims with redress. The Committee also invites the State party to ensure unimpeded access to Crimea by the international human rights monitoring mechanisms, in particular the human rights monitoring mission in Ukraine.**

#### **Transnistrian region of the Republic of Moldova**

50. Without prejudice to the territorial integrity of the Republic of Moldova, the Committee considers crucial the State party’s participation in the “5+2 talks” concerning the situation in the Transnistrian region in bringing about the prevention and prohibition of torture and ill-treatment, noting the alleged prevalence of human rights violations and the

inability of the Republic of Moldova to exercise effective control in the region (arts. 2 and 16).

**51. The Committee recommends that the State party, through its participation in the “5+2 talks”, encourage the adoption of effective measures to promote the prevention and prohibition of torture and ill-treatment, taking into account the jurisdictional vacuum in the Transnistrian region.**

#### **Redress**

52. While welcoming the delegation’s statement that a draft law aiming to provide compensation to victims of torture or ill-treatment in places of detention has been prepared, the Committee is concerned at reports that victims of torture or ill-treatment rarely receive compensation and that even when awarded compensation, the amount is minimal. The Committee also regrets the absence of statistical data concerning compensation and rehabilitation services provided to victims of torture or ill-treatment (art. 14).

**53. The Committee, recalling its general comment No. 3, urges the State party to ensure that all victims of torture and ill-treatment, including relatives of disappeared individuals, obtain redress, including adequate compensation and rehabilitation, including in cases in which the perpetrator has not been identified or convicted of a crime. The State party should compile and provide the Committee with data on the total number of requests for compensation received, the number of requests granted and the amount of compensation awarded by courts.**

#### **Follow-up procedure**

54. The Committee requests the State party to provide, by 10 August 2019, information on follow-up to the Committee’s recommendations on investigations of acts of torture and ill-treatment, the case of Yevgeny Makarov, and human rights defenders and journalists (see paras. 15, 17 and 29 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

#### **Other issues**

**55. The Committee invites the State party to consider ratifying the United Nations human rights treaties to which it is not yet party.**

**56. The Committee invites the State party to issue a standing invitation to the special procedure mechanisms of the Human Rights Council, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.**

**57. The State party is requested to disseminate widely the report submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.**

**58. The Committee requests the State party to submit its next report, which will be the seventh periodic report, by 10 August 2022. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party’s replies to that list of issues will constitute its seventh periodic report under article 19 of the Convention.**